



Senate

General Assembly

File No. 515

January Session, 2001

Substitute Senate Bill No. 1201

Senate, April 30, 2001

The Committee on Education reported through SEN. GAFFEY of the 13th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING EDUCATORS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (m) of section 10-145b of the general statutes is
2 repealed and the following is substituted in lieu thereof:

3 (m) (1) The State Board of Education may revoke any certificate,
4 authorization or permit issued pursuant to sections 10-144o to 10-149,
5 inclusive, for any of the following reasons: [(1)] (A) The holder of the
6 certificate, authorization or permit obtained such certificate,
7 authorization or permit through fraud or misrepresentation of a
8 material fact; [(2)] (B) the holder has persistently neglected to perform
9 the duties for which [certification] the certificate, authorization or
10 permit was granted; [(3)] (C) the holder is professionally unfit to
11 perform the duties for which [certification] the certificate,
12 authorization or permit was granted; [(4)] (D) the holder is convicted
13 in a court of law of a crime involving moral turpitude or of any other
14 crime of such nature that in the opinion of the board continued

15 [certification] holding of a certificate, authorization or permit by the
16 person would impair the standing of certificates, authorizations or
17 permits issued by the board; or [(5)] (E) other due and sufficient cause.
18 The State Board of Education shall revoke any certificate, authorization
19 or permit issued pursuant to said sections if the holder is found to
20 have intentionally disclosed specific questions or answers to students
21 or otherwise improperly breached the security of any administration of
22 a state-wide examination pursuant to section 10-14n. In any revocation
23 proceeding pursuant to this section, the State Board of Education shall
24 have the burden of establishing the reason for such revocation by a
25 preponderance of the evidence. Revocation shall be in accordance with
26 procedures established by the State Board of Education pursuant to
27 chapter 54.

28 (2) When the Commissioner of Education is notified, pursuant to
29 section 17a-101i or subsection (q) of this section, that a person holding
30 a certificate, authorization or permit issued by the State Board of
31 Education under the provisions of sections 10-144o to 10-149, inclusive,
32 has been convicted of [a crime involving an act of child abuse or a
33 violation of section 53a-71 or section 53a-73a] (A) a capital felony,
34 pursuant to section 53a-54b, (B) arson murder, pursuant to section 53a-
35 54d, (C) a class A felony, (D) a class B felony, except a violation of
36 section 53a-122, 53a-252 or 53a-291, (E) a crime involving an act of
37 child abuse or neglect as described in section 46b-120, or (F) a violation
38 of section 53-21, 53-37a, 53a-60b, 53a-60c, 53a-71, 53a-72a, 53a-72b, 53a-
39 88, 53a-99, 53a-103a, 53a-181c, 53a-191, 53a-196, 53a-196c, 53a-216, 53a-
40 217b or 21a-278 or subsection (a) of section 21a-277, any certificate,
41 permit or authorization issued by the State Board of Education and
42 held by such person shall be deemed revoked and the commissioner
43 shall notify such person of such revocation, provided such person may
44 request reconsideration pursuant to regulations adopted by the State
45 Board of Education, in accordance with the provisions of chapter 54.

46 (3) The State Board of Education may deny an application for

47 [certification] a certificate, authorization or permit for any of the
48 following reasons: (A) The applicant seeks to obtain a certificate,
49 authorization or permit through fraud or misrepresentation of a
50 material fact; (B) the applicant has been convicted in a court of law of a
51 crime involving moral turpitude or of any other crime of such nature
52 that in the opinion of the board issuance of a certificate, authorization
53 or permit would impair the standing of certificates, authorizations or
54 permits issued by the board; or (C) other due and sufficient cause. Any
55 applicant denied a certificate, authorization or permit shall be notified
56 in writing of the reasons for denial. Any applicant denied a certificate,
57 authorization or permit may request a review of such denial by the
58 State Board of Education.

59 Sec. 2. Section 10-145b of the general statutes is amended by adding
60 subsection (q) as follows:

61 (NEW) (q) If a person holding a certificate, authorization or permit
62 issued by the State Board of Education under the provisions of sections
63 10-144o to 10-149, inclusive, is convicted of a classified or unclassified
64 felony or a class A misdemeanor, the state's attorney for the judicial
65 district in which the conviction occurred shall notify, in writing, the
66 Commissioner of Education of such conviction.

67 Sec. 3. Section 10-145i of the general statutes is repealed and the
68 following is substituted in lieu thereof:

69 Notwithstanding the provisions of sections 10-144o to 10-146b,
70 inclusive, and 10-149, the State Board of Education shall not issue or
71 reissue any certificate pursuant to said sections if (1) the applicant for
72 such certificate has been convicted of any of the following: (A) A
73 capital felony, as defined in section 53a-54b; (B) arson murder, as
74 defined in section 53a-54d; (C) any Class A felony; (D) any Class B
75 felony except a violation of section 53a-122, 53a-252 or [53a-292] 53a-
76 291; (E) a crime involving an act of child abuse or neglect as described
77 in section 46b-120; or [(E)] (F) a violation of section 53-21, 53-37a, 53a-

78 60b, 53a-60c, 53a-71, 53a-72a, 53a-72b, 53a-88, 53a-99, 53a-103a, [53a-
79 181b,] 53a-181c, 53a-191, 53a-196, 53a-196c, 53a-216, 53a-217b or 21a-
80 278 or a violation of subsection (a) of section 21a-277, and (2) the
81 applicant completed serving the sentence for such conviction within
82 the five years immediately preceding the date of the application.

83 Sec. 4. Section 10-221d of the general statutes is repealed and the
84 following is substituted in lieu thereof:

85 (a) On and after July 1, 1994, each local and regional board of
86 education shall (1) require each applicant for a position in a public
87 school to state whether such person has ever been convicted of a crime
88 or whether criminal charges are pending against such person at the
89 time of [his] application, [and] (2) require, subject to the provisions of
90 subsection (d) of this section, each person hired by the board after July
91 1, 1994, to submit to state and national criminal history records checks
92 within [ninety] thirty days from the date of employment [. Any local or
93 regional board of education] and may require, subject to the provisions
94 of subsection (d) of this section, any person hired prior to said date to
95 submit to state and national criminal history records checks, and (3)
96 require each employee of a contracted service provider if such
97 employee performs a service involving direct student contact and each
98 worker placed within a school under a public assistance employment
99 program who performs a service involving direct student contact to
100 submit to state and national criminal history records checks within
101 fourteen days from the date such employee or worker begins to
102 perform such service. The board or a regional educational service
103 center pursuant to subsection (b) of this section shall request the state
104 criminal history records check for each such person from the State
105 Police Bureau of Identification. The board or regional educational
106 service center shall send the results of such requests for persons
107 holding certificates, authorizations or permits issued by the State
108 Board of Education to the State Board of Education. The board or such
109 regional educational service center shall arrange for the fingerprinting

110 of each such person [and forward the fingerprints to said bureau
111 which shall] or for the conducting of any other method of positive
112 identification required by the State Police Bureau of Identification or
113 the Federal Bureau of Investigation. The fingerprints or other positive
114 identifying information shall be forwarded to the State Police Bureau
115 of Identification which shall conduct a state criminal history records
116 check and submit the fingerprints or other identifying information to
117 the Federal Bureau of Investigation for a national criminal history
118 records check. The board or the regional educational service center
119 may charge each such person a fee for the national criminal history
120 records check which shall not exceed the fee charged by the Federal
121 Bureau of Investigation for performing the check. If the local or
122 regional board of education receives notice of a conviction of a crime
123 which has not previously been disclosed by such person to the board,
124 the board may (A) terminate the contract of a certified employee, in
125 accordance with the provisions of section 10-151, and (B) dismiss a
126 noncertified employee provided such employee is notified of the
127 reason for such dismissal, is provided the opportunity to file with the
128 board, in writing, any proper answer to such criminal conviction and a
129 copy of the notice of such criminal conviction, the answer and the
130 dismissal order are made a part of the records of the board. The
131 supervisory agent of a private school may require any applicant for a
132 position in such school or any employee of such school to submit to
133 state and national criminal history records checks in accordance with
134 the procedures described in this subsection.

135 (b) If a local or regional board of education requests, a regional
136 educational service center shall arrange for fingerprinting or the
137 conducting of such other method of positive identification pursuant to
138 subsection (a) of this section and forward such fingerprints or other
139 identifying information for state and national criminal history records
140 checks. Such regional educational service centers shall provide the
141 results of such checks to such local or regional board of education.
142 Such regional educational service centers shall provide such results to

143 any other local or regional board of education or regional educational
144 service center upon the request of the person fingerprinted.

145 (c) State and national criminal history records checks for substitute
146 teachers completed within one year prior to the date of employment
147 with a local or regional board of education and submitted to the
148 employing board of education shall meet the requirements of
149 subdivision (2) of subsection (a) of this section. A local or regional
150 board of education shall not require substitute teachers to submit to
151 state and national criminal history records checks pursuant to
152 subdivision (2) of subsection (a) of this section if they are continuously
153 employed by such local or regional board of education. For purposes
154 of this section, substitute teachers shall be deemed to be continuously
155 employed by a local or regional board of education if they are
156 employed at least one day of each school year by such local or regional
157 board of education.

158 (d) (1) The provisions of this section shall not apply to a person
159 required to submit to a criminal history records check pursuant to the
160 provisions of subsection (d) of section 14-44.

161 (2) The provisions of this section shall not apply to a student
162 employed by the local or regional school district in which the student
163 attends school.

164 (3) The provisions of subsection (a) of this section requiring state
165 and national criminal history records checks shall, at the discretion of a
166 local or regional board of education, apply to a person employed by a
167 local or regional board of education as a teacher for a noncredit adult
168 class or adult education activity, as defined in section 10-67, who is not
169 required to hold a teaching certificate pursuant to section 10-145b for
170 his or her position.

171 (e) The State Board of Education shall submit, periodically, a
172 database of applicants for an initial certificate, authorization or permit

173 pursuant to sections 10-144o to 10-149, inclusive, to the State Police
174 Bureau of Identification. The State Police Bureau of Identification shall
175 conduct a state criminal history records check against such database
176 and notify the State Board of Education of any such applicant who has
177 a criminal conviction. The State Board of Education shall not issue a
178 certificate, authorization or permit until it receives and evaluates the
179 results of such check and may deny an application in accordance with
180 the provisions of subsection (m) of section 10-145b, as amended by this
181 act.

182 (f) The State Board of Education shall submit, periodically, a
183 database of all persons who hold certificates, authorizations or permits
184 to the State Police Bureau of Identification. The State Police Bureau of
185 Identification shall conduct a state criminal history records check
186 against such database and shall notify the State Board of Education of
187 any such person who has a criminal conviction. The State Board of
188 Education may revoke the certificate, authorization or permit of such
189 person in accordance with the provisions of subsection (m) of section
190 10-145b, as amended by this act.

191 Sec. 5. (NEW) (a) Prior to hiring any person, a local or regional
192 board of education shall make a documented good faith effort to
193 contact previous employers of the person in order to obtain
194 information and recommendations which may be relevant to the
195 person's fitness for employment.

196 (b) (1) A local or regional board of education, the Department of
197 Education and previous employers who provide information or
198 recommendations pursuant to this section shall be immune from civil
199 liability unless (A) the information or recommendation provided was
200 false and was relied on by the board of education to which such
201 information or recommendation was provided to the harm of the
202 applicant, and (B) the board, department or the previous employer
203 knew the information or recommendation was false or acted with

204 reckless disregard of the truth or falsity of the information. (2) A local
205 or regional board of education that relies on information or
206 recommendations obtained pursuant to this section shall be immune
207 from civil liability for use of the information or recommendations
208 unless the information obtained was false and the local or regional
209 board of education knew the information was false or acted with
210 reckless disregard to the truth or falsity of the information.

211 Sec. 6. Section 8-265pp of the general statutes is repealed and the
212 following is substituted in lieu thereof:

213 The Connecticut Housing Finance Authority shall develop and
214 administer a program of mortgage assistance to certified teachers (1)
215 employed by priority school districts pursuant to section 10-266p, (2)
216 employed by transitional school districts pursuant to section 10-263c,
217 (3) employed by regional vocational-technical schools located in such
218 priority or transitional school districts, (4) who are minorities and are
219 employed in a school district in which minority teachers constitute less
220 than five per cent of the teachers employed by such school district, or
221 [(3)] (5) who teach in a subject matter shortage area pursuant to section
222 10-8b. Such assistance shall be available to eligible teachers for the
223 purchase of a house as their principal residence, provided, in the case
224 of a teacher employed by a priority or a transitional school district, or
225 by a regional vocational-technical school located in a priority or
226 transitional school district, the house is located in such district. In
227 making mortgage assistance available under the program, the
228 authority shall utilize downpayment assistance or any other
229 appropriate housing subsidies. The terms of any mortgage assistance
230 shall allow the mortgagee to realize a reasonable portion of the equity
231 gain upon sale of the mortgaged property. For purposes of this section,
232 "minorities" means those whose racial ancestry is defined as other than
233 white by the Bureau of Census of the United States Department of
234 Commerce.

235 Sec. 7. This act shall take effect July 1, 2001.

ED *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Various

Affected Agencies: Department of Education, Division of Criminal Justice, Connecticut Housing Finance Authority, Department of Public Safety

Municipal Impact: Minimal Cost, Potential Savings

Explanation

State Impact:

The bill results in an uncertain impact on the Division of Criminal Justice (state's attorneys). The bill requires the agency to notify the Commissioner of Education about individuals convicted of certain crimes who hold teaching certificates. Information related to teaching certificates is generally not part of the court records or information available to prosecutors. In order to obtain this information, the agency would have to routinely investigate each of the individuals convicted of felonies and class A misdemeanors which would add a significant workload to the agency and result in either reducing the efficiency of case processing or require significant additional staff resources (in excess of \$100,000). During the year 2000, there were total of 37,330 felony and class A misdemeanor offenses (several offenses can apply to one individual) that resulted in convictions.

The bill expands the home purchasing assistance program to teachers employed in vocational-technical schools located in priority or

transitional school districts. This program is operated by the Connecticut Housing Finance Authority and is funded through state bonds. This expansion will result in increased program costs, the extent of which will be dependent upon the number of interested, eligible teachers and the average loan amount. It is expected that any such increased costs can be absorbed within the program's anticipated resources.

The bill's expansion of the type of people who must submit to criminal background checks (contractor's employees) has an undetermined impact upon the Department of Public Safety. In the very least there will be an increase in the workload of the Department, however if the number of such additional persons exceeds 18,000 an additional staff person at approximately \$35,000 will be required. No data exists as to how many new background checks will be required however it is expected to be less than what would require additional staff in the Department of Public Safety.

The bill's expansion of the State Board of Education's ability to revoke, deny or refuse reissue of educator credentials to include permits and authorizations will result in a minimal workload increase to the Department of Education. All other changes to the processes of the Department of Education can be achieved within available resources.

Municipal Impact:

The bill's requirements for local and regional board's of education in terms of background checks will result in minimal costs in some districts due to increased paperwork. This increased paperwork is associated with reference checks, which in many cases already occur to the degree specified in the bill.

The immunity provided in the bill from civil liability with regard to recommendations and information may result in a savings to local and

regional school districts. The nature of such savings is indeterminate, as the possibility of lawsuits cannot be predicted.

OLR Bill Analysis

sSB 1201

AN ACT CONCERNING EDUCATORS.**SUMMARY:**

This bill expands the State Board of Education's (SBE) ability to revoke, deny, or refuse to reissue educator credentials to include authorizations and permits. It adds new crimes to the list of convictions for which an educator's credential may be revoked, denied, or refused. It requires the state's attorney to notify the education commissioner if a credentialed educator is convicted of a felony or a class A misdemeanor.

The bill also reduces the amount of time public school employees have after being hired to submit to criminal history records checks. It requires local school boards and regional educational service centers (RESCs) to arrange for positive methods of identification other than fingerprinting. The bill requires a board of education to make a reasonable effort to investigate a candidate's fitness for employment before hiring him. It immunizes boards and others from civil liability for reliance on false recommendations or information under certain circumstances. It requires SBE periodically to submit to the State Police Bureau of Identification (SPBI) a database of anyone applying for, or holding, an educator credential.

Finally, the bill expands the class of certified teachers who qualify for targeted mortgage assistance to include teachers in regional vocational technical schools in priority and transitional school districts and minority teachers in schools with low minority teacher populations.

EFFECTIVE DATE: July 1, 2001

REVOKING AN EDUCATOR'S LICENSE

The bill extends SBE's power to revoke educator certificates to also cover authorizations and permits, such as those held by athletic

coaches, substitute teachers, and teachers teaching outside their endorsement area. The grounds for revoking the authorization or permit are the same as for certificates, namely: if the holder (1) obtained it through fraud or misrepresentation of a material fact, (2) has persistently neglected to perform the duties for which the credential was granted, (3) is professionally unfit to perform the duties for which the credential was granted, or (4) is convicted of a crime of moral turpitude or of such a nature that the board feels that allowing the holder to keep the credential would impair the credential's standing. The bill also allows SBE to revoke an authorization or permit, as it already can a certificate, if the holder breaches the security of a statewide mastery examination.

Criminal Convictions as Basis for Revocation

The bill extends SBE's authority to revoke a teaching certificate for specific criminal convictions to include authorizations and permits. It also removes fourth-degree sexual assault as a ground for revocation and expands permissible grounds for revoking all credentials, currently limited to conviction for second-degree sexual assault, to include convictions for (1) a capital felony; (2) arson murder; (3) any class A felony; (4) a class B felony, except first-degree larceny, first-degree computer crime, or first-degree vendor fraud; (5) risk of injury to a minor; (6) deprivation of a person's civil rights by a person wearing a mask or hood; (7) second-degree assault of an elderly, blind, disabled, pregnant, or mentally retarded person, with or without a firearm; (8) third-degree sexual assault, with or without a firearm; (9) third-degree promoting prostitution; (10) substitution of children; (11) third-degree burglary with a firearm; (12) first-degree stalking; (13) incest; (14) obscenity as to minors; (15) importing child pornography; (16) criminal use of a firearm or electronic defense weapon; (17) possession of a weapon on school grounds; or (18) manufacture or sale of illegal drugs.

DENIAL OF CERTIFICATE APPLICATIONS

The bill extends SBE's power to deny certificate applications to include applications for authorizations or permits if the applicant (1) is seeking the credential through fraud or misrepresentation of a material fact or (2) has been convicted of a crime of moral turpitude or of such a nature

that the board feels that granting the credential would impair its standing. Any applicant denied a credential must be notified in writing of the reasons for the denial and may request the board to review the denial.

GROUND FOR DENIAL OR REFUSAL TO REISSUE A CERTIFICATE

The bill expands the convictions for which SBE may deny or refuse to reissue a certificate to include the applicant's conviction for (1) a crime involving an act of child abuse or neglect; (2) second-degree sexual assault; or (3) third-degree sexual assault, with or without a firearm. It removes the exemption for second-degree vendor fraud, but adds one for first-degree vendor fraud. The bill eliminates conviction for intimidation based on bigotry or bias from the list because the crime was repealed from the penal code as of October 1, 2000.

NOTIFICATION OF EDUCATION COMMISSIONER

The bill requires the state's attorney for the jurisdiction where the conviction occurred to notify the education commissioner, in writing, if a person holding an SBE certificate, authorization, or permit is convicted of a felony or a class A misdemeanor.

CRIMINAL HISTORY RECORDS CHECKS

The bill reduces, from 90 to 30 days, the time public school employees have after they are hired to submit to state and national criminal history records checks. It also expands the types of people who must submit to checks to include contractor's employees, such as school bus drivers and cafeteria workers, and workers placed in a school under a public assistance employment program, if they will have direct contact with students. These employees have 14 days to submit to the checks.

The bill requires each local school board or regional educational service center (RESA) to send to SBE the results of the state criminal history checks on people holding SBE credentials.

The bill exempts students employed by the school district where they attend school from the criminal history records checks.

Positive Identification Other Than Fingerprinting

The bill also requires local school boards and RESCs to arrange for methods of positive identification required by the SPBI and the Federal Bureau of Investigation (FBI) other than fingerprinting. They must handle this identification like they now do fingerprints, by sending it to the SPBI for a state criminal history records check. The SPBI must submit either the other identifying information or fingerprints to the FBI, as appropriate, for a national check.

The bill requires RESCs, if requested by a local board, to conduct methods of positive identification, as they now do for fingerprints. The RESC must then forward the information for state and national criminal history records checks.

DATABASE REQUIREMENT

The bill requires SBE periodically to submit to the SPBI databases of (1) all applicants for an initial certificate, authorization, or permit as a teacher, school business administrator, occupational instructor, or coach and (2) everyone holding a certificate, authorization, or permit. The SPBI must check the state criminal history records against the databases and notify SBE of any person with a criminal conviction. The bill prohibits SPBI from issuing a certificate, authorization, or permit until it receives and evaluates the results of the check and allows it to deny an application or revoke a credential if the person has been convicted of a crime of moral turpitude or another crime that would impair the standing of SBE's credentials.

REFERENCE CHECKS AND RELATED IMMUNITY

The bill requires a local or regional board of education to make a documented good faith effort to contact an applicant's former employers for recommendations and information about the person's fitness for employment before hiring the candidate. It grants local and regional boards of education, SDE, and previous employers who provide information or recommendations immunity from civil liability unless (1) the information or recommendation was false and the board relied on it to the applicant's detriment or (2) the board, SDE, or

previous employer knew the information or recommendation was false or acted with reckless disregard as to its truth or falsity. The bill gives the local board that relied on the information or recommendations immunity from civil liability for its use, unless it knew the information was false or acted with reckless disregard as to its truth or falsity.

EXPANSION OF MORTGAGE ASSISTANCE PROGRAM FOR CERTIFIED TEACHERS

The bill adds certified teachers who are (1) employed by regional vocational-technical schools located in priority or transitional school districts or (2) minorities employed in a school district where minorities make up less than 5% of the district’s teachers to qualify for the Connecticut Housing Finance Authority’s mortgage assistance for teachers program. In order to be eligible for the mortgage assistance, the house the teacher wants to buy must be located in the district. Under current law, eligible teachers are those who (1) are employed by a priority school district, (2) are employed by a transitional school district, or (3) teach in a subject matter shortage area.

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute
Yea 30 Nay 2