

**STATE OF CONNECTICUT
OFFICE OF THE CHILD ADVOCATE
165 CAPITOL AVENUE, HARTFORD, CONNECTICUT 06106**

- COMPLAINT INVESTIGATION FINDINGS & RECOMMENDATIONS REPORT-



Sarah Healy Eagan, J.D.
Child Advocate

May 8, 2024

VIA E-MAIL DELIVERY

Joseph P. Macary, Superintendent
Vernon Public Schools
30 Park Street
Vernon, CT 06450

VIA E-MAIL DELIVERY

Jodi Hill-Lilley, Commissioner
Department of Children and Families
505 Hudson Street
Hartford, CT 06106

VIA E-MAIL DELIVERY

Charlene Russell-Tucker, Commissioner
Connecticut State Department of Education
450 Columbus Boulevard
Hartford, CT 06103

RE: OCA Investigation Findings & Recommendations Letter: Systemic Review of Adult Sexual Misconduct in Vernon Public Schools & Title IX Compliance

Dear Superintendent Macary, Commissioner Hill-Lilley, and Commissioner Russell-Tucker:

The Office of the Child Advocate (“OCA”) is issuing this Investigation Findings & Recommendations Report (“Findings Report”) to Vernon Public Schools (the “District”), the Department of Children and Families (“DCF”), and the Department of Education (“CSDE”) following an investigatory review conducted by the OCA concerning Adult Sexual Misconduct (“ASM”) in the District and the District’s adherence to federal Title IX responsibilities.

In July of 2022, the OCA received a complaint with allegations of the sexual harassment of a student enrolled in another district (“District B”) by a District staff member while that staff member was providing coaching services in District B. Included in that complaint were allegations that there were prior instances of sexual harassment of students in the District by that same staff member and alleged failure by the District to conduct timely Title IX investigations in response to such allegations. Pursuant to this review and related reviews, OCA examined DCF investigations and processes/protocols for investigation of allegation of ASM in school settings, and therefore this Findings Letter includes recommendations for such investigations. OCA also reviewed the response

of the State Department of Education (SDE) to certain findings received from DCF at the conclusions of school-based investigations.

The OCA is an independent government agency that is statutorily required to “review complaints of persons concerning the actions of any state or municipal agency providing services to children and of any entity that provides services to children through funds provided by the state, make appropriate referrals and investigate those where the Child Advocate determines ... that a systemic issue in the state’s provision of services to children is raised by the complaint.”¹ Concurrently, OCA is required to “[t]ake all possible action including, but not limited to, conducting programs of public education, undertaking legislative advocacy and making proposals for systemic reform and formal legal action, in order to secure and ensure the legal, civil and special rights of children who reside in this state.”²

OCA acknowledges and appreciates the responsiveness of state and local agencies in this review. Vernon Public Schools met with the OCA to discuss findings and recommendations in this Letter and the District created a [responsive remedial action plan](#). DCF drafted [new policies](#) to support the work of its Educator Professional Investigation Unit and DCF discussed various findings and next steps with the OCA. Responses received by OCA from Vernon Public Schools and DCF are attached as a companion to this Report.

DISTRICT INFORMATION REVIEWED BY OCA

Pursuant to OCA’s Investigation, the District was asked to produce the following information relating to the issues associated with the allegations of abuse through the issuance of a subpoena:

1. Certain employee-specific personnel records, job descriptions, supervisory notes, investigation records, human resource activities.
2. The name of the District’s Title IX coordinator and Title IX complaint process.
3. Title IX compliance activities and complaints by students and staff within the last five (5) years.
4. Training curriculum that includes adult sexual misconduct prevention, identification and training offered to students, certified staff, uncertified staff, administrators, parents, and board members.

OCA’s investigation also included examination of DCF school-based investigations conducted over a three-year period in Vernon, discussion with DCF administration/senior management regarding school investigations, as well as conversations with various stakeholders across the state regarding sexual abuse in the educational setting.

BACKGROUND

2017 USDE TECHNICAL ASSISTANCE- ADULT SEXUAL MISCONDUCT (“ASM”) IN SCHOOLS

In 2014, the United States Government Accountability Office (GAO) issued a report examining state and federal efforts to prevent ASM towards children in schools. The GAO found that many states

¹ See Conn. Gen. Stat. § 46a-13l.

² Id.

wanted more guidance from the federal government regarding prevention of ASM in schools, and that most educators were not required to be trained on child sexual abuse or ASM. In 2017, the United States Department of Education (USDE) developed a technical assistance guide for states, designed to “help school officials, teachers, and parents understand the behaviors that are considered ASM and the effects of ASM on children; [and] describe steps that can be taken by school and district administrators to prevent ASM, such as increased scrutiny in hiring practices and widespread training for school personnel.”²

The USDE Technical Assistance Guide defines Adult Sexual Misconduct as follows:

- Any sexual activity (physical or not) directed to a child with the purpose of developing a romantic or sexual relationship.... [a]lthough some types of ASM (such as remarks directed to a student) may not be criminal, these actions often violate other laws, regulations, and professional codes of conduct. These ‘gray areas’ can sometimes be subject to interpretation, which underscores the importance of developing clear policies and procedures on ASM in every school district.
- Examples of inappropriate verbal conduct include sexual comments or questions, jokes, taunting, and teasing... Inappropriate physical conduct includes kissing, hair stroking, tickling, and frontal hugging.³
- Illegal conduct is characterized as by physical sexual contact between an adult and a child under the age of 18. Specifically, this conduct includes sexual contact, genital contact, groping, fondling, touching, kissing, and sexual hugging. Exhibitionism, or showing one’s genitals in public, as well as showing children images of sexual activity, are often, although not always, illegal. Child pornography, sextortion, and other examples of child exploitation conducted by adults in an online setting are also illegal according to various state and federal laws.⁴

ASM often begins with what are known as “grooming” behaviors, which allow an adult to “test their targets’ silence,” as well as test the boundaries and knowledge of other adults around the child.⁵ Grooming may involve paying special attention to the child, complimenting them, making the child feel special, spending time in nonsexual ways with the child, all to test the child and prepare them for more overt sexual overtures.⁶ Grooming may go on for weeks or even years before illegal conduct takes place.

The Vermont child welfare agency has a website dedicated to grooming awareness and resources, and warns that “grooming usually begins with behaviors that do not even seem inappropriate,” such as telling inappropriate jokes, rubbing a child’s back, or tickling them, and that the adult may try to

² *A Training Guide for Administrators and Educators on Addressing Adult Sexual Misconduct in the School Setting*, Washington, D.C., 2017.

³ *Id.* at 4.

⁴ *Id.*

⁵ USDE Guide *supra* n. 2 at 8.

⁶ *Id.*

connect and empathize with a child, telling them they “know how it is to need a friend.”⁷ The child is then gradually de-sensitized by the adult to increasingly inappropriate behaviors, through accidental sexual touching, which confuses the child about intimacy and boundaries between adults and children.⁹ Compounding the abuse, the adult may prey on the child’s own sense of fear and shame to keep them silent and continue the mistreatment. With older children, adult perpetrators may commiserate with the child, share common interests, allow the child to break rules and other boundaries, give gifts and communicate with the child through social media or other mechanisms outside the eyes of school personnel or parents.⁸

According to experts cited by the U.S. Department of Education, ASM “is detrimental to children’s physical, psychological, and academic well-being, as well as to their behavioral development,” and the U.S. Centers for Disease Control identify child maltreatment generally as a “serious public health concern.”⁹ Significant percentages of victimized students have reported that they responded to ASM by avoiding the adult/s, not going to school, not talking in class, or being afraid in school.¹⁰

The USDE recommends that training regarding ASM with students be “mandatory for all school personnel who have direct contacts with students. This ensures that all members of the school community hear the same messages and are knowledgeable about the school’s policy... [Training] should serve as the foundation of Adult Sexual Misconduct prevention and response. Requiring that staff members read a handbook of policies and procedures on Adult Sexual Misconduct prevention will not achieve the intended results.”¹¹

USDE has created a technical assistance page, updated as of 2024,¹² which contains training packages and other resources to help school districts and states prevent and response to concerns of child abuse.

PREVALENCE OF CHILD SEXUAL ABUSE IN CHILD-SERVING ORGANIZATIONS

The 2014 U.S. GAO Report referenced research that nearly 9.6% of students are “victims of sexual abuse by school personnel—such as teachers, principals, coaches, and school bus drivers—sometime during their school career.”¹³ The GAO cautioned that the true prevalence of sexual abuse/maltreatment by school personnel “remains unknown,” because many cases are unreported.¹⁴ In a nationwide survey of 8th to 11th graders conducted in 2004, nearly 7% of students reported having been the recipient of unwanted physical sexual contact from an adult in their school; and nearly

⁷ Vermont Agency of Human Services, Department of Children and Families, *The Grooming Process*, found on the web at: <https://dcf.vermont.gov/prevention/stepup/educate/grooming>.

⁸ Id.

⁹ Id. at 6.

¹⁰ Id. at 7.

¹¹ U.S.D.E. Guide, *supra* n. 2 at 33 (emphasis in original).

¹² <https://rems.ed.gov/ASM?AspxAutoDetectCookieSupport=1>

¹³ United States Government Accountability Office, *Federal Agencies Can Better Support State Efforts to Prevent and Respond to Sexual Abuse by School Personnel* (2014) at 1, found on the web at: <https://www.gao.gov/assets/670/660375.pdf> (hereinafter GAO Report).

¹⁴ Id. United States Department of Education, Office for Civil Rights “Sexual Harassment, It’s *Not* Academic,” (Sept., 2008) found on the web at <http://www2.ed.gov/about/offices/list/ocr/docs/ocrshpam.pdf>, pg. 4.

10% of students reported being the victim of educator sexual misconduct without touching, including sharing of pornography, sexual talk, or sexual exhibitionism (Shakeshaft, 2004). Connecticut has not historically collected and published state-specific data on these concerns. Legislation passed in 2022 requires Connecticut to include questions regarding ASM on the Centers for Disease Control’s Youth Risk Behavior Survey (YRBS), called the CT School Health Survey and administered biennially by the Department of Public Health (DPH).¹⁵

FEDERAL TITLE IX REQUIREMENTS

On April 19, 2024, the U.S. Department of Education (USDOE) issued its final regulations to strengthen Title IX protections, which final regulations will become effective August 1, 2024. The new regulations will require school districts to make further enhancements to policies and procedures around Title IX to ensure compliance with the new regulations. As the events that are referenced in this Report occurred prior to those new regulations becoming effective, the OCA has cited to earlier regulations and guidance issued by USDOE as relied on by the District during the time of this investigation, including its Q & A on Campus Sexual Misconduct. The OCA encourages the District and all Connecticut school districts to seek the appropriate guidance on the changes necessary to policies and procedures in light of these new regulations.

When a school accepts federal financial assistance, it takes on responsibilities to comply with Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination based on sex in education programs and activities in federally funded schools at all levels.¹⁶ Title IX requires school districts to take steps to prevent, identify, and respond to complaints of sexual harassment and discrimination. Districts must have Title IX Coordinators whose contact information is publicly available and who are trained to respond to concerns, whether formally or informally made, about sexual harassment.

The 2020 amendments to Title IX define sexual harassment to include certain types of unwelcome sexual conduct, sexual assault, dating violence, domestic violence, and stalking. Sexual harassment means conduct on the basis of sex that satisfies one or more of the following: (1) An employee of the [school] conditioning the provision of an aid, benefit, or service of the recipient on an individual’s participation in unwelcome sexual conduct; (2) Unwelcome conduct, determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school’s education program or activity; or (3) ‘Sexual assault’ as defined in 20 U.S.C. 1092(f)(6)(A)(v), ‘dating violence’ as defined in 34 U.S.C. 12291(a)(10),

¹⁵ The YRBS has been administered in CT for many years, and reports can be found on the DPH website here: <https://portal.ct.gov/dph/Health-Information-Systems--Reporting/Hisrhome/Connecticut-School-Health-Survey>. Pursuant to Public Act 22-87, school districts selected for participation must offer the survey, though there is an opt-out option for students and families.

¹⁶ See U.S. Dep’t of Edu., Office for Civil Rights, *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties* (January 19, 2001), <http://www.ed.gov/ocr/docs/shguide.html>. (available in PDF, <http://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>).

¹⁸ US Department of Edu., Office for Civil Rights, *Questions and Answers on the Title IX Regulations on Sexual Harassment* (Updated June 2022), <https://www2.ed.gov/about/offices/list/ocr/docs/202107-qa-titleix.pdf>

‘domestic violence’ as defined in 34 U.S.C. 12291(a)(8), or ‘stalking’ as defined in 34 U.S.C. 12291(a)(30).¹⁷

The law provides that “[a]n effective denial of equal access to educational opportunities may include skipping class to avoid a harasser, a decline in a student’s grade point average, or having difficulty concentrating in class. Examples of specific situations that likely constitute effective denial of equal access to educational opportunities also include a third grader who starts bed-wetting or crying at night due to sexual harassment, or a high school wrestler who quits the team but carries on with other school activities following sexual harassment.”¹⁸ The federal Office for Civil Rights specifically advises that “[s]chools may wish to include these and other examples in their internal policies, training, and communications to students and employees to help illustrate this concept,” and that schools provide training to their Title IX personnel to “accurately identify situations that require a response under Title IX.”¹⁹

Notice of Title IX concerns may come in a variety of forms to school district personnel. According to OCR, “[t]his means that [school employees] may receive notice through an oral report of sexual harassment by a complainant or anyone else, a written report, through personal observation, through a newspaper article, through an anonymous report, or through various other means.”²⁰ OCR emphasizes that “a school must respond whenever any school employee has notice of sexual harassment. This includes notice to a teacher, teacher’s aide, bus driver, cafeteria worker, counselor, school resource officer, maintenance staff worker, coach, athletic trainer, or any other school employee.”²¹

Relevant to all school districts is that the law requires that a district respond to allegations of Title IX misconduct even if is not certain that the harassment occurred, underscoring that “actual knowledge refers to notice of conduct that could constitute sexual harassment.”²² After receiving notice of possible Title IX misconduct, a district must “respond promptly in a manner that is not deliberately indifferent.”²³ According to OCR, the District’s Title IX Coordinator, “must promptly contact the complainant to discuss the availability of supportive measures, regardless of whether a formal complaint is filed, and to explain the process for filing a formal complaint.”²⁴ With respect to supportive measures:

A school has discretion and flexibility to determine which supportive measures are appropriate. The preamble states that a school must consider ‘each set of unique circumstances’ to determine what individualized services would be appropriate based on the ‘facts and circumstances of that situation.’ Examples of supportive measures include ‘counseling, extensions of deadlines or other course related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of

¹⁷ Id. at 4.

¹⁸ Id. at 7.

¹⁹ Id. at 8.

²⁰ Id. at 11.

²¹ Id. at 10.

²² Id. at 12. (emphasis added.)

²³ Id. at 13.

²⁴ Id.

absence, increased security and monitoring of certain areas of the campus, and other similar measures.²⁵

CT SEXUAL ABUSE & ASSAULT AWARENESS AND PREVENTION PROGRAM

In accordance with current state law, Conn. Gen. Stat. § 17a-101q(a), a school district must have a sexual abuse and assault awareness and prevention program inclusive of:

(1) For teachers, instructional modules that may include, but not be limited to, (A) training regarding the prevention and identification of, and response to, child sexual abuse and assault, and (B) resources to further student, teacher and parental awareness regarding child sexual abuse and assault and the prevention of such abuse and assault;

(2) For students, age-appropriate educational materials designed for children in grades kindergarten to twelve, inclusive, regarding child sexual abuse and assault awareness and prevention that may include, but not be limited to, (A) the skills to recognize (i) child sexual abuse and assault, (ii) boundary violations and unwanted forms of touching and contact, and (iii) ways offenders groom or desensitize victims, and (B) strategies to (i) promote disclosure, (ii) reduce self-blame, and (iii) mobilize bystanders; and

(3) A uniform child sexual abuse and assault response policy and reporting procedure that may include, but not be limited to, (A) actions that child victims of sexual abuse and assault may take to obtain assistance, (B) intervention and counseling options for child victims of sexual abuse and assault, (C) access to educational resources to enable child victims of sexual abuse and assault to succeed in school, and (D) uniform procedures for reporting instances of child sexual abuse and assault to school staff members.²⁶

In 2016, the CSDE published Guidelines to assist school districts with implementation of their sexual abuse and assault awareness and prevention programs.²⁷ Those Guidelines were a result of partnerships with the DPH, DCF, sexual assault crisis centers across Connecticut, Connecticut Association of Public School Superintendents, Connecticut Association of Boards of Education, children's mental health professionals, teachers, The United Way, numerous Connecticut nonprofit children's advocacy organizations, and the University of Connecticut.

The Guidelines were distributed to all school districts and address concepts of sexual violence generally, teaching considerations/curricular framework, policy guidance for receiving disclosures and making reports, and recommended resources for professional development/curriculum and services.

While the Guidelines are important and helpful, OCA notes that they did not expressly address ASM within schools, nor did the Guidelines provide clear direction to districts regarding the integration of

²⁵ Id. at 18.

²⁶ Conn Gen. Stat. § 17a-101q.

²⁷ *Statewide K-12 Sexual Assault & Abuse Prevention & Awareness Program Guidelines* (2016).

state law and federal Title IX requirements. Recently passed legislation requires a working group to develop a Title IX “technical assistance toolkit” for school districts.²⁸

DEPARTMENT OF CHILDREN AND FAMILIES AND EDUCATION
PROFESSIONAL INVESTIGATION UNIT (EPIU)

To improve consistency, timeliness, and internal oversight of school-based investigations, in February 2020, the Department of Children and Families (“DCF”) developed a new unit called the Education Professional Investigation Unit (“EPIU”).²⁹ As described by DCF, the purpose of the EPIU is to “create greater consistency in response to allegations” of abuse/neglect in the educational setting. The structure of the EPIU was described as multi-tiered: “[t]he unit will respond to Careline reports concerning education professionals - in their professional capacity with students - with two dedicated units of Investigation Social Workers. Each unit will have five investigators and be overseen by a Social Work Supervisor. A Program Supervisor will manage the two units.”

According to DCF’s description of the Unit, investigators assigned to this unit “will receive specialized training in school-based investigations and will develop particular expertise and experience. In addition, the protocol for these investigations will be streamlined to reflect the unique nature of school reports.”³⁰ Another notable feature of this Unit was that “the investigations disposition will receive a higher level of oversight.”³¹

As part of this investigation, OCA sought any Unit-specific training and curriculum for EPIU staff, any Unit-specific practice guidance or protocols, and met with DCF administration and EPIU leadership. DCF responded that there has been neither a written policy to provide parameters for the EPIU nor is there Unit-specific training provided to EPIU investigators regarding the most frequently occurring allegations occurring in the educational setting or written guidance regarding how to identify programmatic or other systemic deficiencies contributing to abuse or neglect in schools. OCA notes that DCF investigators often made a record of “program concerns” identified during an investigation into allegations of school-based child abuse or neglect. These documented concerns are often quasi-regulatory in nature in that they frequently implicate the program or school’s level of staffing, training, oversight, or other infrastructure issues that affect children’s health and safety.

After meeting with DCF administration and managers, OCA shared with DCF the federal government’s technical assistance guidance regarding prevention of Adult Sexual Misconduct in schools and recommended incorporation of such guidance into topic specific training for EPIU staff. OCA finds that specific training for EPIU staff regarding investigation of common types of reports of abuse/neglect in the school setting such as (but not necessarily limited to) Adult Sexual Misconduct, mistreatment of children with disabilities, and incidents of restraint and seclusion is important to support consistent and comprehensive investigations of abuse and neglect of children in educational programs and facilities. Additionally, training should address parameters for the identification of programmatic concerns that may undergird or contribute to concerns regarding child safety and wellbeing.

²⁸ Public Act 23-66

²⁹ Connecticut State Department of Children and Families, The Value of the Education Professional Investigation Unit (EPIU), available at [EPIU \(ct.gov\)](https://www.ct.gov/epiu)

³⁰ Id.

³¹ Id.

Historically there has been no written guidance for this unit on identification or follow-up to identified program concerns, and while notice of allegations and a copy of a final DCF report is forwarded to the CSDE, OCA learned as part of this review that there is **no protocol used by the CSDE to review and follow up on programmatic concerns identified by DCF as possibly contributing to suspected concerns of abuse or neglect.** During discussions about this issue between OCA and CSDE, administrators committed to addressing this gap and ensuring that concerns identified by DCF are routed for appropriate follow up.

DCF provided OCA with a copy of newly created policies to clarify certain aspects of the work of the EPIU. DCF told OCA that it is “exploring a specialized training plan for initial and ongoing EPIU staff that covers all aspects of educational matters related to child abuse and neglect, which may include the specific areas of training and focus recommended in this Report.” DCF’s full response is attached.

VERNON-CASE SPECIFIC FACTS AND FINDINGS

In June of 2022, a District employee, JOHN DOE,³² was accused of sexual harassment of a student enrolled in District B. Allegations included that Mr. Doe exchanged “explicit and suggestive” text messages with the student between late 2021 and early 2022. The student was seventeen (17) years old at the time of the alleged conduct. Although there was police involvement, no formal charges were filed against Mr. Doe. However, DCF did substantiate allegations of abuse against Mr. Doe in connection with the sexual harassment. During the pendency of the DCF investigation, Mr. Doe was put on paid administrative leave, and ultimately resigned from the District—Vernon Public Schools.

Mr. Doe had been employed by the District since August of 2000 as a physical education teacher. There is nothing remarkable included in his personnel file other than a written reprimand that he received in September of 2012 following his inappropriate response to a student who was using profanity in his presence. Mr. Doe received mandated reporter training in 2018 and sexual harassment training in 2020. There was no information contained in Mr. Doe’s personnel file related to allegations of ASM, investigatory efforts and/or corrective action. **Despite his personnel file being devoid of any ASM allegations, OCA’s review of DCF records shows that there were in fact multiple allegations of sexual harassment and/or inappropriate behavior towards students made against Mr. Doe by students enrolled in the District.**

Allegations of Physical & Sexual Harassment Against Mr. Doe

In February of 2003, there were allegations made to DCF that Mr. Doe engaged in unnecessary roughness with a student during an afterschool program. DCF did not substantiate the allegations but recommended that “the school district examine their policy on physical contact between teachers and students and the possible need for a ‘hands off’ policy.”

In December of 2020, there was a report made to DCF that Mr. Doe allegedly touched a student inappropriately and made her feel “uncomfortable” during physical education class. DCF did not investigate the complaint because school administrators had asserted that they reviewed a video and

³² Redacted for public report.

did not see any physical contact between the student and Mr. Doe. DCF noted that “there was no intent to harm the alleged victim and the actions were done in a joking manner.”

In April of 2021, allegations were made to DCF by a 13-year-old student (STUDENT A) and former student (STUDENT B) that Mr. Doe had touched them inappropriately. Student A alleged that Mr. Doe “slapped her butt and rubbed her arm.” Student B alleged that when she was a student, Mr. Doe would “use his hands to adjust her butt and shoulder” while she did push-ups in PE, which made her uncomfortable. She also alleged that on occasion he would enter the girls’ locker room when students were changing. Forensic interviews were conducted for both individuals. The girls detailed incidents in which Mr. Doe put hands on them on various occasions and made them feel uncomfortable. During DCF’s investigation, administrators denied seeing any sexually inappropriate behavior by Mr. Doe and emphasized that Mr. Doe has been teaching for 21 years and did not have a disciplinary record. Allegations were unsubstantiated by DCF due to a variety of factors including lack of disclosure of sexual contact by one alleged victim during a forensic interview, and inconsistent and non-verifiable allegations made by the other girl.

In November of 2021, allegations were made by a student that Mr. Doe had previously made her uncomfortable by telling her to spread her legs wider during an exercise. She also reported that on one occasion Mr. Doe entered the girls’ locker room. DCF did not accept the report for investigation and referred the matter to the “Board of Education for follow-up.”

In June of 2022, an allegation was made that Mr. Doe engaged in sexually abusive behavior towards a 17-year-old student from another district from late 2021 to early 2022. Allegations included text messages exchanged between the two that were “explicit and suggestive.” The allegations were substantiated by DCF. Mr. Doe submitted a letter of resignation dated August 14, 2022, which was effective August 15, 2022. OCA’s review of this matter with the CSDE reveals that Mr. Doe voluntarily surrendered his educator certificate, considered by the CSDE as a Revocation by Surrender.

Title IX Compliance

Beginning in 2020, there were multiple allegations reported to DCF that Mr. Doe had engaged in sexual harassment of students in the District. Despite those allegations of sexual harassment, the District did not produce any records (communications, investigatory notes, results of investigation) indicating involvement of the District’s Title IX Coordinator or a Title IX investigation into those allegations of sexual harassment or the District’s compliance with Title IX requirements that it address the educational losses suffered by the victim and offer supportive services. Records indicate that when interviewed by DCF, the superintendent stated that “this is not the first time there have been similar allegations against [Mr. Doe].” Yet, despite that admission, there were no records produced of Title IX investigations conducted with respect to Mr. Doe (**or any other educator and/or student**) within the last five (5) years. In addition, there were no disciplinary notes in Mr. Doe’s personnel file or indicators that his behavior was being monitored. There is no record that the complainants from the December 2020 through November 2021 incidents were provided with any supportive measures as required by federal law.

Text messages between Mr. Doe and the victim from District B indicate a pervasive pattern of grooming, and that the victim was traumatized by the experience, stating in her own notes: “I feel shameful, it changed me-I wasn’t able to stand up for myself, silenced, silenced. Have to deal with

trauma for the rest of my life. . . . used me, took advantage of me. I feel weak, victim it was my fault. I should have known better.” Those harms may have been prevented had appropriate steps been taken in response to the December 2020, April 2021, and November 2021 incidents of sexual harassment directed toward several students enrolled in the District.

While the District met its obligations to report suspected abuse to DCF, that did not eliminate the Title IX requirements to investigate, address any educational losses, and provide supportive services to the complainants. During discussions with District administrators to review OCA’s draft findings, they maintained that DCF was the main investigator and that any efforts by the District to conduct its own investigation would be “tampering with the investigation” conducted by DCF. As emphasized recently by the U.S. Department of Education, Office for Civil Rights (OCR) in its October 17, 2023 Compliance Review Letter to New London Public Schools wherein OCR found that the District abdicated its Title IX responsibility to investigate instances of sexual harassment when there were either DCF and/or criminal investigations occurring with respect to District staff:

Whereas a criminal investigation would assess whether to prosecute Employees 1 and 2, the District had its own separate Title IX obligation to investigate the alleged discrimination, and if found to have occurred, remedy the effects of any sexual harassment on the victim and school community and to prevent recurrence of such harassment. By not conducting an investigation under Title IX, the District failed to assess whether students were subjected to a hostile environment as a result of Employee 1 and 2’s conduct or whether steps were needed to end or prevent a recurrence of such a hostile environment.

Given districts’ obligation to conduct human resource investigations and sexual harassment/misconduct investigations, they will benefit from specific protocols from the state and/or federal government for coordinating activities where necessary with child welfare and/or law enforcement agencies. Memoranda of Understanding with local law enforcement and child welfare agencies, as well as effective communication protocols with such agencies, can help clarify and coordinate investigative activities and responsibilities shared by the district with local and state officials.

VERNON SYSTEMS FINDINGS

Vernon Public Schools initiated a number of actions as a result of the Office of the Child Advocate Findings and Recommendations Report, including improved documentation, training, and updated student surveys. The District’s full response is attached to this Report.

Title IX Compliance Activities

OCA found that the District’s Title IX compliance framework has been deficient in several significant ways, most importantly in its training for staff, complaint processes, record-keeping, and follow up with complainants. The District provided its complaint process and the name of its Title IX coordinator, who is the assistant superintendent of schools. Specifically, the complaint process was stated as:

Any person, such as students, parents, and guardians, may report sex discrimination, including sexual harassment, regardless of whether the person is the alleged victim of

the reported conduct, in person, by mail, by telephone, or by email, to the district's Title IX Coordinator, or any other means that results in the Title IX Coordinator receiving the report. The report may be made at any time, including during non-business hours.

The OCA requested information from the District regarding a list of all Title IX complaints made in the last five (5) years. In the District's initial response, the Title IX Coordinator stated that there were no Title IX complaints made during the last five years. However, in addition to those complaints made to DCF regarding Mr. Doe (2020 through 2021), OCA found there were other reports of suspected abuse/neglect (adult/student and student/student) in the District that were called in to the DCF Careline in the last several years containing allegations that should have been reported to the District's Title IX Coordinator and investigated. However, no records of the Title IX coordinator's involvement were initially produced by the District.

Following the District's initial response to OCA's draft findings and after further discussions between OCA and District administrators, the District reported to OCA that there had been District-level investigations in response to allegations of suspected sexual harassment between students and between students and staff within the last five (5) years. It was unclear why the District did not initially produce those investigations as Title IX investigations or consider them to be Title IX investigations when responding to OCA's request for information. To ensure a full understanding of the District's Title IX activities, OCA sought all investigations into alleged student/student sexual misconduct for the 2022-2023 academic year and all adult-to-student misconduct investigations for the previous five (5) years. The District complied with the OCA's request and produced the requested materials with respect to two (2) staff members who were accused of sexual harassment of students and a spreadsheet briefly summarizing nine (9) student/student sexual harassment incidents.

However, OCA's review of DCF documents had identified more than two (2) individuals who had been accused of sexual harassment/abuse of students. The OCA therefore requested from the District additional information concerning these staff members including former staff member Christian Stevenson. In September of 2021, Mr. Stevenson was arrested and charged with multiple felonies (importing child pornography, second-degree illegal possession of child pornography, voyeurism, disorderly conduct, voyeurism with a child under 16 years of age and risk of injury to a minor). His actions included: "upskirt images taken surreptitiously of underage students inside the school"³³ and "hundreds of photos, often focusing on the buttocks, chest and crotch of young female students, taken in Rockville High School" and "some of the pictures appear to be taken while Stevenson was sitting at his desk."³⁴ Another staff member, Mr. A,³⁵ made sexually inappropriate references to a student in the District. Upon review of the allegations, DCF did not substantiate abuse, but determined the reference to be "sexual in nature" and noted that it "could be considered grooming."

The District's challenges in full complying with the OCA's subpoena show a clear weakness in Title IX record-keeping on the part of the District.

³³ [Former Vernon School Teacher Arrested on Child Pornography and Voyeurism Charges – NBC Connecticut](#), available on the web.

³⁴ [Warrants: Former teacher secretly took photos of female students at Vernon high school \(ctinsider.com\)](#), available on the web.

³⁵ De-identified.

Staff/Student Sexual Harassment Allegations & Investigations

1. Employee No. 1

The District provided two (2) investigations of sexual harassment involving a male staff member (Mr. B)³⁶ and two different students. Another incident was referenced in one of the disciplinary letters issued to the staff member.

In June of 2022, Mr. B was put on a five (5) day unpaid suspension for actions that included putting his hands on a female student's shoulder and upper arms and forcibly pushing her up against a wall underneath a mural of angel wings and then pretending to take her picture. The District's investigation included interviewing the victim, other students and the staff member. During the interview with the victim, she informed administrators that there were other students who were made uncomfortable by Mr. B and provided their names. As part of its investigation, the District interviewed other students about their interactions with Mr. B. Student One reported that Mr. B sat down next to her and asked her if she lost weight and if she started working out. Student Two reported that Mr. B brought attention to an alleged hickey on the student's neck, asking her to "move her hair." Student Three reported that Mr. B would put sticky notes on students' desks, and once put one on her desk that read "you got mad drip yo!"³⁷ She also reported that Mr. B said to her "you look like you have been working out" and was often flirtatious with female students.

According to the letter of discipline issued in June of 2022, there were other incidents of inappropriate behavior that resulted in reprimands in May of 2017 and April of 2020. Included in a June 28, 2022 disciplinary letter, the superintendent expressed his continuing concern with the staff member's behavior:

You stated that you thought this incident was funny and indicated that it 'would be difficult to reform any muscle memory' meaning, that you are going to have difficulties in changing your behaviors. By your own admission, you have struggles communicating with students. I have serious concerns about these patterns of behaviors that you are exhibiting.

Mr. B was directed "not to physically touch any student or staff member at Rockville High School for any reason." Following the suspension, he was able to return to the same environment where the sexual harassment had occurred, with no documentation of re-training, monitoring and/or supports to ensure that the offending behavior did not occur again with the same student and/or other students. This is especially troubling considering Mr. B stated in his defense that: "[w]hile my actions, intended to be humorous, may have been interpreted as discourteous, I do not believe they were offensive or abusive."³⁸

The February 2020 incident, which resulted in the April 2020 reprimand, involved the staff member intimating that a student was having sexual relations with her boyfriend in front of the entire class. In admitting to the alleged statements and in defense of his actions, the staff member reportedly replied that the student had "personal problems, issues, and trauma." As a result of the staff member's actions,

³⁶ De-identified for publication.

³⁷ The term means as noted by the District that you have [swagger](#), especially in how you look. You're hot. You're cool. You're [on point](#).

³⁸ July 3, 2022 written statement provided by Mr. B.

the student “requested to be moved out of [his] class, unfortunately resulting in her having to drop a level.” The staff member was issued a verbal warning and provided with some professional development opportunities.³⁹ As referenced in the April 22, 2020 disciplinary letter to the staff member, the Assistant Superintendent again referenced another incident of sexual harassment that occurred in May of 2017.

In May of 2017, the staff member was issued a written warning for “inappropriately suggestive texts and phone messages with a former student.”⁴⁰

There was no indication in any of the incidents of sexual harassment, committed by the same staff member, that the District applied a Title IX framework.

2. Employee No. 2

In December of 2022, a staff member (Mr. C) used his personal phone to take multiple pictures of a student near her locker without the student’s permission.⁴¹ The student also alleged that while in Mr. C’s class, he made her uncomfortable by looking at her chest. The District’s investigation included interviewing the victim, witnesses and the staff member and resulted in a written warning dated February 8, 2023 along with a three (3) day unpaid suspension for the staff member. In its disciplinary letter, the Assistant Superintendent references two (2) previous incidents in which the staff member received written warnings, in December of 2021 and December of 2022, which warnings were not related to sexual harassment.

3. Employee No. 3

In December of 2022, a staff member (truancy officer, Mr. D) made sexually inappropriate comments to a student in the District. Upon review of the allegations, DCF considered the reference to be “sexual in nature” and noted that it “could be considered grooming.” The District conducted interviews and cautioned Mr. D about having any contact with the student. Mr. D then proceeded to approach the student in the school building hallway to apologize for his actions and was then ordered out of the school building. Mr. D returned to his position after being warned not to go near the student and to stay in his assigned area of the building.

4. Employee No. 4

In October of 2021, Christian Stevenson was arrested and charged with multiple felonies (importing child pornography, second-degree illegal possession of child pornography, voyeurism, disorderly conduct, voyeurism with a child under 16 years of age and risk of injury to a minor). His actions included: “upskirt images taken surreptitiously of underage students inside the school”⁴² and “hundreds of photos, often focusing on the buttocks, chest and crotch of young female students,

³⁹ Although the April 2020 incident resulted in a “verbal” warning, it was memorialized in a letter dated April 22, 2020 and signed by the Assistant Superintendent with several administrators copied, including the Superintendent. A copy was also maintained in the staff member’s personnel file.

⁴⁰ The details of the May 2017 investigation were not provided to OCA, which was presumably due to the date being outside the period of review.

⁴¹ The student had a 504 Plan.

⁴² [Former Vernon School Teacher Arrested on Child Pornography and Voyeurism Charges – NBC Connecticut](#), available on the web.

taken in Rockville High School” and “some of the pictures appear to be taken while Stevenson was sitting at his desk.⁴³ The only information provided to the OCA related to Mr. Stevenson was a copy of a press release and a community memo stating that the District was “providing emotional support from school psychologists, social workers, and school counselors to assist all students. If you want to reach out for such supports, please contact school and district personnel.”

District records indicate that complaints typically receive some investigative response and responsive discipline by the District. However, in all of the reported investigations into staff/student sexual harassment, there was no indication that the activities taken by the District were within a Title IX framework. None of the complainants were advised of the formal Title IX complaint process or were counseled about the complained about sexual harassment. There was no documentation of supports provided or offered to the complainant or the other witnesses who made similar statements about the inappropriate behavior. Despite the concerning conduct attributed to these staff members, all were permitted to resume duties without any documented monitoring activities by District administrators. There was only one instance in which the District required the staff member to engage in professional development opportunities. However, it is unclear whether that professional development specifically addressed sexual harassment and ASM.

Student/Student Sexual Harassment Investigations

The District reported to OCA that there were fifty (50) instances of student/student sexual harassment recorded by the District for the past five (5) years, which included nine (9) recorded instances of student/student sexual harassment for the 2022-2023 school year that were reported to CSDE.⁴⁴ The District was asked to provide “all completed investigations for the 2022-2023 school year.” In response, the District did not provide “completed investigations.” Rather, it provided a spreadsheet listing the incidents and briefly summarizing the alleged harassment and brief notes about the actions taken by the District. There is no mention of a Title IX investigation, contemporaneous investigatory notes were only provided for 2/9 students, and there were no detailed notes about any specific supports provided to the complaining students.⁴⁵

Formal Title IX record-keeping should include, at a minimum: (1) the date of the alleged incident and when the report or formal complaint was received; (2) the nature of the alleged conduct; (3) the results of the investigation, including the District’s determination regarding responsibility and whether notice of the determination was provided to all known parties; (4) any and all disciplinary sanctions issued; (5) any supportive measures offered; (6) the results of any appeals; (7) the results of any informal resolutions; and (8) contacts with law enforcement and/or the Connecticut Department of Children and Families related to the alleged incident, and any actions taken by these entities, if known to the District.⁴⁶

⁴³ [Warrants: Former teacher secretly took photos of female students at Vernon high school \(ctinsider.com\)](#), available on the web.

⁴⁴ There were also allegations of a student sexually harassing a substitute teacher included in the student/student sexual harassment complaints.

⁴⁵ In only a few instances, the District noted that it had “offered support staff” and “social work support” without any further details or whether the support was offered to the offender, the complainant or both and the nature of those supports.

⁴⁶ [New London Public Schools \(PDF\) \(ed.gov\)](#). Resolution Agreement New London Public Schools OCR Compliance Review No. 01-20-5001 (October 17, 2023).

With respect to Title IX training, the District provided a slide deck prepared by District Counsel and presented in the summer of 2020 on Title IX and the Implementation of 2020 Federal Regulations. However, the District did not produce any document clearly outlining and/or describing what, if any, Title IX curriculum was used, how often, and who participated in the training. Importantly, there was also no mention of ASM, how to prevent, identify and/or address such misconduct. No information was provided regarding training for students on Title IX/sexual harassment/grooming behaviors. The District did not produce a District-level or building-level Title IX report detailing compliance activities, including complaints addressed, concerns of students, and prevention/training activities. Another slide deck was provided to OCA that addressed Sexual Harassment Training: A Supervisor's Guide from January 2022 and presented to the Vernon Board of Education, which was prepared by counsel for the District. This deck addressed sexual harassment only in the employment context.

For abuse/harassment prevention policies to be meaningful and effective, they must be supported with comprehensive and regular training for administrators, teaching staff/support staff, students and parents and guardians. These trainings must specifically address sexual abuse prevention, grooming, Adult Sexual Misconduct, use of social media/technology/electronic communication, access to the school's Title IX coordinator and other supportive adults, and the unique needs and risks for children with disabilities and children who identify as Lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI).

The lack of any documentation regarding a working Title IX system, such as a clear and producible record of complaints, investigations, involvement of the Title IX coordinator, service/outreach to complainant, and the dearth of training for administrators or students on Adult Sexual Misconduct leads OCA to conclude that the District is likely in substantial non-compliance with its obligations under federal law to prevent and appropriately respond to concerns of sexual harassment and sexual abuse of children enrolled in the District.

Sexual Abuse and Assault Awareness and Prevention Program

The District did not produce any information regarding its prevention of child sexual abuse and prevention program or how such a program is facilitated in schools throughout the District. Presumably, the Program does not include ASM prevention and/or identification, as it would have been included in the response to OCA's subpoena request concerning training curriculum that includes adult sexual misconduct prevention, identification and training offered to students, certified staff, uncertified staff, administrators, parents, board members.

Overall, the District's deficiencies in identifying, preventing, and responding to ASM and its noncompliance with Title IX creates an environment in which students have not been adequately protected. Mindful of the several instances of sexual harassment and lack of an appropriate Title IX response discovered during OCA's investigatory review, the OCA requested that the District provide a Corrective Action plan to address these deficiencies. The District has provided such a plan and continues to implement strategies to address the identification, prevention, and appropriate response to sexual harassment in its schools. **The District's plan is appended to this Report.**

RECOMMENDATIONS

Based on the above Findings detailed in this Letter, the OCA made the following recommendations that included the District, the CSDE, and DCF. Recommendations for the District included certain

relevant portions of the resolutions agreed to recently by New London Public Schools in response to OCR's Title IX compliance review, as referenced in this Findings Letter, as those resolutions are aligned with OCA's recommendations. As identified above and attached to this Report, DCF and Vernon Public Schools have already begun addressing the Findings and Recommendations outlined herein. OCA includes the full breadth of recommendations made to the agencies below.

1. District Should Develop Policies and Protocols That Specifically Address Adult Sexual Misconduct in Schools.

- The U.S. Department of Education recommends that school districts create clear, written policies regarding Adult Sexual Misconduct, and that these policies be posted and widely disseminated to parents, district leadership, staff, youth, and volunteers. District codes and protocols must specifically address and define grooming behaviors, both sexual and non-overtly sexual.
- School districts policies should directly address permissible and impermissible relationships between staff and students, including descriptions of educationally appropriate touching, limitations on closed-door, after-hours activities with only one student, leisure time with students, transportation rules and electronic communication.

Policies must find a balance between “encouraging positive and appropriate interactions and discouraging inappropriate and harmful interactions.”⁴⁷ It is important that district policies and trainings recognize need for healthy interactions between adults and students.

- USDE, referencing the National Center for Missing & Exploited Children, has not recommended that districts adopt highly restrictive policies regarding student and staff's use of online technologies in schools, observing that schools “play a critical role in ensuring that students know how to use these valuable tools safely and effectively.”⁴⁸ District policies, informed by teachers, administrators, students and parental input, must include cyber security, cyber safety, and personal use guidelines. USDE notes that specific cyber policies, along with training and mentoring, “are particularly important for young teachers, who may have less traditional concepts of privacy and professional boundaries.”⁴⁹ A model policy may spell out when messages can be sent to individuals versus groups, how communications with students must be logged, ensuring media availability to superintendent and parents, and how to respond to students that ask for personal support and attention or counseling.
- Noting that everyone “must understand the damage caused by a false complaint,” USDE recommends that district policies and training specifically address the reality of false

⁴⁷ U.S. Centers for Disease Control, *Preventing Child Sexual Abuse Within Youth-Serving Organizations, Getting Started on Policies and Procedures* (2007) at 9 (CDC Guide). Found on the web at: <https://www.cdc.gov/violenceprevention/pdf/preventingchildsexualabuse-a.pdf>.

⁴⁸ Id. at 40.

⁴⁹ Id. at 41.

allegations and misinterpreted conduct, and spell out disclosure, confidentiality and due process rules.⁵⁰

- Additional human resource training may be necessary for school districts that rely on building principals, rather than a Human Resource department, to implement appropriate staff responses and professional development.

2. District Should Develop Policies and Protocols That Specifically Address Sexual Harassment Grievance Procedures.

- The District should review and revise as necessary its grievance policies and procedures for the resolution of reports and formal complaints alleging sexual harassment perpetrated by students, employees, and/or third parties, to ensure that these procedures fully comply with the Title IX regulation.⁵¹
- The revised policies and procedures should specifically highlight: (1) The District's obligations under 34 C.F.R. § 106.44(a) to treat complainants and respondents equitably by offering supportive measures to a complainant; follow a grievance process that complies with 34 C.F.R. § 106.45 before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent; and have the Title IX Coordinator promptly contact the complainant to discuss the availability of supportive measures with or without the filing of a formal complaint, consider the complainant's wishes with respect to supportive measures, and explain the process for filing a formal complaint. (2) The District's obligation to conduct a Title IX grievance process, including an investigation, under reasonably prompt timeframes, allowing for the temporary delay of the grievance process or the limited extension of time frames for good cause shown, such as for concurrent law enforcement activity. (3) Upon receipt of a formal complaint, providing written notice to the parties who are known in accordance with 34 C.F.R. § 106.45(b)(2)(i). (4) The range of supportive measures available to complainants and respondents (34 C.F.R. § 106.45(b)(1)(ix)), and the range of possible disciplinary sanctions and remedies that the District may implement following any determination of responsibility (34 C.F.R. § 106.45(b)(1)(vi)). (5) Provide remedies designed to restore or preserve equal access to the District's education program or activity. Such remedies may include the same individualized services described in 34 C.F.R. § 106.30 as "supportive measures"; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent (34 C.F.R. § 106.45(b)(1)(i)).⁵²
- The District should ensure that its sexual harassment grievance procedures are consistent across District websites and publications, and explain how the grievance

⁵⁰ Id. at 13.

⁵¹ [New London Public Schools \(PDF\) \(ed.gov\)](#). Resolution Agreement New London Public Schools OCR Compliance Review No. 01-20-5001 (October 17, 2023).

⁵² Id.

procedures, and other related policies or procedures, interact and apply, and make revisions, if necessary, to comply with the Title IX regulation.⁵³

- The District should prominently display the name or title, office address, email address, and telephone number of its Title IX Coordinator(s) on its website and in its revised sexual harassment grievance policies and procedures.⁵⁴

3. District Trainings Must Directly Address Grooming, Sexual Abuse Prevention, Adult Sexual Misconduct and Title IX.

- USDE recommends that comprehensive training be provided to help school community members, including contracted providers and volunteers:
 - ✓ Recognize appropriate and inappropriate behaviors in their interactions with students;
 - ✓ Identify the early warning signs of ASM effects in children;
 - ✓ Detect the patterns of ASM behavior in adults;
 - ✓ Respond appropriately when an ASM incident is suspected; and
 - ✓ Follow the school's policies and procedures for reporting ASM, which must be consistent with state laws and general counsel guidance.⁵⁵
- Students, families, and Board of Education members should be offered meaningful training and information regarding the District's Title IX policies and the state-required sexual abuse prevention framework, including the purpose of such policies as well as avenues that students or adults can take to report concerns and receive support. Parents should be provided age-appropriate tips for talking to their children about sexual misconduct as well as tips for online safety, such as *Keeping Kids Safer on the Internet: Tips for Parents and Guardians*.⁵⁶ Students should understand common patterns of behavior for adults who are interested in grooming students. Students should be provided meaningful examples and scenarios of concerning conduct and how to report. Gray areas should be specifically addressed in training. All students should receive information about online safety.
- Title IX training should include the following components: (1) Title IX's prohibition on discrimination based on sex; (2) the District's revised sexual harassment grievance procedures; (3) the definition of "sexual harassment" and examples of sexual harassment; (4) the responsibility of a District employee to report incidents of possible sexual harassment, the procedures for doing so, and instructions on how to recognize, prevent, and respond appropriately to sexual harassment; (5) the requirement that a student or parent/guardian who has reported alleged incidents of sexual harassment must be notified of their right to file a formal complaint pursuant to the District's Title IX grievance procedures, and be offered a copy of the procedures; (6) the availability of supportive

⁵³ Id.

⁵⁴ Id.

⁵⁵ USDE Guide, *supra* Note 2, at 29.

⁵⁶ Id. at 33. Online safety training available at www.onguardonline.gov/topics/protect-kids-online.

measures before or after the filing of a formal complaint or where no formal complaint has been filed; (7) the District’s obligation to conduct a Title IX investigation exists regardless of whether there is a concurrent law enforcement investigation; (8) identification of the Title IX Coordinator(s), by name or title, and contact information; (9) the existence of OCR and its authority to enforce Title IX; and (10) distribution of written materials that contain the information discussed. The District should make these training materials publicly available on its website.⁵⁷

- Training should be “scenario-based to give participants opportunity to practice responses.”⁵⁸ Training should contemplate concerning behaviors by adult outside of school and within the school community. A 2014 U.S. GAO report found that only 11 states provided training on appropriate and inappropriate behavior by school personnel towards students.⁵⁹
- Training for educators and school staff should be designed to overcome and address challenges to reporting, such as the cognitive dissonance individuals may experience that prevents them from believing a colleague or other familiar adult may be engaging in sexual misconduct. Trainings should use statistics, current events, and actual case examples to address the phenomena of denial.⁶⁰ Training must address the biggest barrier of staff not being sure *when* to report. Clear and specific codes of conduct, integrated into staff training, can assist with overcoming this barrier.

4. The District Should Ensure Multiple Reporting Access Points for Students.

Students must know where to go and who to talk to if they have a concern about abuse or harassment. Districts should ensure they have multiple developmentally appropriate access points for students, depending on age and communication ability, to report questions or problems to district personnel, a district or community-based ombudsperson, or to an outside agency like DCF. Because youth may be more likely to tell a trusted adult in their family or community about a problem at school, community and family members should also be provided information regarding how to report concerns to district personnel, leadership or DCF. *Distribution of a handbook alone will not suffice.*

5. The District Should Improve its Record-Keeping.

The District should develop policies and procedures for maintaining documents relating to formal complaints or other reports of sexual harassment to comply with the Title IX regulation. Formal Title IX record-keeping should include, at a minimum: (1) the date of the alleged incident and when the report or formal complaint was received; (2) the nature of the alleged conduct; (3) the results of the

⁵⁷ [New London Public Schools \(PDF\) \(ed.gov\)](#). Resolution Agreement New London Public Schools OCR Compliance Review No. 01-20-5001 (October 16, 2023).

⁵⁸ GAO Report, *supra* Note 12, at 23. The GAO noted that one school district developed an online, interacting training course on preventing adult sexual misconduct with students and that the training will be required for all staff, including bus drivers and cafeteria workers and volunteers. The training includes scenarios depicting questionable interactions between school personnel and students, “gray area behaviors” such as a teacher being alone with a student in a room, and other context-dependent situations. GAO at 24.

⁵⁹ *Id.* at 23.

⁶⁰ CDC Guide, *supra* Note 46, at 29.

investigation, including the District's determination regarding responsibility and whether notice of the determination was provided to all known parties; (4) any and all disciplinary sanctions issued; (5) any supportive measures offered; (6) the results of any appeals; (7) the results of any informal resolutions; and (8) contacts with law enforcement and/or the Connecticut Department of Children and Families related to the alleged incident, and any actions taken by these entities, if known to the District.⁶¹

6. The District Should Administer a Climate Survey to Students.

The District should administer a climate survey to students in grades 6-12 to assess the presence and effect of sexual harassment, students' understanding of how to report sexual harassment, and suggestions for improving the School/District climate. The survey should include questions designed to gather the following information: a. level of perceived safety; b. the prevalence of sexual harassment in the School/District; c. knowledge of the process by which students might make reports of sexual harassment; d. the willingness to report incidents of sexual harassment to District personnel; e. the perception of the District's handling of reports and complaints of sexual harassment; and f. suggestions for reducing incidents of sexual harassment in the School/District and improving the District's response to reports and complaints of sexual harassment.⁶² The District should identify a group of staff members and administrators to serve as a District Climate Survey Working Group (Working Group), to analyze the results of the climate survey and make recommendations to the District based on these results. The Working Group would: (1) assess whether any additional student or other training is needed to further improve the climate at each school; and (2) develop a proposal to improve the climate at each school identified as having climate concerns, which will be reviewed by the District and implemented as appropriate.⁶³

7. Annual Reviews of Reports of Sexual Harassment.

The District's Title IX Coordinator should annually review all reports of sexual harassment in order to identify and address any patterns or systemic problems; whether any individuals or organizations engaged in repeated misconduct; whether there are any patterns of barriers to reporting for any group of students; and/or if reports were not processed in compliance with the applicable policies and procedures. The Title IX Coordinator should also review and implement any necessary changes to the District's recordkeeping practices with respect to allegations of sexual harassment against students, employees, and third parties, to ensure that the Title IX Coordinator is able to adequately oversee the District's response to all such allegations and identify trends or other systemic problems regarding the District's response.⁶⁴

8. DCF and EPIU Unit – Policy, Training, and Oversight.

- DCF should develop policy and practice guidance specific to EPIU investigations, noting that such investigations are typically facility and staff oriented and may be very different than investigations into family-based caregiver misconduct. Such policy should address

⁶¹ [New London Public Schools \(PDF\) \(ed.gov\)](#). Resolution Agreement New London Public Schools OCR Compliance Review No. 01-20-5001 (October 16, 2023).

⁶² Id.

⁶³ Id.

⁶⁴ Id.

areas most commonly investigated by the EPIU including, but not limited to, expectations for investigation of ASM, peer on peer misconduct and inadequate adult supervision, and injuries from restraint and seclusion/treatment of students with disabilities. Policies should specifically include parameters for identification and follow up to “program concerns” noted by investigators, including but not limited to findings regarding adequate staffing, training for staff, documentation/incident reporting, and mandated reporting. Policies should also address interviews with non-victim children in the program or facility, adult witnesses, and parents/guardians.

- DCF should develop and ensure Unit-specific training for EPIU staff. Training should be relevant to the investigation of commonly reported concerns in educational settings and facilities, and should include guidance regarding investigations of alleged abuse/neglect of disabled students, legal requirements regarding use of restraint and seclusion of children, federal technical guidance regarding prevention and response to Adult Sexual Misconduct, and inquiry and investigation regarding programmatic concerns. Given the nature of the investigations, all investigators and supervisors assigned to this Unit should receive training in crisis prevention/intervention, as this is often the trigger for allegations of neglect/abuse and they should be aware of the appropriate/recommended responses.
- A Memorandum of Understanding should be developed between DCF and CSDE regarding how DCF-identified “program concerns” will be addressed and how systemic issues and corrective actions will be communicated with impacted parents/guardians.
- DCF and state lawmakers should consider creation of an “unfounded” disposition (opposed to substantiated or unsubstantiated) to clearly capture the result of an investigation that has allegations that do not meet statutory definitions of abuse/neglect, but also are not proven “false.” Given a substantiation is enough to lose a professional teaching license, this allows room in the system to capture concerns without a terminal outcome.

9. CSDE Leadership—Title IX Toolkit--Policies and Protocols That Specifically Address Adult Sexual Misconduct in Schools.

The State, with input from subject matter experts on abuse prevention, including experts on the prevention of maltreatment for children with disabilities, should help establish a Title IX compliance toolkit. Incorporating the 2017 federal guidance from the U.S. Department of Education, the toolkit should include specific information regarding Adult Sexual Misconduct, relevant model policies, accountability measures, and a mechanism for tracking abuse prevalence to ensure effective local school district implementation of child abuse prevention and Title IX compliance frameworks. **The Connecticut General Assembly recently passed legislation that establishes this working group and the development of the Title IX toolkit and model guidance and resources for districts.**⁶⁵ The toolkit should also help districts align state and federal law requirements regarding sexual assault and abuse prevention curriculum (2016 state law) with best practices regarding school climate and

⁶⁵ House Bill 6642 *An Act Concerning A Title IX Compliance Toolkit for School Districts*

social emotional learning. OCA recommends that after completion of the Toolkit that the working group develop an implementation and progress monitoring plan.

10. CSDE Should Audit Districts' Compliance with State Law Curriculum Requirements for A Sexual Abuse and Assault Awareness and Prevention Program.

As stated above, in 2016, the legislature required school districts to implement a sexual abuse and assault awareness and prevention program, and CSDE subsequently published guidelines to support districts' implementation of this requirement. Given the importance of this state law requirement and its overlap with federal mandates embedded in Title IX, OCA recommends that CSDE take steps to audit districts' compliance with the requirements articulated in Connecticut General Statute Sec. 17a-101q.

11. CSDE Should Ensure a Protocol for Follow Up to DCF-Identified Concerns in School-Based Investigations.

As OCA outlined above, CSDE does not currently have a process for routing and following up on DCF identified program concerns in school/educator investigations (e.g., lack of staffing, supervision, supports) that may implicate adequate provision of services, such as special education, to vulnerable students. During recent conversations with OCA, CSDE administrators stated they would address this issue going forward and ensure that program concerns are also examined, where applicable, by the Bureau of Special Education, to inform necessary follow-up, including the Bureau's special education/IDEA monitoring and corrective action activities. OCA will continue to follow up with CSDE on this action step.

We appreciate your cooperation and professionalism throughout the course of OCA's review.

Sincerely,

Sarah H. Eagan

Sarah Healy Eagan, JD
Child Advocate