

Education Committee JOINT FAVORABLE REPORT

Bill No.: HB-5334

AN ACT CONCERNING NOTIFICATION BY CONTRACTORS TO BOARDS OF

Title: EDUCATION REGARDING INCIDENTS OF ARREST OF EMPLOYEES.

Vote Date: 3/14/2018

Vote Action: Joint Favorable Substitute

PH Date: 3/8/2018

File No.:

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SPONSORS OF BILL:

Education Committee

REASONS FOR BILL:

This bill is in direct response to an incident that occurred in December of 2017 in which a bus driver employed by New Britain Transportation was arrested for allegedly sexually abusing a child for eight years. Upon being notified by the Wolcott Police Department of the arrest, New Britain Transportation immediately terminated the driver's employment, but did not notify the district in which the individual drove a school bus. This bill requires board of education contractors such as bus companies, to notify within twenty four hours, the superintendent of schools if one of their employees who has direct contact with children in that district is arrested.

EFFECTIVE DATE: October 1, 2018

SUBSTITUTE LANGUAGE

Line 7 requires the contractor to notify the superintendent, rather than the board of education.

This change was suggested by Rep. Liz Linehan and Timothy F. Connellan, Superintendent of Southington Schools.

RESPONSE FROM ADMINISTRATION/AGENCY:

Dianna R. Wentzell, Commissioner, State Department of Education:

Commissioner Wentzell testified that the Department believes the bill as written is too broad and asked the Committee to narrow the scope, as there are many criminal charges that do not relate to child safety or well-being. She also cautioned that, any action taken based only on an arrest rather than the outcome of any criminal proceedings, raises fairness issues and

potential legal problems. In many cases the employer needs to wait until the police have completed their investigation.

In addition, she thought it useful to note that the policy of the State in its employer capacity is generally not to permit action to be taken based on an arrest which is not followed by a conviction (see General Statutes Sec 46a-80(e), which prohibits records of arrest not followed by conviction to be used by the State or any of its agencies in connection with an application for employment or a permit, license, certificate, or registration). The Department offered to work with the Committee on the language of the bill to bring it to a place that they could fully support.

NATURE AND SOURCES OF SUPPORT:

Representative Linehan, 103rd Assembly District:

The concept for this bill was brought to the Committee by **Rep. Linehan** who represents the Town of Southington, which is the district where the accused drove a school bus.

She testified at the hearing that she was contacted days after the arrest by constituents whose non-verbal, special needs daughter rode on the accused driver's bus for two years. The parents were very upset that they heard about the arrest on the news and not from the district, and were even more upset when they realized it was because the district had not been notified by the bus company as to the reason for the driver's termination.

Rep. Linehan went on to ask that the language of the bill be changed to require that the contractors notify superintendents instead of boards of education and also that the notification requirement be extended to employees who are under investigation in addition to those who have been arrested.

More than twenty five other individuals submitted testimony in support of this bill including parents, early childhood professionals, and Liz Forsyth, who works as a bus monitor for New Britain Transportation. They all expressed similar sentiments that this legislation is necessary to protect the children.

Julie Barnofski Portfolio, Southington parent
Kristin Bontempi, LMFT, Southington
Sean Brunnock, Cheshire parent
Tony Buccheri, Wallingford parent
Jennifer Capute, Cheshire parent
Erin, Southington parent
Liz Forsyth, Southington
Karen Gallagher
Christopher Gray, Southington parent
Michael Green, Meriden
Sally Grossman, Windsor parent
Vanessa Hawke, Southington parent
Joanne Kelleher, Director-Early Childhood Collaborative of Southington
Jean Kelly, Cheshire grandparent
Terri Lachance
Mario Leigh, Cheshire

Bonnie Liang, Fairfield parent
Simon Liang, Fairfield parent
Jennifer Micacci, Southington parent
Jill Negro, Wallingford parent
Aline Nichols, Cheshire parent
Sandra Pallotto, Cheshire parent
Linda Petrillo
Mary Pilch
Elizabeth Renker, Cheshire parent
Kate Siciliano, Cheshire
William Vanderrest, Plantsville

Jeffrey F. Solan, Superintendent of Cheshire Public Schools and Timothy Connellan, Superintendent, Southington Public Schools submitted testimony in support of the bill. Superintendent Connellan echoed Rep. Linehan's request to change the language of the bill to require contractors to notify superintendents rather than boards of education.

NATURE AND SOURCES OF OPPOSITION:

No direct opposition to the bill was submitted, but the State Department of Education did express some concerns about how broad the bill is and they believe that any action taken based only on an arrest rather than the outcome of any criminal proceedings could raise fairness issues and/or potential legal problems.

Reported by: Amy L. Orschel

Date: 3/26/2018