



# Senate

General Assembly

**File No. 230**

February Session, 2018

Senate Bill No. 459

*Senate, April 4, 2018*

The Committee on Education reported through SEN. SLOSSBERG of the 14th Dist. and SEN. BOUCHER of the 26th Dist., Chairpersons of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT CONCERNING THE REGIONAL PROCESSING AND RETENTION OF FINGERPRINT RECORDS.***

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

1 Section 1. Section 10-221d of the 2018 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective July 1, 2018*):

4 (a) Each local and regional board of education, [each] governing  
5 council of a state or local charter school, [each] interdistrict magnet  
6 school operator, [and each] supervisory agent of a nonpublic school  
7 and regional educational service center shall (1) require each applicant  
8 for a position in a public school with such board, council, [or] operator,  
9 [or] nonpublic school with such supervisory agent or regional  
10 educational service center to state whether such applicant has ever  
11 been convicted of a crime or whether criminal charges are pending  
12 against such applicant, (2) require each applicant to submit to a records  
13 check of the Department of Children and Families child abuse and

14 neglect registry established pursuant to section 17a-101k, before such  
15 applicant may be hired by such board, council, operator, [or]  
16 supervisory agent or center, (3) on and after July 1, 2017, require,  
17 subject to the provisions of subsection (d) of this section, each  
18 applicant for a position to submit to state and national criminal history  
19 records checks within thirty days from the date of employment and  
20 may require, subject to the provisions of subsection (d) of this section,  
21 any person hired prior to said date to submit to state and national  
22 criminal history records checks, and (4) require each worker (A) placed  
23 within a school under a public assistance employment program, (B)  
24 employed by a provider of supplemental services pursuant to the No  
25 Child Left Behind Act, P.L. 107-110, or (C) in a nonpaid, noncertified  
26 position completing preparation requirements for the issuance of an  
27 educator certificate pursuant to chapter 166, who performs a service  
28 involving direct student contact to submit to state and national  
29 criminal history records checks within thirty days from the date such  
30 worker begins to perform such service. The criminal history records  
31 checks required by this subsection shall be conducted in accordance  
32 with section 29-17a. If the local or regional board of education receives  
33 notice of a conviction of a crime which has not previously been  
34 disclosed by such person to the board, the board may (i) terminate the  
35 contract of a certified employee, in accordance with the provisions of  
36 section 10-151, and (ii) dismiss a noncertified employee, provided such  
37 employee is notified of the reason for such dismissal. In addition, if the  
38 local or regional board of education receives notice of a conviction of a  
39 crime by a person (I) holding a certificate, authorization or permit  
40 issued by the State Board of Education, (II) employed by a provider of  
41 supplemental services, or (III) in a nonpaid, noncertified position  
42 completing preparation requirements for the issuance of an educator  
43 certificate pursuant to chapter 166, the local or regional board of  
44 education shall send such notice to the State Board of Education. The  
45 supervisory agent of a nonpublic school shall be responsible for paying  
46 the fee charged pursuant to section 29-17a for a state and national  
47 criminal history records check required under this section.

48 (b) If a local or regional board of education, governing council of a

49 state or local charter school, operator of an interdistrict magnet school,  
50 endowed or incorporated academy approved by the State Board of  
51 Education pursuant to section 10-34, special education facility  
52 approved by the State Board of Education pursuant to section 10-76d,  
53 or supervisory agent of a nonpublic school requests, a regional  
54 educational service center [shall] is authorized to arrange for or  
55 conduct the fingerprinting, digitally or otherwise, of any person  
56 required to submit to state and national criminal history records  
57 checks pursuant to this section or for conducting any other method of  
58 positive identification required by the State Police Bureau of  
59 Identification or the Federal Bureau of Investigation and shall forward  
60 such fingerprints or other positive identifying information to the State  
61 Police Bureau of Identification which shall conduct criminal history  
62 records checks in accordance with section 29-17a. Such regional  
63 educational service center [shall] is authorized to maintain and retain  
64 (1) such fingerprints or other positive identifying information, which  
65 may be in an electronic format, for a period of four years, at the end of  
66 which such fingerprints and positive identifying information shall be  
67 destroyed, and (2) the results of state and national criminal history  
68 records checks, which may be in an electronic format, for a period of  
69 four years, at the end of which the results of such checks shall be  
70 destroyed. Such regional educational service [centers shall] center is  
71 authorized to provide the results of such checks to such local or  
72 regional board of education, governing council of a state or local  
73 charter school, operator of an interdistrict magnet school, endowed or  
74 incorporated academy, special education facility or supervisory agent  
75 of a nonpublic school and to a contractor, in the case of any employee  
76 of an applicant contractor subject to such records checks. Such regional  
77 educational service [centers shall] center is authorized to provide such  
78 results to any other local or regional board of education or regional  
79 educational service center upon the request of such person. No  
80 regional educational service center shall charge a fee for services under  
81 this subsection that exceeds any fee that the center may charge any  
82 applicant for a position with such center.

83 (c) State and national criminal history records checks for substitute

84 teachers completed within one year prior to the date of employment  
85 with a local or regional board of education, council, operator, [or]  
86 supervisory agent or regional educational service center and submitted  
87 to the employing board of education, council, operator, [or]  
88 supervisory agent or center shall meet the requirements of subdivision  
89 (3) of subsection (a) of this section. A local or regional board of  
90 education, council, operator, [or] supervisory agent or center shall not  
91 require substitute teachers to submit to state and national criminal  
92 history records checks pursuant to subdivision (3) of subsection (a) of  
93 this section if they are continuously employed by such local or regional  
94 board of education, council, operator, [or] supervisory agent or center,  
95 provided a substitute teacher is subjected to such checks at least once  
96 every five years. For purposes of this section, substitute teachers shall  
97 be deemed to be continuously employed by a local or regional board of  
98 education, council, operator, [or] supervisory agent or center if they  
99 are employed at least one day of each school year by such local or  
100 regional board of education, council, [or] operator or center.

101 (d) The provisions of this section shall not apply to a student  
102 employed by the local or regional school district in which the student  
103 attends school.

104 (e) The State Board of Education shall submit, periodically, a  
105 database of applicants for an initial issuance of certificate,  
106 authorization or permit pursuant to sections 10-144o to 10-149,  
107 inclusive, to the State Police Bureau of Identification. The State Police  
108 Bureau of Identification shall conduct a state criminal history records  
109 check against such database and notify the State Board of Education of  
110 any such applicant who has a criminal conviction. The State Board of  
111 Education shall not issue a certificate, authorization or permit until it  
112 receives and evaluates the results of such check and may deny an  
113 application in accordance with the provisions of subsection (i) of  
114 section 10-145b.

115 (f) The State Board of Education shall submit, periodically, a  
116 database of all persons who hold certificates, authorizations or permits

117 to the State Police Bureau of Identification. The State Police Bureau of  
118 Identification shall conduct a state criminal history records check  
119 against such database and shall notify the State Board of Education of  
120 any such person who has a criminal conviction. The State Board of  
121 Education may revoke the certificate, authorization or permit of such  
122 person in accordance with the provisions of subsection (i) of section 10-  
123 145b.

124 (g) The State Board of Education shall require each applicant  
125 seeking an initial issuance or renewal of a certificate, authorization or  
126 permit pursuant to sections 10-144o to 10-149, inclusive, to submit to a  
127 records check of the Department of Children and Families child abuse  
128 and neglect registry established pursuant to section 17a-101k. If  
129 notification is received that the applicant is listed as a perpetrator of  
130 abuse or neglect on the Department of Children and Families child  
131 abuse and neglect registry, the board shall deny an application for the  
132 certificate, authorization or permit in accordance with the provisions of  
133 subsection (i) of section 10-145b, or may revoke the certificate,  
134 authorization or permit in accordance with the provisions of said  
135 subsection (i).

136 (h) Notwithstanding the provisions of subsection (g) of section 31-  
137 51i, the Department of Education shall, upon request of a local or  
138 regional board of education, governing council of a state or local  
139 charter school, an interdistrict magnet school operator, [or] the  
140 supervisory agent of a nonpublic school or regional educational  
141 service center, make available to such local or regional board of  
142 education, governing council, interdistrict magnet school operator, [or]  
143 supervisory agent of a nonpublic school or regional educational  
144 service center requesting information concerning an applicant for a  
145 position with such board, council, operator, [or] supervisory agent or  
146 center (1) any information concerning the applicant's eligibility for  
147 employment in a position with such board, council, operator, [or]  
148 supervisory agent or center requiring a certificate, authorization or  
149 permit issued pursuant to chapter 166, (2) whether the department has  
150 knowledge that the applicant has been disciplined for a finding of

151 abuse or neglect or sexual misconduct, as defined in section 10-222c,  
152 and any information concerning such a finding, and (3) whether the  
153 department has received notification that the applicant has been  
154 convicted of a crime or of criminal charges pending against the  
155 applicant and any information concerning such charges. The  
156 provisions of this subsection shall not be construed to cause the  
157 department to investigate any such request.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2018</i>	10-221d

**ED**      *Joint Favorable*

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:*** None***Municipal Impact:*** None***Explanation***

The bill, which makes several procedural changes related to the processing and retention of fingerprint records by regional educational service centers, will not result in a fiscal impact to the state or local and regional boards of education.

***The Out Years******State Impact:*** None***Municipal Impact:*** None

**OLR Bill Analysis****SB 459*****AN ACT CONCERNING THE REGIONAL PROCESSING AND RETENTION OF FINGERPRINT RECORDS.*****SUMMARY**

This bill authorizes, rather than requires, regional educational service centers (RESCs) to perform a number of activities related to fingerprinting and background checks of current and potential employees of public or private schools. Under existing law, unchanged by the bill, RESCs become involved with background checks at the request of local and regional boards of education, charter school governing councils, interdistrict magnet school operators, endowed academies that function as public high schools, state-approved special education facilities, or private schools.

The bill authorizes RESCs to:

1. conduct or arrange for fingerprinting, which may be done digitally;
2. retain for four years the state and national background check results, which may be in an electronic format, instead of retaining only the fingerprints and other positive identifying information, as under current law; and
3. provide the background check results to boards of education or other RESCs upon the applicant's or employee's request.

The bill requires RESCs to conduct background checks on their own employees and applicants, which the law already requires them to do for employees of magnet schools they operate.

RESCs must also follow the same background check requirements



as boards of education when checking substitute teachers.

Finally, the bill requires the State Department of Education to share teacher certification and permit information with RESCs, as it must already do with boards of education and other education employers.

EFFECTIVE DATE: July 1, 2018

**COMMITTEE ACTION**

Education Committee

Joint Favorable

Yea 36 Nay 0 (03/19/2018)