



THE OFFICE OF THE CHILD ADVOCATE

INVESTIGATIVE REPORT REGARDING COMPLIANCE OF HARTFORD PUBLIC SCHOOLS WITH STATE LAWS REGARDING MANDATED REPORTING OF CHILD ABUSE AND NEGLECT

PREFACE

In April, 2016, Hartford Mayor Luke Bronin requested that the Office of the Child Advocate begin an immediate review of the policy, procedures and practices of the Hartford Public School district (“HPS”) with regard to mandated reporting of suspected child abuse and neglect.¹ This request followed the arrest of a high-ranking HPS administrator, Eduardo (“Eddie”) Genao for felony Risk of Injury to a child, and after public concerns were reported regarding HPS’ executive/s possible knowledge of a prior reported concern about a “director” employed by HPS engaged in “inappropriate contact” with a child.

The OCA undertook a comprehensive review of HPS’ policies and practices with regard to not only mandated reporting of suspected abuse or neglect consistent with state law, but also the district’s policies and practices regarding compliance with federal Title IX obligations--²namely to prevent, identify and respond effectively to concerns of sexual discrimination, harassment or abuse within the school community. OCA’s review included extensive examination of district records as well as interviews with key personnel from the district and the Board of Education. OCA also undertook a broad review of research, data and federal guidance regarding mandated reporting and Title IX compliance.

OCA deeply respects and appreciates the invitation to review the work of the school district with regard to mandated reporting of child abuse and neglect. The OCA is an independent watchdog

¹ The review also comes within the purview of OCA, in its independent oversight role, to: (i) “[r]eview complaints of persons concerning the actions of any state or municipal agency providing services to children through funds provided by the state” (Conn. Gen. Stat. § 46a-13/(3)); (ii) “[e]valuate the delivery of services to children by state agencies and those entities that provide services through funds provided by the state” (Conn. Gen. Stat. § 46a-13/(1)) and (iii) “[t]ake all possible action including, but not limited to, conducting programs of public education, undertaking legislative advocacy and making proposals for systemic reform and formal legal action, in order to secure and ensure the legal, civil and special rights of children who reside in this state.” (Conn. Gen. Stat. § 46a-13/(7)). The purpose of such a review is to improve the delivery of state-funded services and protections for vulnerable children.

² Mr. Genao had previously been investigated by DCF for alleged abuse/neglect of multiple female students. The behaviors that were the subject of the investigation--personal electronic messaging with students, encouraging at least one student to use a “Web cam” during personal computer-based communication with him, engaging in suggestive dialogues with at least one female student during evening hours, making female students uncomfortable during one-on-one time with him while in school, touching female students by hugging, kissing them, or holding hands--are behaviors that implicate the school district’s Title IX obligations due to the allegations of sexual harassment and unwelcome contact with students within the meaning of federal law.

agency and Hartford's request for an external review by this office is demonstrative of its commitment to improving practices and ensuring the health, safety and welfare of all children.

The OCA's investigation led to profound and urgent concerns regarding the school district's historical lack of compliance with state laws designed to ensure adequate protection and safety for children, including laws regarding mandated reporting of suspected child abuse and neglect, as well as laws requiring documentation and reporting of student injuries, particularly those that are incurred as the result of physical restraints or other encounters with schools staff. Review of child welfare records pertaining to Hartford Public Schools gave rise to serious concerns regarding the treatment of certain students with disabilities or other specialized needs, the lack of documentation and reporting regarding maltreatment of children with disabilities, and the lack of accountability and monitoring for certain school employees/contractors with a record or pattern of child maltreatment.

A draft of this report was submitted to the Hartford Public Schools on December 28, 2016 for review and comment. In the ensuing days and weeks, HPS leadership met with OCA officials on multiple occasions to discuss the development of a district-wide Action Plan to remedy urgent concerns identified in this report. OCA was encouraged by the receptiveness of the district's interim Superintendent to the report's findings and recommendations, her appreciation for the urgent issues regarding children's safety and well-being, and the willingness of the district to discuss and construct a comprehensive action plan to ensure student safety. Preliminary discussions regarding the development of such a plan have been positive. OCA has repeatedly stressed the need for outside consultation and monitoring as part of a comprehensive action plan and the importance of a continuous quality improvement plan to ensure student safety. OCA looks forward to the finalization of the district's action plan and a continued collaboration with city officials and other relevant state agencies to promote the safety and welfare of all students. All efforts with regard to the action plan must prioritize student safety, family engagement, community partnership, and transparency and accountability.

METHODOLOGY

To conduct this review, OCA engaged in the following activities:

- Review of HPS records concerning policy, procedures and practices for mandatory reporting of abuse/neglect;
- Review of Hartford Board of Education records relating to mandatory reporting policy and procedures;
- Review of Connecticut State Department of Education ("SDE") records related to mandatory reporting communications provided to Connecticut school districts;
- Review of personnel records for Eduardo Genao, HPS internal investigation records, and Minutes of Board meetings relating to Genao's employment with HPS;
- Review of DCF records regarding Eduardo Genao;
- Review of DCF records regarding allegations of abuse/neglect by HPS employees at eleven district schools between 2013 and 2016 (n=59);
- 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. Such review included, but was not limited to, the following publications:
 1. United States Department of Education, *Educator Sexual Misconduct: A Synthesis of Existing Literature* (2004), prepared by Carol Shakeshaft, Hofstra University.
 2. United States Department of Education-Readiness and Emergency Management for Schools Technical Assistance Center: *Educator Sexual Misconduct, What School Staff Need to Know and Do*, Vol. 3 Issue 2 (2008).
 3. United States Center for Disease Control: *Preventing Child Sexual Abuse Within Youth-Serving Organizations—Getting Started on Policies and Procedures* (2007).
 4. United States Government Accountability Office, Report to the Ranking Member, Committee on Education and Workforce, House of Representatives—*Federal Agencies Can Better Support State Efforts to Prevent and Respond to Sexual Abuse by School Personnel* (Jan. 2014).
 5. United States Department of Education, Office for Civil Rights—*Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties* (2001).
 6. United States Department of Education, Office for Civil Rights—*Dear Colleague Letters*.
 7. United States Department of Education, Office for Civil Rights—*Title IX Resource Guide* (April, 2015).
- Meetings and/or discussions with representatives from HPS, DCF and the Hartford Board of Education;
- Meetings and/or discussions with former HPS staff members and former Hartford Board of Education members;
- Discussions with community members familiar with the circumstances leading to the arrest of Eduardo Genao.

SUMMARY OF FINDINGS

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. 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.

Despite the publication of the OCA-Attorney General Joint Report in 2010 and the subsequent passage of several new laws to improve mandated reporting, the OCA's current review contains many of the same findings.

The OCA's review of the employment history of Eduardo Genao with the district (2005 through 2016) revealed significant deficiencies in HPS' historical and current compliance with mandated reporting obligations and federal Title IX requirements. HPS' mandated reporting policies for much of the last decade did not conform to state laws. At the start of OCA's review the HPS policies had not been updated since 2005. The policy was updated by the district in June of 2016, two months following Mr. Genao's arrest. The district could produce few records regarding its training and compliance efforts over the last decade, and there are no records confirming employee training prior to 2014. Since 2014, HPS has been working to improve its protocols for training and compliance, moving to an electronic training and documentation system.

A review of the district's Title IX anti-discrimination/harassment policies led to the discovery that HPS was not compliant with its own policies. For example, though HPS policy created a Central Harassment Prevention Team to address all complaints involving staff and students, no internal complaints were produced. After reviewing a draft of this Report, HPS produced a newly created document listing five complaints from the last three (3) school years but providing few details. HPS policy also requires building principals to send annual Title IX reports to the Superintendent (and the Central Harassment Prevention Team) with a log of any concerns, documentation regarding training and other school climate issues, HPS could not produce a single report for OCA to review after OCA requested all such reports from the last three (3) school years.

Hartford Board of Education by-laws provide that it is the Board that is responsible for ensuring adequate and up-to-date policies for the district, including policies regarding mandated reporting of child abuse and neglect. However, OCA's review revealed a confusing allocation of responsibilities between district executive personnel and members of the Board of Education regarding the establishment and monitoring of such policies.

While OCA deeply appreciates the invitation by the city and HPS to conduct this review, OCA finds that the prolonged failure of the district to ensure its policies regarding mandated reporting of child abuse conformed to state law, and the district's lack of compliance with its own harassment policies creates a disturbing picture of historical non-compliance, or haphazard attention to laws intended to protect the safety and welfare of children. OCA emphasizes that the willingness by the city's administration to examine the school district's performance in this area is a critical first step towards improving the safety net for students. OCA is also encouraged by the more recent effort of the Office of Talent Management to tighten adherence to training requirements and compliance within the district. Yet additional investigative activities by OCA, outlined later in this summary, reveal persistent and contemporary problems with reporting child abuse and neglect by district employees.

As for Mr. Genao, he was first investigated by the Connecticut Department of Children and Families ("DCF") in 2007 for allegedly inappropriate contact with one or more female students. Joint investigative interviews by HPS officials and DCF investigators included information that multiple female students were allegedly uncomfortable with Mr. Genao, then a school principal, and did not want to be alone with him; that Mr. Genao electronically messaged with one or more female students, that the contents of such messages was social, personal, familiar and suggestive; that Mr. Genao encouraged one or more females to utilize a web-cam on their personal computer while messaging with him; that Mr. Genao hugged and kissed female students; that Mr. Genao told a female student to keep their correspondence "a secret," and that Mr. Genao deleted programs and other information from his personal computer when DCF's investigation began. DCF found that Mr. Genao engaged in "grooming" behavior with a student—behavior characterized by experts as conduct designed to

prepare a child or youth for sexual molestation or otherwise inappropriate sexual contact. However, DCF erroneously concluded that it could not substantiate Mr. Genao for emotional or physical neglect due to the female victim having turned 18 years of age prior to the state's investigation.

HPS officials negotiated a disciplinary settlement with Mr. Genao wherein the district issued a written reprimand to Mr. Genao for poor judgment and unprofessional behavior. Genao accepted a lateral transfer to Executive Director of Adult Education at the close of the school year, and he requested that the district take an "aggressive approach" to any Freedom of Information Act request regarding the matter. A district note accompanying the letter of reprimand included a written caution that the matter must be kept "very confidential." Mr. Genao was not asked to seek counseling or re-training as part of the complaint resolution, and Mr. Genao was not subjected to ongoing surveillance or any formal monitoring during his tenure with the district.

Board of Education members were not fully informed as to DCF's findings from the 2007 investigation. At the conclusion of the DCF and HPS investigations, Board of Education members accepted then-Superintendent Stephen Adamowski's summary of the investigation by DCF and the Superintendent's decision to transfer Mr. Genao to the Adult Education position.

Mr. Genao was subsequently promoted (and transferred) to executive level positions within the district, with initial promotions and contracted positions recommended by the Superintendent and approved by the Board of Education. At the time of his resignation Mr. Genao was the Director of Compliance for Special Education, earning a salary of \$176,274.

OCA's review indicated that in 2007 several school employees knew that one or more girls was uncomfortable being alone with Mr. Genao and/or that Mr. Genao was electronically messaging with a student and that this contact made the student uncomfortable. None of the employees reported the conduct, though several advised one student to complain, tell her mother, take Genao "off her list," or tell someone in authority about her concern. Eventually an embedded DCF social worker in the school learned of the concern and convinced a school employee with knowledge of the matter to make a report to DCF. The social worker even reviewed the matter with a DCF attorney who agreed that the matter must be reported as soon as possible. In fact, the lawyer made the report herself only a few days later after she grew concerned as to whether to the school employee would follow up.

Review of investigation documents maintained by HPS and DCF lead OCA to conclude that district employees were not adequately trained, supported or empowered to prevent, identify or respond to concerns of sexual harassment or educator sexual misconduct within the school community. Without the presence of the embedded DCF social worker in the school no report may have ever issued to DCF.

HPS and DCF records do not indicate that there were any further complaints regarding Mr. Genao's conduct between 2005 and 2016. During an interview with a district employee, OCA was told that a female employee had complained to her supervisor, the Family Relations Advocate ("FRA"), only a short while prior to Mr. Genao's arrest, about Genao making the employee "feel uncomfortable." The FRA stated that she addressed the matter by re-routing the employee's activities so that she would not have to see Mr. Genao as part of her duties. No written complaint or concern was noted.

On March 22, 2016, after learning about suspected abuse or neglect of a child, a community-based educational advocate/religious minister, Dr. Aaron Lewis, alleged in writing to the Superintendent's

Chief of Staff, Dr. Gislaine Ngounou, that an HPS “director” was engaged in “inappropriate contact with a child,” and asked for her attention. The Chief of Staff exchanged short messages with Dr. Lewis attempting to connect on the same day, but no connection was made. Dr. Ngounou did not continue to follow up with Dr. Lewis over the next several days, and she did not contact the Superintendent, the Human Resources office, or the Security Office.

After sending his text message to Dr. Ngounou, Dr. Lewis reached out by email to the Board of Education Chairman, Attorney Richard Wareing, making him aware of the same concern about an HPS Director, and expressing his desire to address the matter internally with district officials prior to “going public.” Mr. Wareing later stated that he “missed” Dr. Lewis’ email.

On April 4, 2016, thirteen (13) days after first contacting Dr. Ngounou, Dr. Lewis, on the advice of a local community blogger, Kevin Brookman of *We The People*, contacted local law enforcement authorities. Dr. Lewis’ call led to a criminal investigation and subsequent arrest of Mr. Genao and his resignation from Hartford Public Schools.

Dr. Lewis and the Chief of Staff are both mandated reporters as a matter of law and both did not timely address or report the concern of suspected abuse or neglect of a child, which requires that such reasonable suspicion be reported to DCF or law enforcement within 12 hours. State law does not specifically designate Board of Education members as mandated reporters.

As part of its review, OCA sought to review any records maintained by DCF regarding concerns about HPS’ employees’ failure to report suspected child abuse or neglect. DCF is required under state law to investigate and address failure to report child abuse and neglect by school districts.³ DCF responded to OCA and reported that it does not conduct such investigations. Rather, DCF reports such instances to the State’s Attorney for investigating as a criminal matter. Though DCF produced some information regarding a preliminary effort to track instances of failure to report, DCF was not able to produce any reports regarding school districts’ failures to report or how often it has made a referral to the State’s Attorney’s Office for a district employee’s failure to report suspected child abuse or

³ Conn. Gen. Stat. § 17a-101o, entitled, School employee failure or delay in reporting child abuse or neglect. Policy re delayed report by mandated reporters, provides that: “(a) If the Commissioner of Children and Families suspects or knows that a mandated reporter, as defined in section 17a-101, employed by a local or regional board of education, has failed to make a report that a child has been abused or neglected or placed in immediate risk of serious harm within the time period prescribed in sections 17a-101a to 17a-101d, inclusive, and section 17a-103, the commissioner shall make a record of such delay and develop and maintain a database of such records. The commissioner shall investigate such delayed reporting. Such investigation shall be conducted in accordance with the policy developed in subsection (b) of this section, and include the actions taken by the employing local or regional board of education or superintendent of schools for the district in response to such employee’s failure to report. (b) The Department of Children and Families shall develop a policy for the investigation of delayed reports by mandated reporters. Such policy shall include, but not be limited to, when referrals to the appropriate law enforcement agency for delayed reporting are required and when the department shall require mandated reporters who have been found to have delayed making a report to participate in the educational and training program pursuant to subsection (b) of section 17a-101a. (c) For purposes of this section, “child” includes any victim described in subdivision (2) of subsection (a) of section 17a-101a.” For discussion of the law, see next section, pg. 7.

neglect.⁴ OCA's ongoing discussions with DCF regarding these issues has been productive and positive and DCF has committed to strengthening its process for tracking and responding to districts' failures to report.

OCA sought to learn whether such investigation records would reveal any trends regarding district employees' compliance with mandated reporting obligations. As OCA has immediate access to DCF child welfare records, OCA examined a sample of reports regarding suspected child abuse and neglect by district employees. OCA reviewed reports and subsequent DCF investigations from 2012 through 2016 arising from 11 Hartford Public schools.

OCA's review of 59 reports across 11 schools raised significant concerns about the district's compliance with mandated reporting obligations, as almost half of the reports revealed a failure to report or a failure to timely report concerns of suspected child abuse or neglect to DCF. Reports depicted serious concerns regarding inadequate education and supervision for children with disabilities, abusive behavior towards young children with disabilities, lack of documentation and reporting regarding the use of physical restraint of children and associated injuries, and the capacity of the district to supervise and hold employees accountable for child maltreatment and other concerning behaviors. Records depicted significant violations of children's civil and educational rights, with some incidents presenting an alarming picture of unsafe and abusive classroom environments. Reports revealed multiple employees who have been the subject of more than one DCF investigation for suspected abuse and neglect of children. OCA finds that many children depicted in the reports were likely traumatized by district employee's alleged misconduct and maltreatment. OCA also finds that reports depicted many district employees who were caring and vigilant in their attention to student needs.

OCA finds that HPS has a significant amount of work to do to address concerns raised by this investigation most importantly creating an action plan, informed by experts, for ensuring student safety. OCA strongly recommends that HPS improve all of its practices and protocols with regard to prevention, identification and response to cases of suspected child abuse and neglect (or other forms of maltreatment) by district employees, and that the district create a system for comprehensive and expert-driven monitoring, with a transparent framework for accountability, inclusive of regular public reporting.

OCA is also recommending additional changes to state law to ensure greater protection for students with disabilities and action from DCF to comply with state law requiring it to have a system for identifying failures to report by school districts and protecting vulnerable students. OCA recommends additional actions to improve supports for children with disabilities, and monitoring and accountability for HPS' utilization of restraint and seclusion of students. HPS must have a continuous quality improvement plan for ensuring students' safety.

Finally OCA recommends additional training and implementation efforts to support HPS' compliance with federal Title IX requirements. HPS may need to be monitored by state officials and/or advocates

⁴ After receiving a draft of this Report, DCF did locate a log containing instances of delayed and failed reporting of suspected abuse and/or neglect for the past three (3) year period, which log was created in conjunction with the DCF Careline. However, the log contained few details about the instances themselves, did not reflect what follow-up may have occurred, and did not indicate whether cases were referred to the State's Attorney.

for persons with disabilities to ensure development and implementation of a comprehensive action plan to support student safety.