



STATE OF CONNECTICUT
OFFICE OF THE CHILD ADVOCATE

INVESTIGATIVE REPORT

STONINGTON PUBLIC SCHOOLS AND ADULT
SEXUAL MISCONDUCT IN THE SCHOOL SETTING

MAY 2021

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INTRODUCTION

The Office of the Child Advocate (OCA) is an independent state oversight agency directed by law to investigate and report on the efficacy of child-serving systems, investigate unexplained and unexpected child fatalities or critical incidents involving a child, review and/or investigate where appropriate complaints of persons concerning the actions of any state or municipal agency providing services to children, and periodically review the facilities and procedures of any and all institutions or residences, public or private, where a juvenile has been placed by any agency or department.¹ While OCA is not an enforcement agency, OCA's statutory obligation is to address the efficacy of publicly-funded state and local agency's practices and protocols with regard to the protection and care of vulnerable children, which includes a review of the legal landscape that frames those practices and protocols. Based on its reviews/investigation, the OCA then makes recommendations for systemic improvement that promote a more effective, transparent, and accountable child-serving system.

In July, 2019, the OCA became aware of allegations of adult sexual misconduct ("ASM"), as defined by the U.S. Department of Education's 2017 technical assistance guide for states and local school districts², made against a Stonington High School teacher, hereinafter Mr. Doe,³ coupled with further allegations that the Stonington Public School District ("SPS") may have had knowledge of previous allegations of concerning behaviors by Mr. Doe with female students. It was also publicly reported that Mr. Doe had exited employment with SPS pursuant to a voluntary separation agreement. Concerns were publicly raised as to whether Mr. Doe had engaged in a pattern of inappropriate grooming behaviors with students, and whether such behaviors were addressed in a manner consistent with state and federal laws regarding the obligations of local school districts 1) to prevent and respond to sexual harassment/misconduct and 2) to report allegations of suspected child abuse or neglect to appropriate state agencies. OCA subsequently undertook a review of these publicly-raised concerns, and whether the school district had an adequate framework in place to prevent, identify, and respond to concerns of ASM towards students.

OCA appreciates the cooperation of SPS leadership and administrators' candid participation in a number of interviews with OCA staff. OCA notes at the outset of this Report that while our

¹ Conn. Gen. Stat. § 46a-13k *et. seq.*

² United States Department of Education, *Training Guide for Administrators and Educators on Addressing Adult Sexual Misconduct in the School Setting* (2017), found on the web at: <https://rems.ed.gov/docs/ASMTrainingGuide.pdf>.

³ For purposes of OCA's Report, the former SPS staff member, a male teacher, whose actions are highlighted in this report will be referred to as Mr. Doe. Mr. Doe has not been criminally charged with any offense or sanctioned by any regulatory/investigative agency, including the State Department of Education or the Department of Children and Families. The OCA's focus in its investigation was to examine the District's framework for preventing, investigating, and responding to adult sexual misconduct in the school community. As detailed in this Report, incidents of ASM are not confined to Stonington Public Schools. Rather, all too often ASM goes unchecked and unreported in communities across the country. It is the OCA's intention that all Connecticut districts read this Report as a call to examine their own policies, procedures and practices to ensure that tools are in place to properly identify and prevent ASM.

investigation did find deficiencies in the district’s historical framework for preventing and responding to ASM, and a pattern of allegations regarding Mr. Doe that were not adequately addressed, the District has taken a number of positive steps to address these concerns, including numerous changes to curriculum and training materials for staff and students, and has expressed its commitment to continued systemic improvements and professional development. OCA has included the District’s Action Steps and their formal response to this Report as an Addendum.

At the conclusion of this Report, OCA outlines recommendations regarding child abuse prevention for school districts, state agencies, and the legislature to consider. The OCA has conducted several investigations regarding adult sexual misconduct towards children in child-serving organizations, including schools, and has made findings on multiple occasions that certain school districts have not had policies and practices in place to identify, prevent and respond to child abuse and harassment that are consistent with state law or best practices. School districts will benefit from comprehensive and sustained technical assistance from state agencies and community experts to ensure adequate prevention and response frameworks are implemented, in conjunction with and complementary to district efforts establishing Positive School Climates and Social Emotional Learning curriculum. Given the prevalence of child sexual abuse and harassment, the need for further attention to these matters must be urgently considered.

ADULT SEXUAL MISCONDUCT

In 2014, the United States Government Accountability Office (GAO) issued a report examining state and federal efforts to prevent adult sexual misconduct towards children in schools. The GAO Report cited federal statistics 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.”⁴ The GAO cautioned that the true prevalence of sexual abuse/maltreatment by school personnel “remains unknown,” because many cases are unreported.⁵ The GAO Report found that many states 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. According to the GAO Report:

In addition to limited awareness of existing federal resources to address this issue, according to our survey, 29 states said additional guidance and technical assistance from the federal government could be useful to states or school districts to help address sexual abuse or misconduct by school personnel. Examples of such assistance included guidance on developing professional standards and codes of conduct,

⁴ 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).

⁵ 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.

examples of training models and materials, federal sponsorship or provision of training that addresses prevention and response, and opportunities for federal grants to states for outreach and prevention programs. State officials we spoke with frequently mentioned their need for additional guidance and technical assistance to help with policies to prevent and respond to sexual abuse by school personnel.

Following the GAO report, the United States Department of Education developed a technical assistance guide, published in 2017, 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.”⁶

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.⁷

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.⁸

Researchers have found that between 7 and 10 percent of students nationally in grades 8 to 11 have experienced “unwanted sexual attention at school” from an adult, “most commonly a teacher or coach.”⁹ Connecticut does not collect and publish state-specific data on these concerns. While Connecticut school districts participate in school climate surveys, and the U.S. Centers for Disease Control’s Youth Risk Behavior Survey, which survey includes a number of questions about bullying,

⁶ See Footnote No. 2.

⁷ Id. at 4.

⁸ Id.

⁹ *Know the Warning Signs of Educator Sexual Misconduct*, by Carol Shakeshaft, Professor of educational leadership at Virginia Commonwealth University, Richard, VA., Feb. 2013.

teen dating violence, alcohol and drug use, Connecticut does not specifically survey youth regarding child abuse or youth's experiences with Adult Sexual Misconduct in schools. OCA strongly recommends that the state take steps to begin surveying such experiences.¹⁰

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.¹¹ 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.¹² Grooming may go on for weeks or even years before illegal conduct takes place. Some states have taken proactive steps toward identifying and combating ASM. For example, 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 connect and empathize with a child, telling them they “know how it is to need a friend.”¹³ 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.¹⁴ 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.¹⁵

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 as a “serious public health concern.”¹⁶ 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.¹⁷

The US. Department of Education 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.”¹⁸

¹⁰ A bill is pending in the state legislature as of the date this report issued, which bill requires...

¹¹ USDE Guide *supra* n. 4 at 8.

¹² Id.

¹³ 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>.

¹⁴ Id.

¹⁵ Id.

¹⁶ Id. at 6.

¹⁷ Id. at 7.

¹⁸ U.S.D.E. Guide, *supra* n. 4 at 33 (emphasis in original).

OCA PREVIOUS INVESTIGATIONS RELATED TO ADULT SEXUAL MISCONDUCT

The OCA has previously conducted investigations into allegations of ASM in the school setting in multiple public-school districts in Connecticut and reported on how such behavior is prevented, responded to, and reported. In 2017, following public allegations of ASM by a school administrator towards a child, the OCA conducted an investigation into Hartford Public Schools' compliance with certain child protection laws, including mandated reporting and Title IX. That investigation culminated in a public report that identified several deficiencies in that District's compliance with such laws and led to an action plan and increased efforts by the District to strengthen its framework for ensuring child safety.¹⁹

In 2010, the Office of the Child Advocate and the Office of the Attorney General issued a joint investigative report after an extensive investigation into various school districts' compliance with state mandated reporting laws. The OCA/AG report contained the following key findings:

1. School districts did not regularly review and update their mandated reporting policies.
2. Training of mandated reporters was inadequate.
3. Mandated reporters sometimes failed to make reports concerning suspicion that school employees have neglected or abused a child.
4. The Department of Children and Families (DCF) did not have a system in place to efficiently document, track and address either the failure to make mandated reports or delays in mandated reporting.
5. School employees who engaged in misconduct were not effectively held accountable.

The OCA/AG Joint Report resulted in the subsequent passage of several new laws to strengthen mandated reporting requirements.

SUMMARY OF FINDINGS

The OCA investigation regarding SPS has resulted in the identification of deficiencies in the District's historical practices related to both mandated reporting of suspected child abuse and neglect, and sexual harassment prevention. Historically, and at the time of OCA's investigation, SPS did not have a thorough mandated reporting policy. Although the district had a policy for Title IX anti-discrimination/harassment, it lacked an adequate framework for disseminating the policies and training school staff, students, and parents regarding relevant protections and complaint mechanisms. There was limited attention to the specialized needs of highly vulnerable students, such as students

¹⁹ See Footnote No. 1.

with disabilities. Moreover, various elements of the policy were not followed in regards to Mr. Doe. While allegations in 2019 against Mr. Doe were properly reported to both DCF and to the District's Title IX Coordinator and appropriate steps followed, there were allegations of inappropriate and/or boundary-crossing behavior by Mr. Doe towards female students that were made prior to 2019 that were neither provided to the District's Title IX Coordinator nor reported to DCF between 2013 and 2017.

Despite historical federal guidance from the Office for Civil Rights that recommended schools should take affirmative steps to identify and respond to inappropriate conduct by school personnel, including developing codes of conduct that specifically address grooming behavior, multiple administrators reported to OCA that they did not know what grooming behaviors were, and that prior to 2019 and the public concerns raised regarding Mr. Doe and SPS, they had limited Title IX and abuse-prevention training. School district administrators stated that recent training provided by the District, while "eye opening," and described as important, still did not focus on issues of sexual misconduct by adults towards students, a topic that administrators acknowledged they needed more training on. Similarly, despite OCR's historical guidance emphasizing that districts prepare personnel and students to "ensure that everyone understands what types of conduct are prohibited" under federal law,²⁰ students had never received meaningful training regarding how to report concerns of adult sexual harassment or what constitutes Adult Sexual Misconduct. Additionally, there was no focus in policy, practice or training regarding the unique vulnerability of certain students, such as students with disabilities, English Language Learners, or LGBTQ youth to sexual or other types of abuse and neglect.

In accordance with current state law, school districts must implement a sexual abuse and assault awareness and prevention program that provides training to professionals and age-appropriate information to students, including "(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."²¹ That mandatory program, if implemented properly, can help both educators and students to identify, expose, and combat ASM. In 2016, the Connecticut State Department of Education (SDE), DCF, and Connecticut Alliance to End Sexual Violence developed and distributed guidelines to assist districts in implementing their sexual abuse and assault awareness and prevention programs.²²

During the course of the OCA's investigation, which was delayed due to the COVID-19 pandemic, the Stonington Board of Education contracted with Attorney Christine Chinni of Chinni & Meuser, LLC to conduct an independent investigation of the District's response to allegations that Mr. Doe

²⁰ U.S. Department of Education, Office for Civil Rights, Questions and Answers on Title IX and Sexual Violence1 <https://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>, at 5. The District notes correctly that this guidance was rescinded during the Trump Administration, however it was the applicable guidance for many years and is therefore referenced in this Report.

²¹ Conn. Gen. Stat. 17a-101q.

²² *Statewide K-12 Sexual Assault & Abuse Prevention & Awareness Program Guidelines* (2016).

had behaved inappropriately in his interactions with students. The Chinni investigation and subsequent report reviewed “allegations that members of the Administration of the Stonington Public Schools, and other school staff, were aware of and ignored numerous allegations of inappropriate conduct towards students by [Mr. Doe] a teacher at Stonington High School until he resigned in January of 2019, effective June 30, 2019.” Chinni reviewed records provided by SPS, and conducted interviews with former and current SPS staff, former and current SPS students and members and former members of the Stonington community. The Chinni Report summarizes these interviews and makes several findings that mostly are not contradicted by the OCA’s report. However, the OCA does not agree entirely with the Chinni Report finding that “while there has been a great deal of commentary alleging that the Administration Stonington High School, and even the central Administration of the Stonington Public Schools, knew of [Mr. Doe’s] misconduct and either took no action, or, worse, discouraged reporting of his misconduct or engaged in a cover up, the investigator found no evidence to support these allegations.” As detailed in OCA’s Report, while OCA found no evidence of a district “cover up,” the documents reviewed by OCA during its investigation, as well as information learned from staff interviews, interviews with former SHS students and a review of ASM guidance supports a finding that SPS did in fact know of allegations regarding inappropriate behavior by Mr. Doe in 2013, 2014, 2016 and 2017, and OCA believes that SPS could have taken additional actions in certain instances. OCA also finds that the lack of appropriate training and codes of conduct during much of this time period may have had *the effect*, however unintended, of discouraging or reducing reporting of Adult Sexual Misconduct towards students.

SDE’s 2016 guide regarding districts’ sexual abuse prevention programs was created prior to the issuance of the U.S. Department of Education’s technical assistance manual focused on the prevention of Adult Sexual Misconduct in schools. SDE’s guide does not specifically address Adult Sexual Misconduct within the schools themselves. OCA recommends that SDE, in consultation with DCF, educators, administrators, parents, technology experts, and most importantly, experts in the prevention of child sexual abuse, develop and provide additional technical guidance for school districts specifically on the topics addressed in this USDE report. The USDE’s Technical Assistance Guide, referenced throughout OCA’s report, should be incorporated into the work of state and local school districts going forward. Raising awareness about and preventing ASM in school communities should be a focus area for the SDE and there should be a strategic plan that lays out the steps to improve school district prevention and response frameworks, and incorporation of these topics into educator professional development and preparation programs. OCA is also recommending that the state legislature require districts to participate in the CDC’s Youth Risk Behavior Survey (currently voluntary), and that the survey be modified, as permitted, to include questions regarding ASM in schools.

This report will 1) outline the factual history and chronology of ASM allegations made against Mr. Doe in his role as a Stonington Public Schools’ employee and coach; 2) describe how the District responded to those allegations; 3) examine what policies, practices, and training were in place to support effective decision-making, detection of and response to sexual abuse and harassment within the District; and 4) delineate recommendations for school districts and state agencies to consider in their efforts to prevent sexual harassment and child abuse in schools. The school district’s response

to the findings and recommendations in this report are included as an Addendum and can be found at the conclusion of the OCA’s recommendations.

METHODOLOGY

As part of its investigation, the OCA engaged in the following activities:

- Review of SPS records concerning policy, procedures and practices for mandatory reporting of abuse/neglect;
- Review of Stonington Board of Education records relating to mandatory reporting policy and procedures;
- Review of personnel records for Mr. Doe;
- SPS internal and external investigation records;
- Review of DCF records, including, but not limited to, records regarding Mr. Doe;
- Review of the Chinni Report;
- Review of CT Freedom of Information Hearings concerning District Records of Doe;
- Review and analyses of relevant state and federal law applicable to mandated reporting and school district Title IX compliance;
- Review of literature, research/data, and federal guidance regarding mandated reporting and Title IX compliance in child-serving organizations.
- Review of literature, research/data and federal guidance regarding the identification and prevention of adult sexual misconduct in school settings;
- Interviews with former SHS students;
- Discussions with representatives from SDE; and
- Discussions with Stonington Public Schools officials.

RELEVANT CHILD PROTECTION LAWS

MANDATED REPORTING OF SUSPECTED CHILD ABUSE AND NEGLECT

“Reasonable Cause to Suspect” child abuse or neglect is the legal standard for mandated reporting.

Federal and state law require mandated reporters—certain categories of individuals whose employment or role in the community involves being around children and families—who have “reasonable cause to suspect or believe” that a child has been abused or neglected to take steps to protect that child from further abuse by reporting his/her concerns to DCF²³ or law enforcement.²³ Such reports must be made “as soon as practicable but not later than twelve hours after the mandated

²³ Conn. Gen. Stat § 17a-90 *et. seq.*

reporter has reasonable cause to suspect or believe that a child has been abused or neglected or placed in imminent risk of serious harm, by telephone or in person” to DCF or a law enforcement agency. Conn. Gen. Stat. § 17a-101b.

Mandated reporters are neither required nor expected to conduct his/her own investigation into suspected child abuse.²⁴ That long-standing principle has been codified in the child welfare statutes, “a mandated reporter’s suspicion or belief may be based on factors including, but not limited to, observations, allegations, facts or statements by a child, victim, as described in subdivision (2) of subsection (a) of this section, or third party. Such suspicion or belief does not require certainty or probable cause.”²⁵ Nor do the mandatory reporting laws contain any requirement that the abuser and/or victim be specifically identified at the time the report is made by the reporter.

The law is echoed in national best practice. “According to Darkness to Light, an organization with the mission of ending child sexual abuse, mandatory reporters do not need proof of ASM to make a good faith report If a child discloses abuse, the organization recommends listening attentively and asking ‘minimal fact,’ open-ended questions. The goal is for reporters to let children know they are believed and that the abuse is not their fault. Asking leading questions or pushing for information could re-traumatize the child and negatively impact an investigation. The role of the reporter is therefore not to investigate or evaluate the alleged abuse, but to report the behavior which raised concern, to those charged with conducting an investigation.”²⁶

DCF is Responsible for Investigating Schools’ Failure to Report

The failure of a mandated reporter “employed by a local or regional board of education” to promptly report such suspected abuse/neglect of a child triggers a mandatory investigation conducted by DCF in accordance with Conn. Gen. Stat. § 17a-101o. The failure to report by any mandated reporter can result in civil and criminal penalties.²⁷

²⁴ “Nothing in the [child welfare] Statutes requires a mandated reporter to undertake such further investigation. [Conn. Gen. Stat. § 17a-101g(a)] provides that the investigation will be made by the agency receiving the report, not by the reporting [individual].” *Morales v. Kagel*, 58 Conn. App. 776, 781–82 (2000)(concluding that the reporter “did not owe a duty to the plaintiff to investigate the accusations against him prior to making a good faith report [to DCF]”); see also *Greene v. Town of Bloomfield, Et Al.*, Superior Court, judicial district of Hartford, Docket No. CV 075010745 (March 22, 2011, *Sheldon, J.*)(whether report made to DCF was made in good faith is not dependent on whether reporter conducted investigation prior to reporting when there is no such requirement to investigate); *Parisi v. Jobnsky*, Superior Court, judicial district of New Haven, Docket No. CV 054009374 (February, 20, 2007, *Cosgrove, J.*) (acknowledging that there is no duty for mandated reporters to undertake investigations). As earlier cautioned by our Supreme Court and echoed more recently by Connecticut trial courts, imposing a duty to investigate upon mandated reporters “would necessarily run contrary to the state’s policy of encouraging the reporting and investigation of suspected child abuse, as expressed in § 17a-101.” *Zamstein v. Marvasti*, 240 Conn. 549, 561 (1997). Such a duty would “create the risk that reporters would simply conclude that no abuse had occurred out of fear of potential liability to suspected abusers.” *Greene v. Town of Bloomfield, Et Al.*, *supra*.

²⁵ Conn. Gen. Stat. § 17a-101a(d). Subsection 17a-101a(d) was added in 2015.

²⁶ The USDE Training Guide, *supra* n. 4, at 18.

²⁷ See Conn. Gen. Stat. § 17a-101a(b) and (c). Section 17a-101a provides, in relevant part, that: “(b)(1) Any person required to report under the provisions of this section who fails to make such report or fails to make

DCF is required to investigate a school employee's failure to comply with mandated reporting obligations, make a record of the delay, and maintain a database of such records. The law also requires that DCF policy identify when such failures to report require a referral to an appropriate law enforcement agency and additional education and training for the employee or institution.²⁸ In response to the OCA's 2017 Report on Hartford Public Schools, in which OCA identified a lack of compliance by DCF to properly record such failures, DCF has increased its efforts to track failures to report by school personnel.

DCF recently unveiled new policies and procedures for the investigation of alleged abuse and neglect in school settings through the formation of a new unit entitled, the Education Professional Investigation Unit (EPIU). The EPIU focuses exclusively on Careline reports concerning education professionals - in their professional capacity with students. The EPIU, per DCF will shorten the timeframe for investigations and create greater consistency in response to allegations. Investigators will receive specialized training in school-based investigations and will develop particular expertise and experience. DCF intends that the changes will offer not only "greater timeliness and consistency, but also the opportunity to make communication between the Department and the school administration, educators, and their representatives more direct, convenient, and transparent."²⁹ A review of the efficacy of this new Unit is beyond the scope of this report.

such report within the time period prescribed in sections 17a-101b to 17a-101d, inclusive, and section 17a-103 shall be guilty of a class A misdemeanor, except that such person shall be guilty of a class E felony if (A) such violation is a subsequent violation, (B) such violation was wilful or intentional or due to gross negligence, or (C) such person had actual knowledge that (i) a child was abused or neglected, as described in section 46b-120, or (ii) a person was a victim described in subdivision (2) of subsection (a) of this section. (2) Any person who intentionally and unreasonably interferes with or prevents the making of a report pursuant to this section, or attempts or conspires to do so, shall be guilty of a class D felony. The provisions of this subdivision shall not apply to any child under the age of eighteen years or any person who is being educated by the technical high school system or a local or regional board of education, other than as part of an adult education program. (3) Any person found guilty under the provisions of this subsection shall be required to participate in an educational and training program. The program may be provided by one or more private organizations approved by the commissioner, provided the entire cost of the program shall be paid from fees charged to the participants, the amount of which shall be subject to the approval of the commissioner. (c) The Commissioner of Children and Families, or the commissioner's designee, shall promptly notify the Chief State's Attorney when there is reason to believe that any such person has failed to make a report in accordance with this section." Subsections (b) and (c) were amended several times after 2007.

²⁸ Conn. Gen. Stat. § 17a-101o, enacted in 2011 following the joint investigative report by the OCA and Attorney General's Office. See footnote No. 3.

²⁹ Memo from DCF and SDE to CT Superintendents of Schools, Connecticut Education Association, and the American Federation of Teachers (Feb. 2020), found on the web at: <https://portal.ct.gov/-/media/SDE/Digest/2019-20/Education-Professional-Investigation-Unit-Memo-022720.pdf>.

**PREVENTION AND RESPONSE TO SEXUAL HARASSMENT,
SEXUAL VIOLENCE AND DISCRIMINATION UNDER FEDERAL
TITLE IX LAW AND STATE STATUTE**

On May 6, 2020, the U.S. Department of Education (USDOE) issued its final regulations to strengthen Title IX protections, which final regulations became effective August 14, 2020. 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.³⁰ 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.³¹ This Federal guidance stresses that “whether or not a student files a complaint of alleged sexual misconduct or otherwise asks the school to take action, where the school knows or reasonably should know of an incident of sexual misconduct, the school must take steps to understand what occurred and to respond appropriately.” One employee must be designated as the Title IX Coordinator who assumes the responsibility to ensure Title IX compliance. Former Commissioner DeVos publicly stated that “the era of rule by letter is over. The Department of Education will follow the proper legal procedures to craft a new Title IX regulation that better serves students and schools.”³²

During the period of time referenced in this Report, the Title IX regulations outlined three key procedural requirements. Each school must:

- (1) Disseminate a notice of nondiscrimination;
- (2) Designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX; and

³⁰ See U.S. Dep’t. of Edu., Office for Civil Rights, *Q & A on Campus Sexual Misconduct* (September 2017) <https://www2.ed.gov/about/offices/list/ocr/docs/qa-title-ix-201709.pdf>.

³¹ 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>).

³² Although the U.S. Dep’t of Educ. rescinded its Dear Colleague Letter on Sexual Violence dated April 4, 2011 and the Questions and Answers on Title IX Sexual Violence dated April 29, 2014, it will also continue to rely on its Revised Sexual Harassment Guidance issued in 2001 and Dear Colleague Letter on Sexual Harassment issued on January 25, 2006. <https://www.ed.gov/news/press-releases/departments-education-issues-new-interim-guidance-campus-sexual-misconduct>.

- (3) Adopt and publish grievance procedures providing for the prompt and equitable resolution of student and employee sex discrimination complaints.³³

A school has a responsibility to respond promptly and effectively to concerns of sexual discrimination/harassment or abuse.

Once a school knows or reasonably should know of possible sexual violence or harassment, it must take immediate and appropriate action to investigate or otherwise determine what occurred. If sexual violence has occurred, a school must take prompt and effective steps to end the sexual violence, prevent its recurrence, and address its effects. A school has these responsibilities *even if a student or his or her parent does not want to file a complaint* or does not request that the school take any action on the student's behalf, if a school knows or reasonably should know about possible sexual harassment or sexual violence.³⁴ A school must take steps to protect the complainant as necessary, including interim steps taken prior to the final outcome of the investigation.

Every school must have and distribute a policy against sex discrimination, stating that it does not discriminate on the basis of sex in its education programs and activities.

The school's anti-discrimination policies must be widely distributed and available on an on-going basis. The policy must state that inquiries concerning Title IX may be referred to the school's Title IX coordinator or to the U.S. Department of Education Office for Civil Rights (OCR). Federal guidance has provided that schools should take affirmative steps to prohibit inappropriate conduct by school personnel and have "procedures for identifying and responding to such conduct,"³⁵ including codes of conduct that specifically address "what is commonly known as grooming—a desensitization strategy common in adult educator sexual misconduct."³⁶ OCR guidance emphasizes prevention, clear protocols for response and intervention, and *preparing* personnel and students to "ensure that everyone understands what types of conduct are prohibited and knows *how to respond when problems arise*."³⁷

Every school must have a Title IX coordinator and a Grievance procedure.

Schools must notify all students and employees of the name or title and contact information of the Title IX coordinator.³⁸ Every school must have and make known a grievance procedure for students to file complaints of sex discrimination, including complaints of sexual violence. Schools can use general disciplinary procedures to address complaints of sex discrimination, but all procedures must provide for prompt and equitable resolution of sex discrimination complaints. This includes the right to adequate, reliable, and impartial investigation of complaints.

³³ 34 CFR § 106.8.

³⁴ A criminal investigation into allegations of sexual harassment or sexual violence does not relieve the school of its duty under Title IX to resolve complaints promptly and equitably.

³⁵ U.S. Dep't. of Ed., Office for Civil Rights, Questions and Answers on Title IX and Sexual Violence <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>, at 4 (now rescinded).

³⁶ Id.

³⁷ Id. at 5.

³⁸ The role of the Title IX coordinator is to oversee the school's response to Title IX reports and address any patterns or systemic problems revealed by such reports and complaints.

For conduct to be considered a violation of Title IX, it must occur in the context of providing aid, benefit or services.

Whether an individual is providing an aid, benefit or services to the alleged victim is determined on a case-by-case basis. In the elementary and secondary school setting, the OCR will consider school employees as meeting that requirement due to the unique position that educators and school staff have over students.³⁹ Federal guidance has provided that:

Elementary and secondary schools, however, are typically run in a way that gives teachers, school officials, and other school employees a substantial degree of supervision, control, and disciplinary authority over the conduct of students. Therefore, in cases involving allegations of harassment of elementary and secondary school-age students by a teacher or school administrator during any school activity, consideration of these factors will generally lead to a conclusion that the harassment occurred in the context of the employee's provision of aid, benefits, or services. For example, a teacher sexually harasses an eighth- grade student in a school hallway. Even if the student is not in any of the teacher's classes and even if the teacher is not designated as a hall monitor, given the age and educational level of the student and the status and degree of influence of teachers in elementary and secondary schools, it would be reasonable for the student to believe that the teacher had at least informal disciplinary authority over students in the hallways. Thus, OCR would consider this an example of conduct that is occurring in the context of the employee's responsibilities to provide aid, benefits, or services.

State law requires that districts implement a sexual abuse and assault awareness and prevention program.

In accordance with current state law, school district's sexual abuse and assault awareness and prevention program must include:

- (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

³⁹ U.S. Dep't. of Ed., Office for Civil Rights, Revised Sexual Harassment Guidance: Harassment Of Students By School Employees, Other Students, Or Third Parties: Title IX, <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.html> (rescinded).

(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.⁴⁰

As referenced above, in 2016 SDE published guidelines to assist districts in implementing their sexual abuse and assault awareness and prevention programs.⁴¹ Those Guidelines were a result of partnerships with representatives from the Connecticut Department of Public Health, 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 along with a joint memorandum issued by SDE, DCF and the Alliance to all school districts.

The Guidelines addressed the following topic areas:

- **Overview of Sexual Violence:** articulates the rationale for engaging students, parents and schools in the prevention and awareness of sexual abuse and assault, including national and state statistics, definitions, common misconceptions and a brief discussion on primary prevention strategies.
- **Implementation & Teaching Considerations:** provides recommendations for implementing sexual assault and abuse awareness and prevention programs as required by Connecticut General Statutes Sec. 17a-101q.
- **Sexual Assault & Abuse Awareness & Prevention Curriculum Framework:** provides a framework to assist school districts in identifying or writing developmentally- and age-appropriate curricula and other educational materials designed for students in grades kindergarten to 12. (includes: core concepts in sexual mistreatment, grooming, harassment, abuse, assault, and exploitation in all grades beginning in Grade 1).
- **Policy Guidance:** provides policy recommendations for receiving sexual abuse and assault disclosures and reporting procedures.
- **Recommended Resources:** contains national and state resources that may be used for professional development, curriculum and policy development, and programs and services.

⁴⁰ Conn Gen. Stat. § 17a-101q.

⁴¹ *Statewide K-12 Sexual Assault & Abuse Prevention & Awareness Program Guidelines* (2016).

The Guidelines address grooming, sexual harassment and boundaries and encourage Districts to align their sexual assault and abuse prevention policies with existing Title IX policies and procedures.

RELEVANT CASE FACTS

Mr. Doe began his teaching career at Stonington High School in 2003 as a Technology Education instructor. He also received additional assignments in the District throughout his career at Stonington, which provided him with various stipends, including: Boys Basketball Assistant Coach; Assistant Girls Soccer Coach; Comcast Coordinator; SHS Video Tech Club Advisor and Assistant Golf Coach. While he maintained many of those assignments, he resigned as Assistant Girls Soccer Coach on April 29, 2013.⁴²

Between 2013 and 2019, allegations of inappropriate interactions with students were made against Mr. Doe by various parties.

February, 2013

During OCA's 2019 interviews with SPS, administration disclosed that sometime in 2013, Doe was counselled after allegations were made that, as a District soccer coach, he "**patted girls on the butt**" and made them feel "**uncomfortable.**" These allegations were contained in correspondence received by the District from a student's parent and were based on conversations the parent had with their child and other students during a car ride. Also alleged was that Doe had "**picked up a girl and held her like a baby,**"⁴³ and wore his jacket "**unzipped without a shirt underneath.**"

Guidance from the U.S. Department of Education Office for Civil Rights acknowledges that complaints or allegations of sexual harassment may be made by anonymous letter, phone call, or even the media. OCR guidance provides that such allegations should still be investigated if it is "reasonable" to do so. According to OCR, "Considerations relevant to this determination may include, but are not limited to, the:

- source and nature of the information;
- seriousness of the alleged incident;
- specificity of the information;
- objectivity and credibility of the source that made the report;
- ability to identify the alleged victims; and

⁴² In 2009, Doe received praise from the then Superintendent for driving over to a student's home on New Year's Eve during a snowstorm to help the student finish a project. However, such an action could, depending on circumstances, be deemed inappropriate for an educator. "It is not uncommon for the behaviors to be done publicly so that the perpetrator can gauge reactions; share information (true or false) to manipulate how the behavior is interpreted by adults . . . For example, a teacher may lead their colleagues to believe the parent has provided consent for them to drive a student home because the parent needs help. In response, the perpetrator received accolades and gratitude from their colleagues, and has begun the process of grooming peers as well." The U.S.D.E. Training Guide.

⁴³ 2013 Email between District administrators outlining the parent's overheard concerns.

- cooperation from the alleged victims in pursuing the matter.⁴⁴

An email sent from the school administrator, Mark Friese, to Superintendent Riley, conveyed that “no specific girls were mentioned,” by the parent, but that “[B]ecause of the potential seriousness, [Athletic Director] Marrone and I talked to [Mr. Doe]. He categorically denied the touching on the bottoms. He stated that he would pat them on the back but not on the bottom. He said he never picked up a student and carried her like a baby. [He] agreed that he sometimes had his shirt unzipped when it was hot.”

Administrators told OCA that because the parent’s allegations were not specific to a particular child, it was a “he said/she said” scenario. Mr. Doe was confronted with the concerns. He was told to “zip up his shirt,” and to “be careful” with the girls. Mr. Friese’s 2013 email describing the allegations to the Superintendent included information that Mr. Doe was counseled by the administration that his conduct with the girls could “easily be misconstrued,” and that he should never pick a player up, and that he must adhere to appropriate coaching dress.

The conduct occurred toward the end of the season, and Doe subsequently resigned from his coaching position in 2013. Administrators did not involve the district’s Title IX Coordinator. There are no District records or statements indicating that efforts were made to interview the students who alerted the parent to the allegations, nor is there any documentation that Mr. Doe received any additional classroom or field supervision. During the interviews with OCA, District administrators acknowledged that there was no specific code of conduct for coaches or a code specific to physical contact with students, and that the District had not provided training to coaches regarding boundary-setting and appropriate adult-student interaction.

2013

Also in early 2013, the District received a concern from a District parent who alleged that a female student disclosed to him that Mr. Doe had touched her bare stomach. In a subsequent email exchange with the reporting parent, Superintendent Riley requested and received the name of the female student in question. There is no record of any further follow up by the District.

2014

In October of 2014, SPS received an anonymous phone call that Doe was “having sex with a student.” An internal SPS record notes that an investigation was conducted by Stonington Police Department and the allegations were not substantiated. School administrators spoke to Doe about the allegations, which he denied.

2016

In March, 2016, allegations were made that Doe touched a female student’s thigh. The allegations were made by a parent who stated she had overheard her daughter and some friends talking about the teacher touching another girl on the thigh. District notes indicate that contact was made with the

⁴⁴ U.S. Department of Education, Office for Civil rights, *Sexual Harassment: It’s Not Academic*,” (Sept. 2008) at 9, available on the web at: <https://www2.ed.gov/about/offices/list/ocr/docs/ocrshpam.pdf>.

alleged victim's mother who questioned her daughter about the allegations and reported that her daughter denied the claims. The District's Title IX coordinator was not notified.

2017

In April, 2017, new allegations were made against Mr. Doe regarding inappropriate conduct with students. Various sources offer somewhat different versions of what was reported to District administrators at that time, including how many students complained of Mr. Doe's conduct, the nature of the conduct, whether Mr. Doe's complained of conduct continued post student-complaint, and whether concerned students received follow-up from building/District administrators. No students were asked to write a complaint and no complaints were found in Mr. Doe's personnel folder.

1. OCA interviewed a former student at Stonington High School who interacted with Mr. Doe when he was her teacher and her golf coach.⁴⁵ She told OCA that she was subjected to repeated sexual harassment by Mr. Doe in the classroom and during golf lessons. She stated that students "warned" her about Mr. Doe even before she started at SHS. She stated that Mr. Doe asked girls in class about their boyfriends and "what they did together." She said that Mr. Doe would "rest his knees on [girls'] thighs" when talking to them in class, but did not do this to boys. She reported to OCA that he would put his hands on her and other girls' shoulders and massage their back and shoulders. She stated that on one occasion, Mr. Doe "grabbed the upper part of [her] thigh," firmly while she was on her cell phone, and that she jumped and told him not to touch her. She stated that during a golfing lesson, Mr. Doe came up behind her and wrapped his arms around her and "thrust his body into hers," and that she backed away and again told him not to touch her. She stated that during another incident, Mr. Doe took a golf club and pushed it between her legs. In an effort to gain the trust of the students, he told her and other students that he wanted to drive them in his car (rather than the bus) and that it would be a better time but that "some people have ruined that for good teachers" like him.

The former student told OCA that she was anxious during her years at school due to her encounters with Mr. Doe. She said that she and her friends initially shared their stories about Mr. Doe's behavior with a teacher at the school who listened to them and told them they should report Mr. Doe to administrators.⁴⁶ The former student told OCA that in 2017 she and her friends reported their concerns to the building principal. She stated that the administrators interviewed each girl individually. She told OCA that she felt she was not taken seriously, and she stated that the principal did not write anything down. (OCA notes that no records regarding these interviews were found in the school's building file or Mr. Doe's personnel file). She stated that the principal told her they would "talk to Doe." She stated that no one checked in with her following the report. She was not asked to write anything down. She stated that

⁴⁵ This interview took place during the final stages of OCA's report development, Spring 2021.

⁴⁶ OCA notes that state law requires that teachers report suspected abuse or neglect directly to DCF or law enforcement and does not require or permit administrators to serve as intermediaries for this notification obligation.

Doe was quiet for a week or so after she and the other girls reported but then “it all started up again.”

2. The only contemporaneously-created District document produced for OCA regarding the 2017 allegations is a Statement of Concern to Mr. Doe from the Principal, dated April, 2017, which statement provides that that “*four* different students in multiple classes shared their concern with the administration that [Mr. Doe’s] actions have made them uncomfortable,” and that Mr. Doe would need to develop a “Personal Action Plan” to address these concerns. The 2017 Statement outlined specific allegations that Mr. Doe touched girls on the shoulders or arms, “poked them” on the side, reached under their seats to adjust girls’ chairs while the girls were still seated and “inquired about [girls’] relationships with their boyfriend.”
3. Internal District notes created in 2019 after additional allegations of inappropriate conduct were made against Mr. Doe state that in 2017 only 1 student complained to administration regarding Mr. Doe’s conduct, that the concern was addressed, that the student was followed up with by administration, and that the teacher was observed in the classroom. There are no notes that reconcile the incongruity between the 2019 references and the 2017 Letter of Concern which cited four different student complaints.

Mr. Doe’s personnel file contained no mention of any student-reported concerns in 2017. There were no copies of written complaints from students. There was no documentation in 2017 regarding continued follow up with Mr. Doe, or any complaining student or parent. The District’s Title IX coordinator was not notified. Given the dearth of documentation regarding follow-up with the teacher or the students, and given the statement from one of the students to OCA, and the 2017 Letter of Concern to Mr. Doe from the Principal referencing multiple concerned students, OCA concludes that it is likely that multiple students made complaints to school administrators of unwelcome touching and personal questions by Mr. Doe, and that investigation and follow-up regarding these concerns was inadequate and inadequately documented.

Administrators told OCA that they did not inform the District's Title IX Coordinator of the concerns about Mr. Doe's conduct in 2017 because they did not consider the alleged conduct as being sexual in nature. However, the information was shared with then-Assistant Superintendent Nikki Gullikson.⁴⁷ No report to DCF was made. Though Mr. Doe was again a district coach, the District's Athletic Director was also not informed of any concerns.

Due to the history of allegations made against Mr. Doe in 2013, 2014 and 2016, the allegations made in 2017 led the District to issue him the "Statement of Initial Concerns" referenced above. The District's Letter of Concern referenced allegations made by "four different students in multiple classes" that Mr. Doe's "actions made them uncomfortable." The letter stated that Mr. Doe' actions "**indicate a possible *pattern* where passive observers and the student themselves may misconstrue your actions and mannerisms to be unprofessional and thereby negatively impact the learning environment and your reputation as an educator in this school.**" (Emphasis added.)

Mr. Doe was instructed to "**develop a *personal action plan* that outlines strategies and practices that will prevent your students from developing uncomfortable feelings in your classroom. This letter and your plan will be retained in your building file for two years and will be reviewed quarterly with the building administration.**"

Mr. Doe's "Personal Action Plan" was, however, not reduced to writing. OCA was told that a plan was "verbally submitted" to the Principal.⁴⁸ That verbal plan included that Doe would "keep his hands in his pockets when he leaned over to look at the computer" and "would not have any meetings with students alone." The Stonington Board of Education was not notified of the allegations, the actions taken by the District or the disciplinary letter placed in Mr. Doe's Building File. The District reported to OCA, through counsel, that the Board could not be made aware of these allegations because of its

The range of behaviors that may be considered Adult Sexual Misconduct (from inappropriate to illegal) underlines the importance of clear policies and procedures that document the responsibilities of specific staff members for preventing ASM or the appearance of ASM. In many cases, behaviors that are considered ASM are subject to interpretation; therefore, these 'gray areas' should be clearly spelled out in school and school district policies. Examples of gray areas that might be addressed by schools and school districts include the following:

- Settings for and frequency of after-school interactions with students
- Boundaries to use when traveling out of town for sports or other competitions
- Contact, touching, and hugging
- Appropriate social media interactions
- Personal cards, notes, and emails

School personnel will want to help protect children, and will want to take steps to protect themselves while interacting with students before, during and after school.

USDE Training Guide (2017)

⁴⁷ The Superintendent was out of district at the time on medical leave. Assistant Superintendent Gullikson left the employ of the district in the summer of 2017.

⁴⁸ This was summarized in a January 9, 2019 e-mail from Principal Friese to Superintendent Van Riley, and there is no other mention of the "Personal Action Plan" in any other documents submitted by the District. It also states in that same e-mail that: "[i]nformal walkthroughs through his class since that time did not indicate any concerns." There is also no earlier mention of any "informal walkthroughs" through Mr. Doe's classes.

ultimate role in any potential employee termination hearing and its' obligation to be a neutral fact-finder.

2019

Allegations of inappropriate conduct by Mr. Doe resurfaced in 2019, and included that he was targeting one female student (Student A) and touching her inappropriately. Students described Mr. Doe to administrator/s as “creepy” and “flirtatious.” The following comes from District records sent to the OCA:

STUDENT A: “He has been very physical with me, and only me, during class. On at last (sic) four occasions, he would back into me with his butt as he opens the door to the class... He presses his knee on my thigh while I am sitting... he’ll be standing up and will kneel into me, applying his body weight onto my leg...He always tells me to turn my hand over and slaps me on the back of the hand. Not hard... He ranted to the class about how he once got in trouble for touching girls and that if anyone had a problem with him they should go to him first, not the principal or administration. ... He discussed with me that he thinks school systems are too protective, and that he hates the fact that he isn’t legally supposed to touch anyone, especially girls.” The student described feeling uncomfortable and isolated because of the teacher’s behavior. She said that “this year, our dynamic is different than previous. It’s much more uncomfortable, and I guess, just weird.”

STUDENT B: “Well, he’s kind of flirtatious. I was really snotty to him when he tried being too friendly with me early on so he mostly flirts with [student A]. I’ve seen him rub her back; touching her hands. He spends a lot of time with [her]. She struggles with the class so she asked a lot of questions and I think he got the wrong impression.”

STUDENT C: “He flirts and touches the girls. (What do you mean?) Well, I saw him shake [female student’s] hand. He spends a lot of time with [her]. He acts creepy. (What’s that mean?) It’s hard to describe. Flirting I guess. (Would you be concerned if your daughter was in the class?) Yes.

Following the 2019 allegations, the District took several actions, including: (i) making a Care Line report with DCF about suspected abuse/neglect of a student;⁴⁹ (ii) notifying the Title IX Coordinator of the allegations; (iii) removing Mr. Doe from the classroom setting and placed him on paid administrative leave and (iv) conducting a meaningful internal investigation into the allegations.

In a letter to the Superintendent dated January 11, 2019, the Title IX Coordinator— notified about a pattern of allegations regarding concerning behavior by this teacher-- made a preliminary finding that

⁴⁹ DCF determined that, based on the information reported to DCF at the time of the report, that the allegations did not meet the statutory threshold for investigation, i.e. suspected child abuse or neglect by an entrusted caregiver.

Mr. Doe “engaged in conduct that would support a finding that a teacher to student sexual harassment in the classroom environment occurred.” That finding was based, in part, on recorded interviews with multiple students who all shared the same “observations/statements:”

- A high level of attention being paid to this particular female student (victim) as compared to others in the class;
- Mr. Doe touched the victim’s hair and said, “you have really nice hair” and also held her hand and said “you have really soft hands.”
- Described the behaviors of added attention and touching between teacher and victim, using terms such as “creepy,” “flirtatious” and “inappropriate.”
- Teacher shared with the class that he had been warned about perceived inappropriate interactions with female students previously, and that if students had an issue with him, they should speak to him directly, *and not report the concerns to the building administration.*

The Title IX Coordinator recommended “that the school district take prompt and effective steps to end the harassment, eliminate any hostile environment, and prevent the harassment from recurring.” Mr. Doe subsequently submitted his letter of resignation on January 22, 2019, which resignation was to be effective June 30, 2019 and signed a settlement agreement with the District waiving his right to contest the actions taken against him by the District.

The District explained to OCA that it has not had a Human Resource (HR) department and the Superintendent stated that they have handled many HR issues informally over the years.⁵⁰ During interviews with OCA, District leadership noted that there is no formal HR training for building leaders, and that although they were trained on the District’s anti-harassment policies, including sexual harassment, there had been no comprehensive Title IX training prior to 2019.

During interviews with OCA, administrators acknowledged that they were unfamiliar with the concept of grooming behaviors. **One administrator stated that she could not define and/or explain what the term “grooming” meant.** She stated that she had heard the word referenced at a recent 2019 training offered by the State Department of Education on Title IX compliance, taken for the first time by all District building administrators following the public reporting regarding Doe.⁵¹ The District’s Title IX Coordinator told OCA that most of the training about sexual harassment, while useful, addressed student-to-student behavior and did not speak to adult-student misconduct. The school principal also told OCA that he had thought of sexual harassment as more “student on student.”

⁵⁰ In 2009, Superintendents were added to the statutory list of mandated reporters.

⁵¹ Upon review of a draft of this report, counsel for Stonington Public Schools stated that “Title IX training is not required by law to be given to all school administrators (Stonington gave this training to all administrators as a proactive measure to improve understanding). However, there is often little focus on grooming in such trainings because it is not a required topic to cover in such trainings.”

2020 Reports in the New London Day Lead to Board Contract with Title IX Investigator

In February, 2020, following public reporting by the New London Day, a local newspaper, regarding allegations of inappropriate behavior by Doe towards female students prior to 2019, the Stonington School Board contracted with Attorney Christine Chinni to conduct an independent investigation into the existence of a pattern of concerns involving Mr. Doe and whether the District had handled these concerns appropriately. Attorney Chinni's name and contact information was published by the School Board and the local newspaper, and Attorney Chinni interviewed twelve students who had matriculated at Stonington High School during various years. Several female students/former students reported to Chinni that they too had felt uncomfortable in Doe's class, that he gave girls massages, talked about personal matters with them such as his relationship with his wife, and asked them inappropriate questions. One student stated that girls would "sink down in their seats" to avoid Doe, and that the teacher would say "What's the big deal?" or "Everyone is so sensitive" or tell them to "Relax."⁵² Another former student who remembered Mr. Doe touching her bare thigh when she wore a skirt to class, stated that Doe "encouraged students to confide in him, and made her feel 'listened to,' when she did so."⁵³ Another former student stated that Mr. Doe would comment on her appearance, touch her hair and back and legs, massage her shoulders, and told her she was very "mature" looking for a freshman. Multiple students told Attorney Chinni that they had some training each year about sexual harassment and board policies but did not know they could make a report about Mr. Doe's conduct, they did not know who to report to, and they did not feel comfortable making a complaint.

The building principal told Attorney Chinni that while he later learned during the public media reporting regarding the District's handling of the Doe allegations that other students were "uncomfortable" in Mr. Doe's presence, he regretted that the students, "for whatever reason, did not come forward at the time."⁵⁴ The school psychologist also stated that though many students came forward publicly once the allegations against Mr. Doe were reported in the media, this delay made her skeptical of the students' claims. The school psychologist stated that if the "students had experienced the inappropriate behavior that they claimed they would have come to her."⁵⁵ Similarly, the Stonington Police Department Youth Services Officer told the Board's Title IX investigator that "given his frequent and visible presence [at the school] and his visibility and good relationships with students that he believed that both students and the Administration would have come to him [with concerns about Doe]."⁵⁶

OCA reviewed the Chinni report in depth as part of the development of this report. OCA also interviewed three students/former students who were directly impacted by the actions of Mr. Doe, and the students made similar claims and statements to OCA as those interviewed by Attorney Chinni. To summarize, students told OCA they felt anxiety stemming from their interactions with Mr. Doe

⁵² Chinni Report, pg. 30.

⁵³ Id. at 33.

⁵⁴ Id. at 15.

⁵⁵ Id. at 23.

⁵⁶ Id. at 26.

and the continued sexual harassment that occurred in his classroom and/or while participating in golf lessons. Students described Mr. Doe as “creepy” and “inappropriate” and one student even described him as a “predator.” None of the students the OCA interviewed knew that there was or had been a Title IX Coordinator with the District or an investigative process required for all Title IX allegations of sexual harassment. Students felt that the school administrators were aware of Mr. Doe’s conduct and by doing nothing to stop his behavior that administrators condoned that behavior. Due to the lack of administrative action, the students created their own safety plan to prevent female students from being alone with Mr. Doe.

The State Department of Education is currently reviewing Mr. Doe’s teaching certification in accordance with Regulations of Conn. State Agencies §§ 10-145d-612(a)(3) and (5) due to Doe’s alleged “grooming” behavior, to determine whether he is professionally fit “to perform the duties for which certification was granted.” Such a request could have come from the “board of education, by a superintendent of schools, or by any person with a legitimate interest, hereinafter called ‘the requesting party.’” Regulations of Conn. State Agencies § 10-145d-612(b).

Notably, state law would not require SPS to disclose information about its internal investigation and findings regarding Mr. Doe to a prospective public education employer. In accordance with Connecticut General Statute section 10-222c, a new Connecticut employer must contact a teacher's old employer and inquire about whether he or she left while there was an “investigation pending” or after a “substantiation of abuse.” At the time Mr. Doe signed the voluntary separation agreement from SPS there was neither an internal nor outside investigation pending. Any disclosure to a subsequent employer might therefore be in violation of privacy laws or contract law due to the settlement agreement reached by the parties.⁵⁷

⁵⁷ C.G.S. Sec. 10-220c provides, in relevant part: “(2) Conducting a review of the employment history of the applicant by contacting those employers listed by the applicant under subdivision (1) of this subsection. Such review shall be conducted using a form developed by the Department of Education in accordance with section 3 of public act 16-67* that shall request (A) the dates of employment of the applicant, and (B) a statement as to whether the employer has knowledge that the applicant (i) was the subject of an allegation of abuse or neglect or sexual misconduct **for which there is an investigation pending** with any employer, state agency or municipal police department **or which has been substantiated**; (ii) was disciplined or asked to resign from employment or resigned from or otherwise separated from any employment **while an allegation of abuse or neglect or sexual misconduct was pending or under investigation**, or due to a **substantiation of abuse or neglect or sexual misconduct**; or (iii) has ever had a professional or occupational license, certificate, authorization or permit suspended or revoked or has ever surrendered such a license, certificate, authorization or permit while an allegation of abuse or neglect or sexual misconduct was pending or under investigation, or due to a substantiation of abuse or neglect or sexual misconduct. Such review may be conducted telephonically or through written communication. Notwithstanding the provisions of subsection (g) of section 31-51i, not later than five business days after any such current or former employer of the applicant receives a request for such information, such employer shall respond with such information. A local or regional board of education, council, operator or supervisory agent may request more information concerning any response made by a current or former employer, and, notwithstanding the provisions of said subsection (g), such employer shall respond not later than five business days after receiving such request.”

2019 – ADDITIONAL ALLEGATIONS OF INAPPROPRIATE BEHAVIOR BY AN SPS EMPLOYEE

During the pendency of OCA’s review of Stonington’s Title IX and Mandated Reporting framework, another set of allegations emerged about a District coach’s inappropriate communications with two (2) minor girls.

According to DCF records, the Stonington High School Vice-Principal gathered information on December 24, 2019 about inappropriate, sexually harassing behavior by a district-employed coach. The Vice Principal initially questioned whether to call DCF as he was not certain that they would accept the claim for investigation. He then consulted with an out-posted DCF staff member and was advised to report the information, which he did on December 30, 2019. The DCF Careline determined that the allegations did not rise to the level of suspected child abuse or neglect and declined to investigate.

According to DCF documents, a district coach had been sending inappropriate social media postings to a female student.

[He] sent a message to the student saying, you look great in your dress today, followed by the fire emoji. He referenced that she looked great twice in the post thread. She responded thanks. He then asked if she would add him to her snapchat account and she replied no offense, I probably shouldn’t. He replied, it’s only snapchat then asked her why. He then responded “damn I don’t see why not.” He referenced how good she looked in the dress again, asking her if anyone tried to dance with her at the school dance, she responded no and he stated “they crazy, they probably missed out. I wish I had chaperoned the dance.” She told him the dance was boring. He then says I don’t know, maybe I would have (unclear statement).

Administrators reported to DCF that the coach was not very forthcoming and was subsequently fired from his school coaching position.⁵⁸

SPS administrators told DCF that the coach was approximately 21 years old and a recent graduate of the district and “may or may not be clear of the ethical role of a coach,” and the need to change the way he interacted with community members, once he took on the role of coach, raising concerns for OCA about the lack of training and preparation of certain District employees. The U.S. Department of Education Technical Assistance Guide for states provides that local school districts should have specific policies and codes of conduct regarding Adult Sexual Misconduct, and that the policies should include direct attention to use of social media among staff and between staff and students. The

⁵⁸ A review of state certification records indicates that the coach had a temporary coaching certificate, valid for one year.

U.S.D.E. Guide provides that younger teachers may need reinforcement and mentoring regarding these policies and the rationale underlying them.

The coach was suspended from coaching duties upon receipt of the complaint in December, 2019, and then terminated as a coach on December 29, 2019. The matter was investigated internally and reported to the Title IX coordinator.

Subsequent to that December, 2019, incident, another student came forward on January 2, 2020, and said that the same individual was also contacting her through social media, commenting on her postings and following her on Snap Chat. The student, who was 15 years old, said she eventually blocked the now former-coach on her social media sites. This incident was timely reported to DCF. DCF again declined to investigate the matter further, finding that the allegations did not rise to the level of suspected child abuse or neglect by an entrusted caregiver.

OCA DISCUSSION WITH THE DEPARTMENT OF CHILDREN AND FAMILIES

While OCA's investigation was focused on the school district's framework for the prevention, detection of, and response to Adult Sexual Misconduct in the school community, OCA sought to clarify for the public/readers of this report the role and obligations of the Department of Children and Families with regard to training professionals on mandated reporting, and screening and investigating reports made to DCF regarding suspected child maltreatment. Evaluation of the efficacy of DCF's screening process is beyond the scope of this current review.

OCA met with administrators from DCF on two occasions to discuss the issues contained in this report, and to generally discuss the implications of the Stonington Public Schools' 2019 Careline reports that DCF screened-out for further investigation. DCF and OCA discussed that while DCF conducts numerous investigations each year into allegations of abuse or neglect of children in schools, that there are still many calls to the DCF Careline alleging inappropriate, concerning behavior that, while they implicate the administrative responsibilities of school districts, do not meet the statutory definition of suspected child abuse or neglect by an entrusted caregiver.

DCF provides notifications to school superintendents regarding reports to the Careline, and notes that even if behavior does not meet the threshold for investigation by DCF, it may well implicate the human resource policies and protocols of the school district and its Title IX framework. DCF also stated that often reporters to the Careline are unfamiliar with the concept or even the terminology of "grooming behavior" as discussed in this Report and as contained in federal guidance, but callers are uncomfortable with what they have heard and seen and are taking steps they think are necessary to report the behavior to authorities.

DCF emphasized to OCA that its decision to screen out a report to the Careline does not mean that a school district should not have reported it. The call may provide information to the Careline that is

relevant to another case involving the alleged victim or alleged perpetrator; the call may be only the latest in a series of calls that the agency has received about an adult's treatment of children and therefore the agency may ultimately decide to screen in the new report for further investigation given the pattern of concern.

If the call is screened out for child welfare investigation, DCF cautioned that this does not mean that "nothing happened," or that further administrative follow-up by the school district should not occur. DCF stated that school districts should be encouraged to work closely with their regional DCF teams and local law enforcement to discuss practices and protocols regarding mandated reporting and abuse prevention and response.

DCF has this advice for school districts:

If you believe a child is being abused or neglected or is in danger of being abused or neglected, make that report. Don't worry about the statutory definitions, DCF will make the screening determination. If a screening decision is made that does not lead to a child welfare investigation, this does not mean that a District should not take further administrative steps to address concerning behavior. And the information provided to DCF may be relied upon by the agency if a subsequent report of concerning conduct is made.

With regard to whether callers' concerns are appropriately screened by its staff, DCF explained that it has been strengthening its quality assurance framework for the agency's Careline, the division that screens calls on a daily basis from concerned community members and other mandated reporters. Each day, the quality assurance team reviews fresh reports that may have been screened out to determine whether these decisions were correctly made according to agency protocols. The agency is striving for greater standardization with regard to screening in and investigating school reports. DCF's quality assurance work is underway, but not complete.

DCF also has an on-line training available for educators and will come to a school district to provide training as requested and within available resources. DCF is examining its training for various cohorts of professionals and is considering development of a specific training curriculum for educators and other functional assignments. DCF recognizes the need for actionable and relatable training, that is data driven and scenario based. OCA supports an examination of the efficacy of online mandated reporter training to ensure it is meaningful and effective for intended users.

DCF's Education Professional Investigation Unit will continue to work to ensure that reports that rise to the level of suspected abuse or neglect receive a more uniform response from the agency. They reported confidence in the ability of their investigative staff to detect and appropriately respond to grooming behavior, a concern they acknowledge exists in multiple settings that serve children.

**OCA DISCUSSION WITH THE CONNECTICUT STATE
DEPARTMENT OF EDUCATION**

OCA met with representatives from SDE during the development of this Report to discuss training and support needs for school districts regarding prevention and response to Adult Sexual Misconduct. SDE discussed training that is provided or facilitated by the state agency, both regarding Title IX obligations and regarding “Educational Ethics,” but acknowledged that more work is needed to offer robust training and technical assistance resources to school districts and educators that addresses codes of conduct, adult-student relationships, and grooming and sexual abuse concerns. SDE noted that while it has begun to offer training regarding educator ethics that addresses adult conduct and boundary crossing/grooming issues, training was not yet provided frequently. SDE also observed that school districts take varying approaches to Human Resource concerns, with small districts often relying on Superintendent office personnel rather than subject matter-trained professionals to address human resource matters. SDE expressed concern that in some districts students and teachers may not even know who the Title IX coordinators are. SDE emphasized the need to deepen institutional knowledge at the District level and raise awareness about abuse/harassment prevention within school communities. SDE communicated its commitment to strengthening the technical assistance framework for school districts on Adult Sexual Misconduct in schools.

As stated above, in 2016 SDE worked with other state and local agencies to publish guidelines regarding state law requirements for districts to implement comprehensive sexual abuse awareness and prevention frameworks. SDE has taken steps in recent years, in partnership with DCF, to make more training on child sexual abuse, including domestic minor sex trafficking, available to school districts, including during the COVID-19 pandemic. While the Guidelines are important and helpful, OCA notes that they have not expressly addressed Adult Sexual Misconduct within schools, nor do the Guidelines provide detailed direction to districts regarding the integration of state law and federal Title IX requirements. It will be important to address the need for integrated and comprehensive technical support on these critical topics going forward.

FINDINGS

1. **Stonington Public Schools lacked adequate protocols and practices to identify, prevent or respond to Adult Sexual Misconduct within the school community.**

As part of this review, the OCA sought and reviewed information regarding the District’s framework for preventing, identifying and responding effectively to concerns of sexual abuse and harassment in the school community. OCA was examining not only what policies were published on the district website or in its handbooks, but how these policies were effectively implemented through intentional information dissemination, corresponding codes of conduct, training of district community members (including students and parents), curriculum for students, and quality assurance activities.

OCA received the District’s Title IX policy, and references to this policy as contained in the District’s handbooks and materials distributed to teachers. OCA also reviewed the District’s health curriculum/sexual abuse prevention curriculum. As stated above, OCA reviewed the final report from the School Board’s contracted investigator, Attorney Christine Chinni.

Well documented and widely disseminated school district policies and procedures on Adult Sexual Misconduct ensure that school personnel understand the behaviors that constitute ASM and send the clear message that there is a zero-tolerance policy in place. In addition, through policies and procedures, educators and other school employees and volunteers are made aware and frequently reminded of their responsibilities to prevent, report, and respond to ASM.

USDE Guide (2017)

Attorney Chinni’s report, published in August 2020, concluded that though the Board had an appropriate Title IX policy in place between 2017 and 2019, the District erred in not consistently viewing Mr. Doe’s conduct through the lens of Title IX and sexual harassment.⁵⁹ The Chinni Report found that more training and dissemination of information was needed to make the District’s Title IX policies meaningful and usable by the school community, including students. Attorney Chinni found that the District’s “policy regarding Title IX/Sexual Harassment was not communicated clearly and sufficiently to the student body of Stonington High School over the time period in question.”⁶⁰ Attorney Chinni also found that the District did not provide adequate information or training to students regarding adult misconduct in the school, and concluded that “[t]his lack of emphasis on adult misconduct towards students led to students not understanding the seriousness of [Doe]’s misconduct, or their right to be free of such treatment by any adult in school. This, in turn, had the effect of causing a number of students not to report [Doe]’s misconduct at the times it occurred.”

⁵⁹ Chinni Report at 53.

⁶⁰ Id. at 51.

Similar to Attorney Chinni, OCA finds that though the District had a Title IX policy on the books in 2019, it was just beginning to develop a training and information dissemination framework to ensure that school community members understood its contents and meaning in their day-to-day lives. The District has not had expectations or protocols for teachers and coaches that comprehensively define and address Adult Sexual Misconduct, including descriptions of inappropriate and appropriate interactions, both physical and electronic, between adults and students. The Title IX procedures and complaint processes the District did have were not included in the student handbook until after the 2019 concerns were raised regarding Mr. Doe. The District's Title IX Coordinator reported to OCA that while each school is supposed to create and submit a report on Title IX implementation activities, these reports have not always been received.

RECOMMENDATION

SDE should update its 2016 Guidelines regarding state law requirements for districts' implementation of sexual abuse prevention protocols to create more comprehensive guidance and technical support for school districts' regarding the overlapping requirements of state law and federal Title IX obligations, and include a specific focus on Adult Sexual Misconduct in schools.

As outlined above, state law also requires that school districts have sexual abuse prevention and response frameworks that include protocols for reporting and responding to concerns and complaints.⁶¹ State law guidelines from 2016 encourage Districts to align their sexual assault and abuse prevention policies with existing Title IX policies and procedures.

Despite these overlapping requirements of federal and state law, multiple students interviewed by the Board's investigator stated that they lacked an understanding of adult sexual misconduct in the school environment, and did not have the tools or even the vocabulary to describe concerning adult conduct to district staff. Certain students told the investigator and OCA that they thought the administration must have known of the teacher's behavior, and therefore they never spoke up.

Two students told the Board's investigator that while they did not have information during high school to understand and respond to or report Mr. Doe's behavior, that they received more detailed training and information in college that helped them understand the inappropriateness of the teacher's interactions with them.⁶² Students reported that did not receive training or information regarding how Title IX protects them from adult sexual misconduct, including grooming behaviors. Similarly, the students the OCA interviewed also stated that they did not know that there was a District Title IX Coordinator or an investigative process required for all Title IX allegations of sexual harassment prior to the 2019 revelations regarding

⁶¹ Conn. Gen. Stat. Sec. 17a-101q.

⁶² Chinni Report.

FINDING

OCA finds that the District lacked comprehensive Adult Sexual Misconduct policies and protocols, and did not adequately communicate protections and complaint mechanisms to students or train students in developmentally appropriate ways. OCA finds that these deficiencies contributed to a dynamic where certain students did not report their concerns about Mr. Doe's conduct. The District has taken many steps to begin to address these deficiencies.

OCA's investigation also found that until recently, the District had no training regarding Title IX for educators, students, or families. Multiple District employees interviewed by OCA acknowledged that they did not have an understanding of what grooming behavior was nor had they received training on such behaviors. During an interview with OCA, the District's Title IX Coordinator stated that the October, 2019 training that administrators participated in was "really eye opening," and that it should be "common practice to send all building administrators to trainings on abuse and harassment prevention." But she also stated that there was still scant information presented on adult sexual misconduct, including grooming, and that the training curriculum focused more on student-on-student behavior than on adult misconduct with students, observations echoed by the District's Director of Guidance.

One of the biggest barriers to crafting and implementing a comprehensive abuse prevention framework in communities and child-serving organizations is the erroneous notion that child sexual abuse and harassment is rare, when in fact it is distressingly common. Given the prevalence data cited by federal authorities, i.e. that 9.6% of students have been recipients of unwanted sexual contact by a school employee, it is critical that school districts have awareness of adult sexual misconduct in school and rigorously evaluated protocols in place to prevent and respond to sexual harassment and abuse in the school community.

Adults in child-serving organization, including schools, must be trained and prepared to respond to allegations of adult misconduct or concerning adult behavior towards a child. Grooming behaviors and ASM are typically under-reported by children, and adults must know how to respond when rumors and allegations arise. A child who has been harassed or otherwise maltreated by an adult authority figure may not be able to vocalize the exact nature of the concern, especially when the adult's behavior involves grooming/special attention/boundary crossing. Statements outlined above by the school psychologist and the youth services officer that they would have known about concerns female students had regarding Mr. Doe, or that students' hesitancy to report shines a skeptical light on their claims, further indicates the need for specific training on these topics. There are many reasons that children are reluctant or unable to report concerns of adult misconduct.

As aptly summarized by the U.S. Department of Justice, **"[Grooming] usually begins with subtle behavior that may not initially appear to be inappropriate, such as paying a lot of attention to the child or being very affectionate. Many victims of grooming and sexual abuse do not recognize they are being manipulated."** Obstacles to the victim recognizing and reporting concerns about grooming are compounded where the child is a student and the abuser is a person of authority such as a teacher who is ultimately in charge of that student.

Multiple District employees spoke to OCA about their recent work to empower youth, raise awareness about sexual harassment and abuse, and encourage youth to speak up and self-advocate. OCA acknowledges the effort to empower youth voice but injects a note of caution that many youth will still need adults to look out for them and advocate on their behalf, and that many children, due to age or disability, will lack capacity to self-protect or self-advocate. Title IX places affirmative obligations on adults in the school community to prevent and respond to concerns of sexual harassment and abuse.

The District provided OCA with comprehensive learning materials for students regarding Health/Development, Sexual Health (for older students), and Social Emotional Learning. These materials cover important subjects for children and youth, including establishing healthy relationships, identifying and navigating emotions, and conflict resolution. The District also provided information regarding its teen dating violence curriculum, another requirement of state law. As outlined more fully in the District's response to this Report (see Addendum), the District has been extensively revising and adding to its training and curriculum for students and staff to more fully address sexual abuse and harassment prevention and address expectations for adult behavior and interactions with students.

2. The District's Mandated Reporting Policies Have Not Been Consistent With State Law

Over the last ten years, the District did not create, maintain and implement a Mandated Reporting Policy consistent with state law. As part of its investigation, the OCA requested "all policies, procedures and practices of the District regarding mandatory reporting of suspected child abuse and neglect." OCA received from the District forms and correspondence from the past couple of years communicating mandated reporting requirements to employees and the availability of required on-line training. The District did not provide OCA with a written mandated reporting policy, and the Board Chair told OCA that the District did not have such a policy. However, OCA did locate a mandated reporting policy dating back to 1998 on the District's website.

The Stonington Board of Education adopted a Child Welfare Policy, which included Reporting of Child Abuse and Neglect in 1998. That Policy was updated in 2003 and then most recently in May of 2017. The May 2017 revised Policy does not have clear protocols and practices to identify, prevent or respond to child sexual abuse with the school community and are not consistent with state law.

Connecticut's mandatory reporting laws were considerably strengthened in 2011 in response to a joint investigative report by the OCA and the Connecticut Attorney General exposing critical gaps in mandatory reporting practices and compliance by several school districts. The 2010 OCA/AG Report identified several key areas of concern regarding districts' compliance with mandated reporting, including: (i) gaps in background checks of prospective school district employees; (ii) gaps in mandated reporting of suspected child abuse and/or neglect and (iii) inadequate investigations and not holding school employees who engage in abuse and/or neglect of children accountable. Those legislative reforms were communicated to all Connecticut school districts by the Connecticut State Department

of Education (“SDE”) through the issuance of Circular Letters.⁶³ As recommended in the 2010 OCA/AG Report, DCF subsequently issued a Model Policy for the Reporting of Child Abuse and Neglect in collaboration with the State Department of Education in 2011. The Model Policy closely follows the child welfare statutory requirements for mandatory reporting and contains: (i) a training component; (ii) operational definitions of child abuse and neglect and (iii) indicators of child abuse and neglect. The State Department of Education provided technical guidance with respect to those changes in the law, which were provided to all Connecticut school districts.

Despite those changes and guidance from SDE, between February of 2003 and May of 2017, none of those changes were reflected in the District’s mandated reporting policy. The policy should provide a definition of who is a mandated reporter and a training component, which became statutorily required in July of 2011. Such a policy also may have included: (i) any operational definitions of child abuse and neglect or (ii) indicators of child abuse and neglect. While those components are not statutorily required, they do provide a more comprehensive understanding of child welfare laws and the requirements of mandatory reporting. Stonington’s Policy lacked the following:

- The 2017 SPS Policy contains only a limited definition of who is considered a mandated reporter: “certified personnel, paraprofessional, social worker, and/or school nurse in the school system.” Missing from that enumerated list are critical positions, including superintendents, substitute teachers, food service workers, custodians, contract employees or “any other person who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in

⁶³ In the SDE’s Circular Letters, which it routinely sends to all Superintendents of Connecticut schools, including Circular Letters 2009-10, C-3 (Public Act 09-242); 2011-12, C-2 (Public Act 11-93); 2013-14, C-2 (Public Act 13-53); 2014-15, C-2 (Public Act 14-186) and 2015-16, C-1 (Public Act 15-205), school districts were advised of legislative changes, including changes made to the child welfare statutes with respect to mandated reporting.

(i) a public elementary, middle or high school, pursuant to a contract with the local or regional board of education” See Conn. Gen. Stat. §§ 53a-65 and 17a-101(b).⁶⁴

- The 2017 SPS Policy does not contain a training component, which became statutorily required in July of 2011.⁶⁵
- The 2017 SPS Policy does not contain: (i) any operational definitions of child abuse and neglect or (ii) indicators of child abuse and neglect. While those components are not statutorily required, they do provide a more comprehensive understanding of child welfare laws and the requirements of mandatory reporting. The 2017 SPS Policy did not contain a provision detailing the distribution to all employees. Additional documents did not clarify how policies were specifically disseminated and reinforced with staff.
- The 2017 SPS Policy does not contain a provision requiring all records concerning abuse/neglect of a student by a staff member, including records detailing allegations, investigations and reports be housed in a central location as required by Conn. Gen. Stat. § 10-220(f) beginning in 2011.

Without an updated and current policy, along with implementation and periodic monitoring of such a policy, it may be unclear to SPS staff who is a mandated reporter subject to the requirements to report suspected abuse/neglect and the steps that are required to be taken when *suspected* misconduct occurs in the school setting. In response to

The 2010 OCA/AG Report

Included many recommendations for reform, including statutory and policy changes. Soon thereafter legislative reforms were made to the child welfare statutes, including mandatory reporting provisions in response to the 2010 Report.

- Public Act 09-242 – expanding definition of “school employee.”
- Public Act 11-93 – broadening the response of school districts and departments of Education and Children and Families to reports of child abuse and neglect and the identification of foster children in a school district.
- Public Act 13-53 – prohibiting employers from retaliating against employees for complying with mandated reporting laws.
- Public Act 14-186 – expanding definition of “school employee” and notification requirement following an investigation by DCF.
- Public Act 15-205 – expanding the reporting requirement for school employees and imposing tougher penalties for failure to report suspected abuse/neglect.

⁶⁴ Conn. Gen. Stat. § 53a-65 was amended in 2009 to further include “any other person who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of students enrolled in (i) a public elementary, middle or high school, pursuant to a contract with the local or regional board of education, or (ii) a private elementary, middle or high school, pursuant to a contract with the supervisory agent of such private school.”

⁶⁵ Stonington policy was not updated in 2011. The District disagrees with OCA’s finding regarding the adequacy of its mandated reporting policies, and states that the policy’s language—“All staff shall be advised of their legal obligations regarding reporting and shall be notified that a copy of ‘indicators of Abuse/Neglect’ as well as other material is kept in the nurse’s office for their use” is a reference to training.

OCA’s request for documentation regarding any disciplinary action taken against any SPS employee for failure to comply its mandatory reporting policy, no documents were provided. It is unclear whether certain SPS employees, including, but not limited to, substitute teachers and contract employees are included in the mandatory reporting program and would appear on any non-compliance report.⁶⁶

Following the departure of Mr. Doe, the District administrators and the Board began working on improvements in policies and procedures dealing with sexual harassment, abuse prevention, mandated reporting, and employee and student training. In response to the suggestions made by OCA as to the Board policy on mandated reporting, the Board’s policy committee will review a draft of a revised policy at their upcoming meeting in May. The Board Chair previously told OCA that Board members are open to additional training regarding school climate and student safety, and they are interested to learn how to make training more accessible to stakeholders in the school district community.

3. **The District Needs Systemic Policies and Protocols Regarding Abuse Prevention for Children with Disabilities and Other Children at Higher-Risk of Maltreatment.**

“Children with disabilities are almost three times more likely than their disability-free peers to become Adult Sexual Misconduct targets, and those with intellectual and mental health disabilities appear to be most at risk. This problem is compounded when a disability interferes with a child’s ability to report abuse to an adult.”

USDE Technical Assistance Guide (2017)

Districts need to be specifically attentive to misconduct directed toward children with disabilities, whether emotional or developmental. Identifying and preventing abuse of disabled children is compounded by the unique characteristics related to a child’s disability. It is nationally recognized that, “[c]hildren with disabilities are three times more likely than children without them to be victims of sexual abuse, and the likelihood is even higher for children with certain types of disabilities, such as intellectual or mental health disabilities.”⁶⁷

In response to OCA’s draft report, the District emphasized that “there is no legal requirement to have [policies and protocols regarding abuse prevention for children with disabilities]” but that the District agrees “that it is best practice to provide training to staff to be sensitive to this issue.” OCA notes the District’s overall agreement with the need for an improved abuse/harassment prevention framework. OCA cautions however that the need to have protocols that protect highly vulnerable children from abuse or neglect while under District supervision may well be construed as a legal requirement and not simply a “Best practice.”

Students and staff should receive training and education that specifically addresses the unique vulnerability of students with disabilities to abuse and neglect. Students with disabilities need to, if able, recognize if they are being victimized by an adult and know how to take steps to protect

⁶⁶ The OCA previously noted in its Hartford report a gap in state law with respect to mandated reporters, which does not include Board of Education members as mandated reported of suspected abuse and/or neglect.

⁶⁷ VERA Institute of Justice, *Sexual Abuse of Children with Disabilities: A National Snapshot*, Nancy Smith • Sandra Harrell, Issue Brief, (March 2013)

themselves and report the abuse. To that end, the District provided information to OCA that for several years it has been providing a health curriculum to certain students with developmental disabilities in Kindergarten-Twelfth grade called CIRCLES, facilitated by the school psychologist through social skills groups, which addresses social distance, relationship building, and sexuality education.⁶⁸

Staff must know to identify and report concerns on behalf of vulnerable children who are dependent on adults to care for them and who are unable or less able to seek help, and codes of conduct should specifically address the different needs and interactions that certain students with disabilities may have with staff members.

Districts must also pay special attention to the needs of other groups of children at higher-risk for maltreatment, including children who are English Language Learners and children who are gay, lesbian, bisexual, or transgender. District policies and methods for reporting must be available to students who are not primarily English speaking, are communication impaired, or who have a heightened distrust of reporting.

4. The District Did Not Take All Available Steps in Response to Earlier Allegations Against Mr. Doe.

Allegations about inappropriate behavior by Mr. Doe that were brought to administrators between 2013 and 2017 could have been more fully addressed by the District. The District, responding to a draft report from OCA, disputed this finding.

OCA notes at the outset of this discussion that not every allegation of unwanted physical attention from an adult to a child will trigger a district's obligation to report suspected abuse or neglect to DCF, even though such concerns will often trigger consideration of a district's obligations under Title IX. However, in following up fully on a student's or parent's concerns, through interviews of students or student-athletes, and additional field supervision, district administrators and human resources professionals may well develop additional information that gives rise to a reasonable suspicion that the child is being sexually groomed, abused or neglected, necessitating not only a Title IX response but also a mandated report to DCF. District policies regarding Title IX and mandated reporting must address these intersecting requirements and contemplate when mandated reports must be immediately made (i.e. when the facts known give rise to a reasonable suspicion that a child has been abused or neglected) and where additional Title IX fact-finding may lead to a requirement for mandated reporting. District employees, without the benefit of meaningful training and a useful set of policies, will likely find themselves unprepared and unsure of how to appropriately respond to student or staff concerns.

As cited above, guidance from the U.S. Department of Education Office for Civil Rights provides that complaints or allegations of sexual harassment that are received third-hand, either through an

⁶⁸ <https://stanfield.com/product/circles-curriculum-intimacy-relationships-level-1-w1004-18/>

anonymous report or phone call should still be investigated whenever it is “reasonable” to do so.⁶⁹ Between 2013 and 2017, multiple parents contacted school authorities to alert them that they had been told or that they had overheard concerns about Mr. Doe’s interactions with female students. In one case, email correspondence indicates that the name of a student was provided to the District, but there is no documented follow up. In other cases, the alleged victim denied the concerns, and in a fourth case, no names of girls were provided. OCA emphasizes that this may indeed be the manner in which many concerns about grooming or sexual harassment/exploitation are first derived and communicated, and it is imperative that Districts (and other child-serving organizations) can deal thoroughly with such concerns. OCA concludes that the District could have conducted field supervision for the coach/teacher,⁷⁰ provided opportunity for students to discuss class culture or other class assets/concerns with supportive staff, and ensured that all teachers, staff, students, and parents were knowledgeable about appropriate conduct for adults with students and methods for bringing forward concerns. Each instance was an opportunity to examine the District’s framework for harassment and abuse prevention and ensure that students, staff, and parents were prepared and supported in preventing, identifying, and responding to concerns of inappropriate conduct.

Prior to 2019, District documents do not provide any indication that the District considered Mr. Doe’s conduct a Title IX violation or that students or parents understood concerns about Mr. Doe in that light. The lack of historical training and dissemination of information for students, staff, and parents regarding sexual harassment and adult sexual misconduct in school, and the lack of clear codes of conduct for employees that defined or addressed adult sexual misconduct and boundaries with students contributed to these deficiencies.

In the absence of clear policies, protocols and training on grooming behaviors, Title IX, and state law prevention requirements, the decision not to report Doe’s earlier conduct to a Title IX Coordinator, particularly in 2017, could be due to several factors. Staff may have felt that while Mr. Doe’s conduct was inappropriate, it was not deemed *sexual* or harassing. Children will seldom report to an adult his or her concerns using legally operative terms like “abuse” or “neglect” or “harassment.” A girl or boy who is a victim of adult manipulation or boundary-crossing behaviors may not even know what he or she is a victim of or for what purpose the adult is continuing to approach them. A child is most likely to use the approaches such as telling an adult she sees every day, that another adult is making her “uncomfortable,” is coming too close or putting hands on them or other children in a way that makes the youth feel nervous—precisely how earlier concerns about Mr. Doe developed.

The statements from school and youth-serving professionals that they would have known there was a concern or that they were surprised students didn’t come to them with a concern reflect the need for staff training regarding sexual abuse/harassment prevention and response in a child-serving environment. Prevention requires a comprehensive and intentional plan geared towards all stakeholders, including staff, youth, parents, and others, in the community.

⁶⁹ U.S. Department of Education, Office for Civil rights, *Sexual Harassment: It’s Not Academic*,” (Sept. 2008) at 9, available on the web at: <https://www2.ed.gov/about/offices/list/ocr/docs/ocrshpam.pdf>.

⁷⁰ Although 2019 statements from building administrators indicate that some follow up did occur, there was no documentation created contemporaneously to any of the earlier allegations.

Other barriers to reporting include staff and students' concern that *they might be wrong*, and therefore they understandably worry that a false allegation ruins the life of an innocent teacher. Because most sexual contact will occur while participants (or perpetrator/victim) are in private, employees must know how to respond to rumors of educator sexual misconduct. Concurrently it is the responsibility of both the district and investigating state/local agencies to ensure due process and confidentiality—where required—for the alleged perpetrator and victim.

United States Government Accountability Office Report to Congress, 2014 Regarding Educator Sexual Misconduct

“While child sexual abuse typically refers to the criminal act of forcing a child to engage in sexual activity with the perpetrator, other inappropriate behaviors with children may eventually lead to sexual abuse. For example, while not generally criminal, behaviors often referred to as ‘grooming’ may be carried out by the perpetrator with the aim of establishing trust to facilitate future sexual activity with the child. ...

Further the growing use of technology and social media as a new and convenient way for adults and students to interact may pose questions about what interactions between school personnel and students are considered appropriate. Early signs of inappropriate behavior with a child can be the key to identifying and preventing the criminal act of sexual abuse....

Sexual abuse of students by school personnel raises particular concerns because of the trust and responsibility placed with schools to ensure a safe and productive learning environment.

As research has shown, child sexual abuse often has significant detrimental consequences on children’s physical, psychological, academic, and behavioral development....”

OCA also concludes that having Mr. Doe develop his own counseling and strategic plan in 2017 for not engaging in inappropriate behavior with students was an inadequate remedy for what administrators properly identified as a “pattern” of concerning allegations.

There was no requirement that Mr. Doe submit to any formal counseling to advise him regarding appropriate boundaries and interactions with students. There is no indication in the documents that Mr. Doe was directed to undergo any specific training with regard to appropriate interactions with students or his obligations consistent with the district’s Title IX requirements. Later documentation, created in 2019 after the more recent allegations, includes a reference to classroom observations and “informal walkthroughs” of Mr. Doe’s classes that did not reveal any ongoing concerns, but there were no contemporaneously created documents that memorialize that follow up.

5. The District Took Appropriate Steps in Response to Allegations of Misconduct Made Against Mr. Doe in 2019.

The District took several appropriate actions following the 2019 allegations of inappropriate conduct by Mr.

Doe, including making a DCF Careline report, notifying the District’s Title IX Coordinator of the allegations, removing Mr. Doe from the classroom setting and conducting and documenting a meaningful investigation into students’ concerns.

These action steps ensured the protection and support of the student and led to a finding by the District’s Title IX Coordinator that Mr. Doe had “engaged in conduct that would support a finding that a teacher to student sexual harassment in the classroom environment occurred.” That finding was based, in part, on recorded interviews with multiple students who all shared the same

“observations/statements.” The Title IX Coordinator made the following recommendation consistent with Title IX requirements: “that the school district take prompt and effective steps to end the harassment, eliminate any hostile environment, and prevent the harassment from recurring.” The District then effectively negotiated Mr. Doe to submit a letter of resignation.

6. The School District Has Taken Several Steps Since 2019 to Improve Policies & Practices Regarding Student Safety

After the 2019 incident came to light, the District made several efforts to increase its awareness of ASM in the school setting, including working with the State Department of Education to review its Title IX policies and procedures and handling complaints. That meeting led to increased Title IX training for all building administrators and a one-hour online sexual harassment training course for all district teachers.

The district’s Title IX Coordinator brought in an outside agency, Safe Futures, that provides support to victims of sexual harassment and sexual assault, to meet with groups of student leaders at the high school. The District also took steps to ensure that students are able to report harassment through the District’s website. For students in grades 8 through 10, lessons will now include “defining sexual harassment, reporting methods, and understanding grooming behaviors.” Posters are now displayed in bathrooms alerting high school students of steps to take when they have been subjected to any form of sexual harassment. The District revised its handbook to reflect more attention to prevention, and revised its health curriculum for 8th to 10th graders to more fully address sexual harassment, grooming behavior, and methods for reporting concerns. These positive steps toward identifying and preventing ASM show a growing sensitivity to creating a safer child-serving environment. It is critical that continuing monitoring of those policies and practices takes place. Additional steps taken by District are included in an addendum attached to this report.

7. Trainings for School Communities and Educators Regarding Abuse Prevention and Mandated Reporting Should Be Improved

Multiple District administrators reported to OCA that recent training on Title IX/Sexual Harassment facilitated by SDE were very helpful, but also noted that the trainings did not include much information regarding Adult Sexual Misconduct nor leave non-lawyer attendees with usable framework for conducting investigations.

Similarly, multiple individuals stated that mandated reporter training, currently facilitated most often through on-line training created by DCF, should be improved to be more scenario-based, accessible and interactive. OCA observes that many professional stakeholders remain unsure of when to make reports to DCF. Increased and improved training for various cohorts of professionals, an improvement currently under review at DCF, would help with preparing educators to respond more appropriately to suspected child abuse and neglect.

RECOMMENDATIONS AND RESOURCES

The purpose of the following recommendations is to assist Stonington Public Schools as well as other school districts with their work preventing and responding to sexual abuse and harassment in their school communities. Recommendations derive from a number of sources, including:

- ✓ United States Government Accountability Office, *Federal Agencies Can Better Support State Efforts to Prevent and Respond to Sexual Abuse by School Personnel* (2014)
<https://www.gao.gov/assets/670/660375.pdf>.
- ✓ United States Department of Education, Office for Civil Rights, *Sexual Harassment, It's Not Academic*, (Sept., 2008), <http://www2.ed.gov/about/offices/list/ocr/docs/ocrshpam.pdf>.
- ✓ United States Department of Education, *Training Guide for Administrators and Educators on Addressing Adult Sexual Misconduct in the School Setting* (2017)
<https://rems.ed.gov/docs/ASMTTrainingGuide.pdf>.
- ✓ U.S. Centers for Disease Control, *Preventing Child Sexual Abuse Within Youth-Serving Organizations, Getting Started on Policies and Procedures* (2007).
<https://www.cdc.gov/violenceprevention/pdf/preventingchildsexualabuse-a.pdf>
- ✓ Vermont Sexual Violence Prevention Taskforce, *Vermont Sexual Abuse Prevention Technical Assistance Resource Guide for Schools*
<https://education.vermont.gov/sites/aoe/files/documents/edu-health-education-technical-assistance-resource-guide.pdf>.
- ✓ Vermont Agency of Human Services, Department of Children and Families, *The Grooming Process*: <https://dcf.vermont.gov/prevention/stepup/educate/grooming>.
- ✓ Connecticut State Department of Education, *Statewide K-12 Sexual Assault & Abuse Prevention & Awareness Program Guidelines* (2016), https://portal.ct.gov/-/media/SDE/Publications/health/Statewide_K12_Sexual_Assault_and_Abuse_Prevention_and_Awareness_Program_Guidelines.pdf
- ✓ Connecticut Office of the Child Advocate, *Investigative Report Regarding Compliance Of Hartford Public Schools With State Laws Regarding Mandated Reporting Of Child Abuse And Neglect* (2017)
<https://portal.ct.gov/-/media/OCA/Reports-and-Investigations/OCA-Report-Release-21017-002-1.pdf>
- ✓ Center for Children's Law and Policy, *An Advocacy Toolkit to End the Sexual Abuse of Children in Juvenile Facilities* (2015)
<http://www.cclp.org/wp-content/uploads/2016/06/Stand-Up-to-Sexual-Misconduct-Advocacy-Toolkit.pdf>.
- ✓ Shakeshaft, Carol, *Know the Warning Signs of Educator Sexual Misconduct*, (Feb. 2013)
<https://journals.sagepub.com/doi/10.1177/003172171309400503>.
- ✓ Shakeshaft, Carol, *Educator Sexual Misconduct: A Synthesis of Existing Literature*, Prepared for the U.S. Department of Education Office of the Under Secretary Policy and Program Studies Service (2004)

<https://www2.ed.gov/rschstat/research/pubs/misconductreview/report.pdf>

1. Sexual Abuse Prevention Policies and Positive School Climate—A multi-tiered approach to prevention and student safety

Districts’ abuse prevention framework must be comprehensive and include feedback and commitment from a diverse cross-section of professionals, parents, and students.

- Districts should involve diverse stakeholders, including the school board, parent-teacher organizations, students, administrators, para-educators, advocates for vulnerable populations, and coaching staff, to create and implement a comprehensive framework for preventing sexual harassment and child abuse in the school community.
- Varied teaching and awareness methods, including orientations, trainings, feedback sessions, and revised health and social-emotional curriculum will be essential to prevention efforts. As the Vermont Technical Assistance Guide on the Prevention of Abuse in Schools cautions: “Classroom-based efforts alone do not adequately support [prevention objectives].”⁷¹ Training and awareness activities should be periodic and ongoing.⁷²

Districts Must 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 should have written policies outlining 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, required reporting by other teachers and employees, and required chaperones for off-site trips. Policies should address 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.”⁷³ It is important that district policies and trainings recognize need for healthy interactions between adults and students.

⁷¹ Technical Assistance Guide created by the Vermont Sexual violence Prevention Taskforce (2014), pg. 11, and found on the web at: <https://education.vermont.gov/sites/aoe/files/documents/edu-health-education-technical-assistance-resource-guide.pdf>.

⁷² Id. at 58

⁷³ 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>.

- Policies should specify how breaches and boundary crossing will be addressed, even where sexual abuse is not suspected, and when misconduct will be reported to the State Department of Education. Progressive discipline policies must be integrated into a multi-tiered, multi-disciplinary abuse prevention framework. The District should assess barriers to effective progressive discipline to determine needed remedies that will support safe school climate while ensuring due process for school personnel. Additional human resource training may be necessary for school districts that rely on building principles, rather than a Human Resource department, to implement appropriate staff responses and professional development.
- USDE recommends that policies and training specifically address concerns about “Grey areas,” and encourages districts to publish specific guidelines regarding common concerns such as travelling with students, providing after-school support, engaging in personal interactions with a student (emails, cards, and compliments), appropriate social media boundaries, and interactions with students over 18.⁷⁴
- 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.”⁷⁵ 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.”⁷⁶ 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 allegations and misinterpreted conduct, and spell out disclosure, confidentiality and due process rules.⁷⁷
- **Independent Ombudsperson.** The District should consider the potential utility of an independent ombudsperson to hear concerns and questions from students, families or school employees. An ombudsperson can also identify trends and concerns, bring such trends to executive leadership, identify training needs and other areas for additional review or technical support.

⁷⁴ USDE Guide, *supra* Note 2, at 14.

⁷⁵ Id. at 40.

⁷⁶ Id. at 41.

⁷⁷ Id. at 13.

District Policies and Training Must Specifically Address the Heightened Risk of Victimization for Highly Vulnerable Students

- The District should ensure that students with disabilities have meaningful access to all aspects of the district’s abuse/harassment prevention system. District policies and practices must specifically address the unique vulnerability of students with disabilities to abuse and neglect, as research shows that such students are at statistically greater risk of maltreatment.
- Districts must also ensure that training and information is available to students with limited English language proficiency and their families.
- District policies must specifically address the risks to gay, lesbian, bisexual, and transgender children. The USDE technical assistance manual for states references “[a] survey of middle school and high school students ages 13 and older ... [which] found that children who are lesbian, gay, bisexual, transgender, or question their sexual identities sometimes hesitate to report ASM, believing that the incidence of homophobia among school personnel will prove to be an insurmountable barrier to getting help.” The survey found that 57% of student responders reported that they were subjected to homophobic remarks from their teachers or other school staff.⁷⁸

Districts Must Have 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 know how to report concerns to district personnel, leadership or DCF.
- The district must have clear requirements for “reporting suspicious adult behavior, and an effective complaint system, including definitions, administrative consultation protocols, investigations and criminal referral processes, parental notification requirements, administrative resolution steps and immunity and retaliation considerations.”⁷⁹ District policies must emphasize that suspicion is enough particularly given that most sexual behavior will happen in private and reporters will often not be a direct witness to sexual misconduct.
- Districts should consider the use of a centralized team to respond to all incidents of ASM educator, which would allow patterns of behavior to be detected and greater protection for students. Each district must have a clear reporting structure within the organization for

⁷⁸ Id. at 10.

⁷⁹ Id. at 4.

suspicious and concerns about conduct between staff and students that is overlaid with the mandated reporting requirements under state law.⁸⁰

District Trainings Must Be Comprehensive, Ongoing, and Offered to All Stakeholders in the School Community, Including Parents and School Board Members

- USDE recommends that comprehensive training should be provided to help staff members, including contracted providers and volunteers:
 1. Recognize appropriate and inappropriate behaviors in their interactions with students;
 2. Identify the early warning signs of ASM effects in children;
 3. Detect the patterns of ASM behavior in adults;
 4. Respond appropriately when an ASM incident is suspected; and
 5. Follow the school’s policies and procedures for reporting ASM, which must be consistent with state laws and general counsel guidance.⁸¹

Training must address likely victims of Adult Sexual Misconduct, including prevalence of targeting “at-risk” students, students with disabilities, and English Language Learners.

- USDE recommends that training be enhanced for administrators and include attention to oversight of the Title IX coordinator, strategies for prevention compliance by personnel, investigation and communication protocols, guidelines for working with law enforcement, and record keeping.⁸²
- Students, families, and Board of Education members should be offered meaningful training and information regarding the District’s Title IX policies and 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*.⁸³ 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. Grey areas should be specifically addressed in trainings. All students should receive information about online safety.

⁸⁰ CDC Guide, *supra* Note 73, at 13.

⁸¹ USDE Guide, *supra* Note 2, at 29.

⁸² *Id.* at 31.

⁸³ *Id.* at 33. Online safety training available at www.onguardonline.gov/topics/protect-kids-online.

- Training should be “scenario-based to give participants opportunity to practice responses.”⁸⁴ 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.*⁸⁵

- Training should acknowledge the importance of relational and nurturing learning environments while being cognizant of the need for abuse/misconduct prevention. Training should validate participant concerns or confusion regarding how to have safe and appropriate relationships in the school environment, and incorporate the district’s specific policies and codes of conduct.
- 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.⁸⁶ Training must address the biggest barrier of staff not being sure *when* to report. Again, clear and specific codes of conduct, integrated into staff training, can assist with overcoming this barrier.
- USDE recommends that students receive interactive trainings that are refreshed yearly and that include “scenarios, media accounts, and examples of inappropriate and illegal behavior.”⁸⁷ Students should be encouraged to provide feedback on the trainings.
- Training *cannot* be limited to mandated reporter training. The legislature or the State Department of Education may need to help support school districts import and facilitate effective sexual abuse prevention training.⁸⁸ The District should ensure that there are clear standards for training regular volunteers, part-time or temporary employees, including coaches and mentors, regarding the district’s harassment and abuse prevention framework and expectations for adults working with students.

⁸⁴ GAO Report, *supra* Note 4, 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.

⁸⁵ Id. at 23.

⁸⁶ CDC Guide, *supra* Note 73, at 29.

⁸⁷ USDE Guide, *supra* Note 2, at 34.

⁸⁸ See also the “Enough Abuse” campaign for more information about prevention activities schools can participate in. <http://www.enoughabuse.org/>.

Districts Must Ensure A Working Framework for Compliance with State Mandated Reporter Laws (and keeping in up with changes in the law)

- **Reporting suspected abuse.** Districts must ensure that all employees are trained to understand that it is not the role of the employee to evaluate or investigate an allegation of suspected abuse or neglect, it is only their obligation to report “reasonable suspicion” to law enforcement or DCF. The U.S. Government Accountability Office report observed that one school district created “Identification-sized” cheat sheets for staff to carry as a reminder of the district’s policies on reporting suspected abuse and neglect.⁸⁹
- **Evaluation framework.** Districts must utilize a quality assurance framework that ensures training goals are met, and violations of district policy relevant to mandated reporting are quickly identified and addressed.
- **Investigative activities.** The District should consider the value of developing Memorandum of Understanding with local law enforcement and child welfare agencies, inclusive of clear communication protocols with such agencies, to clarify and coordinate investigative activities and responsibilities shared by the District with local and state officials.
- **DCF coordination.** The District should also establish periodic meetings with the leadership team from the regional DCF office to discuss strategies that support child safety and well-being, and identify any program/building concerns or recommendations.
- **Board of Education.** The role of the Board of Education in conjunction with SPS leadership must be clarified with regard to the monitoring of compliance with mandated reporting policies and procedures.
- **Protocols, training and guidance for staff.** Protocols, training and guidance for staff should acknowledge that reports of abuse and neglect may often need to be reported internally and externally. Emphasize compliance with legal requirements for reporting to law enforcement and child welfare authorities, while ensuring clear internal reporting protocols for suspected child abuse/neglect and other incidents of child maltreatment. SPS should review its compliance practices and procedures to ensure that periodic reports are run, reviewed by the appropriate department and that any instances of noncompliance are addressed immediately.
- **Employee contracts.** SPS should evaluate utility of putting compliance with mandated reporting obligations into district employee contracts.
- **SDE communications.** SPS should maintain all communications from SDE, including Circular Letters that contain legislative updates concerning mandatory reporting in a central location and share all Letters with appropriate SPS staff and the Stonington Board of Education.

Districts should have evaluations and expected outcomes for their state law-required abuse prevention frameworks.

- District should evaluate what students and staff are learning, what activities were undertaken as part of the district’s comprehensive plan each year, and how effective were these efforts.

⁸⁹ GAO Report, *supra* Note 4, at 27.

- The District should periodically evaluate, with outside technical support if needed, the efficacy/fidelity of its sexual abuse prevention curriculum for students, required by Connecticut law since 2016.
- Data collection/survey instruments regarding positive school climate and/or adolescent risky behavior that are utilized by school districts should be amended to include questions relevant to abuse prevention. This change will allow the District to collect critical information from students and adults regarding prevalence of sexual misconduct or other forms of harassment or abuse in the school community and prospectively inform goals for prevention.
- While the District must regularly review its multi-tiered abuse prevention framework to ensure efficacy and reliability as to the general population of students, it is critical that the District

State Department of Education– Help Districts Develop an Abuse Prevention Framework

- **Working group.** In follow up to the issuance of the federal technical assistance to states, SDE should convene a working group to help develop specific guidelines, support, and expectations, inclusive of model protocols and policies, for school districts regarding Adult Sexual Misconduct. The working group should then integrate this guidance with SDE’s 2016 Sexual Assault and Abuse Prevention and Awareness Program Guidelines. The goal of comprehensive guidance would be to help districts align state and federal law requirements with best practices regarding school climate and social emotional learning. The working group should include participation from educators, parents, child abuse prevention experts, necessary state agencies, positive school climate/social-emotional learning curriculum experts, social media professionals and human resource professionals.
- **Required Training on Adult Sexual Misconduct.** The state legislature should consider requiring Adult Sexual Misconduct awareness and prevention training as part of the framework for educator pre-certification training and ongoing professional development.
- **Surveying Youth.** The state should require that school districts participate in the CDC’s Youth Risk Behavior Survey, and state agencies, including the SDE and Department of Public Health and the Office of the Child Advocate, should collaborate to develop additional questions regarding Adult Sexual Misconduct in schools.

ADDENDUM

DISTRICT RESPONSE TO OCA REPORT

Response from Stonington Public Schools Regarding the Child Advocate's Report

First, Stonington Public Schools (the District) would like to express its gratitude to both the Office of Child Advocate (OCA) and Attorney Christine Chinni for the respectful and professional manner in which they conducted their respective investigations. It has been a long process, closing in on two years, but we have learned and improved from this process. As noted in the Summary of Actions, attached as an Appendix, the District has built on the procedures that were in place prior to these investigations, and improved the manner in which we educate, train, investigate and address sexual harassment and ASM.

Legal constraints related to student confidentiality and the underlying personnel matters have limited the District's ability to respond to the press. Although the District was not able to comment publically to some of the allegations, this did not mean that the District was not committed to address the concerns. To the contrary, as noted in the OCA's report, the District was proactive in investigating the community concerns and implementing improvements in procedures and professional development. These actions and improvements have been reported to the Stonington Board of Education regularly at monthly meetings since the spring of 2019. Additionally, all district personnel cooperated willingly and fully with both investigations.

Since January of 2019, the district has improved policies, practices, and programming to prevent and proactively handle complaints of sexual harassment specific to staff and student interactions. These actions included the implementation of the Second Step Program at the middle schools, which is currently a districtwide program. The VOICE program addresses many mental health and social-emotional topics including self-advocacy and advocacy for others. These are the attributes that lead the students to report concerns to the administration in 2019 and need to be deliberately developed in all of our students. To this day, we remain committed to continually improving the practices that make Stonington Public Schools a safe and healthy teaching and learning environment.

The teacher left his employment in Stonington Public Schools in January of 2019, approximately 28 months ago. Since that time, new information continues to come forward both in the press and this report that was never shared directly with District. If a student or parent has information about a possible sexual harassment matter occurring in the Stonington Public Schools, we encourage the student and/or parent to report it, so that we may investigate.

As noted by OCA, all school districts would benefit from enhanced technical assistance from state agencies and experts regarding the best practices for training and prevention of sexual harassment and ASM. The District welcomes the opportunity to partner with the Office of the Child Advocate, the Connecticut State Department of Education, and the Department of Children and Families to collaborate on the improvement of professional development opportunities and policy development, implementation and monitoring to benefit others districts and students around the state.

SUMMARY OF ACTIONS BY THE STONINGTON PUBLIC SCHOOLS

The Stonington Public Schools (the “District”) takes its responsibilities regarding the safety and protections of students incredibly seriously. The District took immediate action in response to the concerns of the Stonington community and the resignation of Mr. Chokas. In addition to its cooperation with the investigation of the Office of the Child Advocate, the District engaged the services of an independent investigator (Christine Chinni) to review the matter. Moreover, since 2019, the District has implemented a multitude of policy and procedural revisions, provided extensive staff and administrator training, and delivered comprehensive educational programming in the area of Title IX for students. This has included, but is not limited to, curriculum revisions as well as the implementation of new programs for students K-12. The District appreciates the careful review of this matter by the Office of the Child Advocate and their acknowledgement that grooming and Adult Sexual Misconduct are topics for which all districts could benefit from increased training, guidance and assistance from State agencies. The District stands ready to partner with OCA, DCF and the State Department of Education to update training materials related to sexual harassment and mandated reporting to better address these topics and the related guidance from the US Department of Education.

Since 2019, the District implemented several new procedures specific to the investigation of Title IX complaints, as well as additional reporting procedures for staff and students. This included the creation of a universal checklist for use by District administrators to ensure standard compliance with all appropriate components and notifications of the investigative process. The updated process along with corresponding policies have since been revised to reflect the investigative changes in the federal regulations Final Rule issued in August of 2020.

The District’s online “Anonymous Bullying Report”, renamed “Student Incident Report”, was revised to specifically address all forms of harassment and includes adults as potential perpetrators. The District completed a thorough review of all student handbooks and coach’s handbooks to reflect the appropriate Title IX policies and contact information for the Title IX Coordinator. As suggested by federal Title IX guidance, the District also created a separate section of the District website solely dedicated to Title IX policies, procedures, information, and the complaint process. In addition to required postings and email notifications, the District Title IX Coordinator has provided no less than two formal Board of Education presentations (January 2020, October 2020), which are recorded and available for public viewing on the District website.

In the fall of 2020 baseline student data was collected to determine the percentage of the students aware of what constitutes sexual harassment and the various reporting options. Fall data reveals a high percentage of the student body is familiar with both and the results are listed in the table below. Data will be collected again in the spring of 2021.

Baseline Survey Questions- Fall 2020	High School Gr. 9-12	Middle School Gr. 6-8
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	Strongly Agree or Agree	Strongly Agree or Agree
I am clear about what behaviors, actions and statements constitute sexual harassment	94%	90%
I know how to report and incident of sexual harassment	83%	77%
If I was a victim of sexual harassment in school or I witness sexual harassment impacting one of my classmates, I would likely report it to an adult	84%	95%
I feel safe from sexual harassment while I am at school	86%	85%

The District has invested significant time and resources in the area of training and education related to Title IX regulations, more specifically sexual harassment. Students, staff and administration have benefited from these enhanced and uniquely tailored learning opportunities. The training initiatives are highlighted below.

Training and Education for Administration

- Since 2019, all building administrators are required by the District to attend the two-day State of Connecticut Title IX Coordinator Training. This local training requirement is well beyond the State mandated minimum requirement of one trained Title IX Coordinator per district.
- All District administrators have completed no less than 2 hours of additional formal training in the area of sexual harassment specific to their role as managers
- All District administrators have repeated the DCF mandated reporter training requirement in 2020, with previous training in 2018
- All District administrators attended an in-district training session with representatives from the Safe Futures organization specific to training on grooming behaviors
- Since the District's initial meeting with the OCA, all District administrators have received a copy of and have reviewed the federal guidance manual *Addressing Adult Sexual Misconduct in the School Setting*
- All District administrators attended an in-district training session with local representatives from DCF, specific to questions related to mandatory reporting practices

Training and Education for Staff

- All staff have received training in the area of sexual harassment. This includes a 1 hour course through CIRMA and more recently a 2 hour State required course.
- All staff have received formal notification of the District's policies related to Title IX and sexual harassment, via email communication.
- High School staff have completed supplemental training facilitated by building administrators about grooming behaviors and boundary setting between staff and

students. The federal guidance manual *Addressing Adult Sexual Misconduct in the School Setting* was used as a resource for the training.

- High school staff have completed a formal 60-minute, online course in the Safe Schools Training portal titled, *Sexual Misconduct: Staff to Student*.
- Staff have repeated the DCF mandated reporter training in fall 2020 last completed in 2018.
- High school staff had the opportunity to speak with and meet with Safe Futures representatives on campus.
- The District re-disseminated a copy of the CSDE CT Code of Professional Responsibility document, to all staff in the fall of 2020.
- The Coach's Handbook revised to include an addendum on appropriate boundaries for student-coach relationships.

Training and Education for Students

- In-school review of student handbooks, specific to policies and procedures related to sexual harassment, Title IX complaint reporting process and Title IX Coordinator contact information
- Title IX coordinator email to all high school students
- Link to Title IX section of the website emailed to all students and reviewed during advisory
- Sexual Harassment informational posters, displayed in student bathrooms, at both middle school and high school levels
- Safe Schools Training platform implemented grades 9-12. All high school students have completed online course "What is sexual harassment" as part of school advisory program.
- Quarterly reminders to students 6-12, related to policy, procedures and issues related to student safety. Reminders are provided via advisory programs, VOICE and via direct emails to students. Quarterly reminders were instituted after feedback from students suggested that students often forget information shared at the start of the school year.
- Safe Futures representative is on-site at Stonington High School weekly to provide support and resources to students
- Health Issues curriculum for grades 9 and 10 revised and approved by the Board in May 2019
- Health curriculums for grades 6-8 revised and approved by the Board in October 2019. The curriculums include developmentally appropriate content specific to healthy relationships, harassment, decision-making, and self-image.
- Health curriculums for grades K-5 revised and approved by the Board in June 2020. The curriculums include developmentally appropriate content specific to healthy relationships, harassment, decision-making, and self-image.
- Second Step social-emotional curriculum added to grades 1-5 in 2020-21 (implemented in grades 6-8 in 2019 and previous years in Kindergarten) which addresses concepts such as; uncomfortable feelings, problem solving, and healthy relationships
- Co-taught small group student safety sessions at the high school facilitated by female Youth Officer and Associate Principal, topics include: sexual harassment, appropriate consent, sex trafficking and sexting laws
- Fall of 2020, implementation of the **VOICE** program:
 - District-wide, K-12 program that will impact all students through implementation of a student empowerment initiative to ensure every student in the District develops the

skills and belief system to advocate for themselves and their peers. Includes input from newly formed staff and parent advisory groups, this comprehensive program strives to help students to:

- Develop their own voice
- Foster social and emotional learning
- Report concerns they have about their safety, the well-being of others and the integrity of the learning environment
- “Associate Principal” named in 2020, to oversee the implementation of this program, and oversee Title IX initiatives

In summary, the above initiatives highlight preemptive and ongoing efforts of the District to address concerns of the community as a whole regarding Title IX, sexual harassment, and student safety in each of the schools. The District and Board of Education are committed to continued work in these areas as the safety of our students is a top priority.