



# OLR RESEARCH REPORT

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## **NOTIFICATION TO SCHOOL DISTRICTS WHEN A TEACHER IS ARRESTED**

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You asked for examples from other states of laws that require a school district to be notified when a teacher from that district is arrested. You also wanted a summary of Connecticut's law requiring police to notify a school district upon the arrest of a student from the district.

### **SUMMARY**

While almost all states require criminal background checks for prospective teachers, many do not have a formal means of informing districts when a current teacher has been arrested. We identified 11 states that require some form of teacher arrest notification. Within the realm of teacher arrest notification laws, various states place the burden of notifying the school district or state education agency on different parties. In some cases the requirement only applies to arrests for certain offenses (e.g., felonies, sexual offenses, or child abuse).

We found:

1. four states that place the notification requirement on the arrested teacher,
2. two require the police who make the arrest to notify,
3. two require the courts or the prosecutor to notify, and

4. four use statewide search mechanisms to identify arrests and make notification.

(California uses two of the methods mentioned above, which is why the list totals 12 for 11 states.) States included responded to a query through the National Conference of State Legislatures education staff network. Several states responded that they do not have such notification laws and are not included. Some states require notification upon a conviction. We included some information on these states to provide fuller context of the issue.

Connecticut law does not require notification of teacher or school employee arrest.

Connecticut law requires police to notify a student’s school superintendent of the student’s arrest for a class A misdemeanor, felony, or the sale, carrying, or brandishing of any imitation or facsimile firearm.

**REQUIRED NOTIFYING PARTIES AND CHARGES TRIGGERING NOTIFICATION**

Table 1 shows the charges that trigger notification and the four different methods for notifying either that state’s education or teacher licensing agency or the school district where the teacher is employed.

Following the table is a more detailed description of states with laws that illustrate each of the methods of notification.

**Table 1: Charges Triggering and Parties Responsible for Notifying Education Officials of Teacher Arrest, by State**

<b>State</b>	<b><i>Arrest or Charge Triggering Notification</i></b>	<b><i>Party Responsible for Notifying State Education Agency or School District</i></b>
<b>Arizona</b>	Certain offenses including sexual assault of a child or adult or certain violent crimes against children or vulnerable adults	Teachers must self-report
<b>California</b>	Sexual offenses, including any offense that conviction of which would require the person to register as a sex offender	Police notify for arrests for sexual offenses upon arrest, and State Department of Justice maintains fingerprints of all teachers and notifies school districts and the Commission on Teacher Credentialing after it receives notice of an arrest or conviction.

**Table 1 (continued)**

<b>State</b>	<b>Arrest or Charge Triggering Notification</b>	<b>Party Responsible for Notifying State Education Agency or School District</b>
<b>Louisiana</b>	Sexual offenses involving minors or a justified complaint of child abuse or neglect under child protection law.	Teachers (and other school employees) must self-report
<b>Michigan</b>	Any felony or misdemeanor involving sexual offenses, child abuse, or indecent exposure	Teachers must self-report; failure to do so is a crime*
<b>Missouri</b>	Any felony or misdemeanor	State Department of Education and the Highway Patrol conduct annual checks using teacher fingerprints for arrests and convictions
<b>Ohio</b>	Arrests for any felony, immoral acts, certain drug offenses, violent crimes, and others	Bureau of Criminal Investigations (BCI) maintains a statewide teacher fingerprint database and when arrest information matches prints, BCI contacts the state Department of Education
<b>Oklahoma</b>	Upon prosecutor filing a criminal information or indictment for a felony or violent misdemeanor	The prosecutor must attempt to determine whether the suspect is a teacher or employee of a school district and, if so, notify the school district superintendent of the charges
<b>Oregon</b>	Upon arrest of charges that can lead to revocation of teacher license	Court or district attorney, if there is cause to believe the individual is a teacher or school district employee, must send copy of charges to the state Teacher Standards and Practices Division
<b>Pennsylvania</b>	Specific list of offenses including murder, assault, and sexual assault	Teacher must self-report
<b>Utah</b>	Any arrest entered into state police fingerprint database	State police fingerprint division notifies school districts when a new arrest entry is made in the fingerprint database
<b>Virginia</b>	Felony, crime of moral turpitude, or any offense involving physical or sexual abuse of a child	Police report the arrest of public school employee to school superintendent
*State disclosure requirement also applies to convictions.		

## **TEACHER SELF-REPORTING**

Michigan has one of the most detailed laws that require teachers, and anyone employed by a school district, to notify the state Department of Education and their employer of an arrest. It also specifies significant penalties if the teacher fails to make the notification ([Michigan Code § 380-1230d](#)).

The teacher or school employee must report to his or her school district and to the department if he or she is charged with (1) any felony or (2) certain misdemeanors involving sexual offenses, child abuse, or indecent exposure. The notification must be made within three business days after being arraigned on a form prescribed by the state.

An employee who fails to make the notification is in violation of the law and is guilty of the following:

1. if the crime is a felony or certain serious misdemeanors, the employee is guilty of felony punishable by up to two years in jail, fine of up to \$2,000 or both or
2. if the crime is a misdemeanor, the employee is guilty of a misdemeanor punishable by up to one year in jail, a fine of up to \$1,000, or both.

Some other states that require self-reporting the penalties for failing to report are not as heavy. In Louisiana, for example, a teacher who fails to report his or her arrest for a sexual offense involving minors or child abuse or neglect must be suspended with or without pay by their employer if the employee either does not have tenure or is in job that does not provide tenure. For tenured teachers, the punishment for failure to notify is termination of employment.

## **POLICE REPORTING**

We found four states that require the police to make notification after the arrest of a teacher or school employee. Under California law, state, local, or county police must immediately notify by telephone the superintendent of schools who employs a teacher who has just been arrested for rape or any other sex crime that requires registration as a sex offender upon conviction. The police must also give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools where the teacher is employed. ([Cal. Pen. Code § 291](#))

California has a similar provision addressing the arrest of public school employees who are not teachers. It essentially requires the same notification, but without the notice to the Credentialing commission.

## **COURT OR PROSECUTOR NOTIFICATION**

We found four states that require the courts or the criminal prosecutors to notify a school district when one of the district's teachers has been arrested for certain crimes. For example, in Oklahoma when a district attorney files a criminal information or indictment for a felony or a violent misdemeanor, he or she must attempt to determine whether the person arrested is an employee of a public school or school district in the state. If the person is, the district attorney must notify the district superintendent of the charges. The district may then take any action it deems necessary as long as it complies with the state education right to privacy law ([2003 HB 1707](#)).

## **STATEWIDE METHOD**

We identified four states that have a centralized state method of checking for teacher arrests and they all involved a fingerprint database maintained by the state police or similar entity.

For example, the Missouri Highway Patrol maintains a fingerprint database that includes all teacher fingerprints, which were originally obtained through the background check done on all prospective teachers. Under Missouri law, the state Department of Education must facilitate an annual check of all employed individuals who hold an education certificate. The check reviews the names for hits in three different databases:

1. criminal history central repository,
2. sexual offender registry, and
3. child abuse registry.

The highway patrol must provide ongoing updates of the criminal history backgrounds of those who hold education certificates.

If the check finds the employee was found guilty, pled guilty or nolo contendere, then the school district that employs the person must be notified ([MRS Ch. 168, § 168.133](#)).

### **NOTIFICATION UPON CONVICTION**

We also found a handful of states that have a form of notification upon conviction of a crime. These include Colorado (only after a felony conviction) and North Dakota.

Massachusetts enacted a law, effective this year, that requires all current teachers to be fingerprinted before September 2016 for state and national criminal background checks. This is in addition to the new requirement that all new teachers get fingerprinted as part of their pre-employment background check. This law is the first time Massachusetts has done such check on current teachers. It is not clear if these background checks would flag arrests or just convictions.

Under this law, local school districts must obtain updated criminal background check information on all teachers (and other school employees) at least once every three years from the state Department of Criminal Justice Information.

### **CONNECTICUT REQUIREMENT TO NOTIFY DISTRICTS OF STUDENT ARREST**

Connecticut law requires police to notify a student's school superintendent of the student's arrest for a class A misdemeanor, felony, or the sale, carrying, or brandishing of any imitation or facsimile firearm. The police must (1) orally notify the superintendent no later than the end of the weekday after the arrest and (2) provide the superintendent with written notification, which must include a description of the incident, within 72 hours of the arrest. The law applies to students at least seven and under 21-years-old who are enrolled in school (CGS § [10-233h](#)).

The superintendent must keep the arrest report confidential and maintain it in a secure location. The superintendent can disclose this information only to the principal or supervisory agent of the student's school. The principal or agent can disclose the information only to special services staff or a consultant, such as a psychiatrist, psychologist or social worker, (1) in order to assess whether the student poses a risk himself, students, school employees or school property and (2) for disciplinary purposes.

JM:ro