

Education Committee JOINT FAVORABLE REPORT

Bill No.: SB-459

AN ACT CONCERNING THE REGIONAL PROCESSING AND RETENTION OF

Title: FINGERPRINT RECORDS.

Vote Date: 3/19/2018

Vote Action: Joint Favorable

PH Date: 3/14/2018

File No.:

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SPONSORS OF BILL:

Education Committee

REASONS FOR BILL:

SB 458 authorizes, rather than requires, Regional Educational Service Centers (RESCs) to perform a number of activities related to fingerprinting and background checks of employees and job applicants. It authorizes RESCs to:

- conduct or arrange for fingerprinting and specifies it may be done digitally,
- retain the fingerprints and other information and the results of the state and national background checks for a period of four years, and
- provide the results of the checks to boards of education or RESCs upon request of the person.

SB 459 requires RESCs to follow all the current background check requirements that boards of education must for substitute teachers.

It also (1) requires RESCs to conduct background checks on their own employees and applicants and (2) requires SDE to share teacher certification and permit information about teachers with RESCs, just as it must under current law with boards of education and other education employers.

By allowing Regional Educational Service Centers to process, retain and share fingerprinting and background check information for school district employees across districts SB 459 will create a more cost effective and efficient system so new hires can start work quickly and

individuals working across districts do not bear the financial and time consuming burden of having to pay for multiple fingerprint checks in different towns.

RESPONSE FROM ADMINISTRATION/AGENCY:

None expressed.

NATURE AND SOURCES OF SUPPORT:

[Connecticut Alliance of Regional Educational Service Centers \(RESC Alliance\):](#)

The six RESC submitted testimony in support of SB 459 which returns the processing, retention and sharing of fingerprint records for new school districts hires to a centralized regional system, a service the RESCs provided school districts with for many years in the past. SB 459 will save candidates money, increase the speed with which new hires can be background checked and start working, and will reduce the backlog of requests that the current system used by the Department of Emergency Services and Public Protection (DESPP) has created. The RESCs contend that the DESPP process is inefficient and has made it more difficult for districts to hire substitute teachers, support preservice teachers, encourage volunteering, and created” barriers to entry-level jobs in education.” In addition, the RESCs ask that legislation be passed that would require DESPP to work together with the Alliance to develop a more efficient and effective fingerprinting procedure. The Alliance is opposed to an outside vendor taking over this process.

[Gary S. Mala, Executive Director, EASTCONN:](#)

Mr. Mala submitted testimony in support of SB 459 echoing the reasons submitted by the RESC Alliance above.

[Connecticut Association of Boards of Education, Inc.:](#)

CABE supports SB 459 but asks the committee to address a number of practical issues that arose with the combined passage of Public Acts 16-67 and 17-68 which are summarized here:

- DMV overlap: Prior to 2016, CGS10- 221d contained a provision that if an employee was required to undergo fingerprinting for DMV purposes to obtain a license endorsement, the employee was exempt from having to meet the same requirement under CGS10- 221d (which makes sense as it is duplicative). This often comes into play with schools that hire their own bus drivers; and for private schools where most of faculty require endorsements to drive school vehicles. This provision was dropped in one of the public acts. Now, new employees are subject to fingerprinting for both purposes; and there is a \$75 additional fee at the DMV.
- Students: The law exempts students employed by the school who attend that school from having to undergo background checks. the current exemption applies only to students employed by same school where they go to school; so many schools are still having to do fingerprint based checks if they employ a student from another school (as a camp counselor etc), and we have received questions as to whether this exemption had been intended to apply to any student currently attending any k-12 school, and if not, if this would be considered.

- Substitute teachers: The law requires substitute teachers to undergo checks; however, if such substitutes are employed by contractors and are not direct employees of the school, it appears that DESPP is taking position that the contractor is not authorized to receive CJI and do such fingerprint based background checks. This needs clarification.
- Short term/repeat hires: the law carves out only one exception for substitute teachers as a unique position of employment within schools. However, schools often hire other short term employees and may have them return in subsequent years (e.g. soccer coach who works outside of the school, but coaches every fall). It remains unclear if such positions are considered new hires every year and thus, subject to checks annually or if there is exception if they undergo at least once upon initial hire. Likewise, not clear if such position was initially hired before July 1, 2016 (Or 2017), whether the person is considered a new hire now.
- "upon hire" - helpful to have clarification to confirm what is considered date of hire. Is it date contact entered into; or date when contract term begins. This would also assist with the short term /repeat hires discussed above.

[Bob Hannafin, President, American Association of Colleges for Teacher Education, CT](#)

Bob Hannafin testified on behalf of the AACTE-CT in support of SB 459 but they want college students in educational preparation programs who are completing their fieldwork to be included. In addition, Mr. Hannafin included the following concern: “Our concern is whether this bill will pass federal scrutiny. One of the federal objections is that sharing student data across any entities violates their personal privacy rights. Might this bill include a student/employee privacy waiver (similar to a FERPA waiver) of some kind that authorizes the RESC to hold and share their data?”

ADDITIONAL SOURCES OF SUPPORT

The following individuals and organizations submitted testimony in support of the legislation because the centralized processing and dissemination of fingerprinting and background check information for new district employees reduces costs and improves efficiencies:

[Dr. Karissa Niehoff, Executive Director, The Connecticut Association of Schools](#)

[Betsy Gara, Executive Director, Connecticut Council of Small Towns](#)

[Ray Rossomando, Director of Policy, Research and Government Relations, Connecticut Education Association](#)

[Fran Rabinowitz, Executive Director, Connecticut Association of Public School Superintendents](#)

NATURE AND SOURCES OF OPPOSITION:

None expressed.

Reported by: Tamara Morris

Date: March 27, 2018

