



General Assembly

Raised Bill No. 459

February Session, 2018

LCO No. 2247



Referred to Committee on EDUCATION

Introduced by:
(ED)

***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2 statutes is repealed and the following is substituted in lieu thereof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	July 1, 2018	10-221d

ED *Joint Favorable*