



House of Representatives

General Assembly

File No. 285

January Session, 2015

Substitute House Bill No. 6836

House of Representatives, March 30, 2015

The Committee on Education reported through REP. FLEISCHMANN of the 18th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE TIMING OF CRIMINAL HISTORY RECORDS CHECKS FOR SCHOOL EMPLOYEES.

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

1 Section 1. Subsection (a) of section 10-221d of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2015*):

4 (a) Each local and regional board of education shall (1) require each
5 applicant for a position in a public school to state whether such person
6 has ever been convicted of a crime or whether criminal charges are
7 pending against such person at the time of such person's application,
8 (2) (A) on and after July 1, 2011, require each applicant for a position in
9 a public school requiring a certificate, authorization or permit issued
10 pursuant to chapter 166 to submit to a records check of the Department
11 of Children and Families child abuse and neglect registry established
12 pursuant to section 17a-101k, before such applicant may be hired by
13 such board, and (B) on and after July 1, 2012, require each applicant for

14 a position in a public school that does not require a certificate,
15 authorization or permit issued pursuant to chapter 166 to submit to a
16 records check of the Department of Children and Families child abuse
17 and neglect registry established pursuant to section 17a-101k, before
18 such applicant may be hired by such board, (3) require, subject to the
19 provisions of subsection (d) of this section, each person hired by the
20 board after July 1, [1994] 2015, to submit to state and national criminal
21 history records checks [within thirty] not later than five business
22 [from] after the date of employment and may require, subject to the
23 provisions of subsection (d) of this section, any person hired prior to
24 said date to submit to state and national criminal history records
25 checks, and (4) require each worker (A) placed within a school under a
26 public assistance employment program, (B) employed by a provider of
27 supplemental services pursuant to the No Child Left Behind Act, P.L.
28 107-110, or (C) on and after July 1, [2010] 2015, in a nonpaid,
29 noncertified position completing preparation requirements for the
30 issuance of an educator certificate pursuant to chapter 166, who
31 performs a service involving direct student contact to submit to state
32 and national criminal history records checks [within thirty] not later
33 than five business days [from] after the date such worker begins to
34 perform such service. The criminal history records checks required by
35 this subsection shall be conducted in accordance with section 29-17a. If
36 the local or regional board of education receives notice of a conviction
37 of a crime which has not previously been disclosed by such person to
38 the board, the board may (i) terminate the contract of a certified
39 employee, in accordance with the provisions of section 10-151, and (ii)
40 dismiss a noncertified employee provided such employee is notified of
41 the reason for such dismissal, is provided the opportunity to file with
42 the board, in writing, any proper answer to such criminal conviction
43 and a copy of the notice of such criminal conviction, the answer and
44 the dismissal order are made a part of the records of the board. In
45 addition, if the local or regional board of education receives notice of a
46 conviction of a crime by a person (I) holding a certificate, authorization
47 or permit issued by the State Board of Education, (II) employed by a
48 provider of supplemental services, or (III) on and after July 1, 2010, in a

49 nonpaid, noncertified position completing preparation requirements
 50 for the issuance of an educator certificate pursuant to chapter 166, the
 51 local or regional board of education shall send such notice to the State
 52 Board of Education. The supervisory agent of a private school may
 53 require any applicant for a position in such school or any employee of
 54 such school to submit to state and national criminal history records
 55 checks in accordance with the procedures described in this subsection.

56 Sec. 2. Subsection (c) of section 29-17a of the general statutes is
 57 repealed and the following is substituted in lieu thereof (*Effective July*
 58 *1, 2015*):

59 (c) The Commissioner of Emergency Services and Public Protection
 60 (1) may provide an expedited service for persons requesting criminal
 61 history records checks in accordance with this section, and (2) shall
 62 provide an expedited service for any local or regional board of
 63 education requesting criminal history records checks in accordance
 64 with section 10-221d, as amended by this act. Such expedited service
 65 shall include making the results of such records checks available to the
 66 requesting party through the Internet. The commissioner may enter
 67 into a contract with any person, firm or corporation to establish and
 68 administer such expedited service. The commissioner shall charge, in
 69 addition to the fees charged pursuant to subsection (b) of this section, a
 70 fee of fifty dollars for each expedited criminal history [record] records
 71 check provided, except the commissioner shall not charge an
 72 additional fee for each expedited criminal history records check
 73 requested by a local or regional board of education. The fee charged
 74 pursuant to subsection (b) of this section and the expedited service fee
 75 charged pursuant to this subsection, if any, shall be paid by the
 76 requesting party in such manner as may be required by the
 77 commissioner.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2015	10-221d(a)
Sec. 2	July 1, 2015	29-17a(c)

ED *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 16 \$	FY 17 \$
Department of Emergency Services and Public Protection	GF - Cost	Less Than \$30,000	Less Than \$30,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill, which modifies background check requirements for certain applicants and employees of local and regional boards of education, is anticipated to result in a cost to the Department of Emergency Services and Public Protection (DESPP) of less than \$30,000 in FY 16 and annually thereafter.

Certain provisions of the bill require DESPP to perform expedited state and national criminal checks for local and regional boards of education. Currently, there are approximately 51,000 certified individuals employed by such boards statewide. DESPP performed approximately 105,000 criminal history checks in calendar year 2013. Given that the expedited criminal history checks would be required only for new hires, the additional workload can likely be processed utilizing overtime without additional staff.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 6836*****AN ACT CONCERNING THE TIMING OF CRIMINAL HISTORY RECORDS CHECKS FOR SCHOOL EMPLOYEES.*****SUMMARY:**

This bill shortens the deadline for people hired by local and regional boards of education to submit to state and national criminal history records checks. Individuals hired after July 1, 2015 must submit to these checks within five, rather than 30, business days of hire.

The bill similarly shortens the background check deadline for several categories of workers who are not directly hired by a board of education yet provide services in schools involving direct student contact: those who are (1) placed in a school under a public assistance employment program; (2) employed by a supplemental educational services provider (see BACKGROUND); or (3) placed in a nonpaid, noncertified position to satisfy teacher certification requirements.

Also, the bill requires the Department of Emergency Services and Public Protection (DESPP) to expedite such requests for criminal history records checks from local or regional boards of education. It prohibits DESPP's commissioner from charging boards the standard, additional fifty dollar fee for expedited checks.

EFFECTIVE DATE: July 1, 2015

BACKGROUND***Supplemental Educational Services***

Supplemental educational services consist of free extra academic help, such as tutoring or remedial help, provided to students in subjects such as reading, language arts, and math. Under the federal No Child Left Behind Act, children from low-income families may

enroll in these services if they attend a Title I school that has been designated by its state to be in need of improvement for more than one year. Providers of such services include nonprofit entities, for-profit entities, local or regional school districts, public schools, public charter schools, or private schools. The State Department of Education approves all eligible providers.

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute

Yea 32 Nay 0 (03/11/2015)