



Substitute Senate Bill No. 1069

Public Act No. 19-91

AN ACT CONCERNING VARIOUS REVISIONS AND ADDITIONS TO THE EDUCATION STATUTES.

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

Section 1. Section 10-221d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2019*):

(a) As used in this section and sections 3 and 4 of this act, "eligible school operator" means a school or school district authorized to receive national criminal history record information from the Federal Bureau of Investigation pursuant to P.L. 92-544, and shall include a local or regional board of education, the Technical Education and Career System, the governing council of a state or local charter school, a cooperative arrangement pursuant to section 10-158a and an interdistrict magnet school operator other than an operator who is a third-party not-for-profit corporation approved by the Commissioner of Education.

[(a)] (b) Each [local and regional board of education, each governing council of a state or local charter school, each interdistrict magnet school operator and each supervisory agent of a nonpublic school] eligible school operator shall, subject to the provisions of section 31-51i, (1) require each applicant for a position [in a public school with

Substitute Senate Bill No. 1069

such board, council or operator or nonpublic school with such supervisory agent] with such eligible school operator to state, in writing, whether such applicant has ever been convicted of a crime or whether criminal charges are pending against such applicant at the time of such application and, if charges are pending, to state the charges and the court in which such charges are pending, (2) require each applicant to submit to a records check of the Department of Children and Families child abuse and neglect registry established pursuant to section 17a-101k, before such applicant may be hired by such [board, council, operator or supervisory agent,] eligible school operator, and (3) on and after July 1, [2017] 2019, require, subject to the provisions of subsection [(d)] (e) of this section, each applicant for a position with such eligible school operator to submit to state and national criminal history records checks within thirty days from the date of employment and may require, subject to the provisions of subsection [(d)] (e) of this section, any person hired prior to said date to submit to state and national criminal history records checks. [, and (4) require each worker (A) placed within a school under a public assistance employment program, (B) employed by a provider of supplemental services pursuant to the No Child Left Behind Act, P.L. 107-110, or (C) in a nonpaid, noncertified position completing preparation requirements for the issuance of an educator certificate pursuant to chapter 166, who performs a service involving direct student contact to submit to state and national criminal history records checks within thirty days from the date such worker begins to perform such service.] The criminal history records checks required by this subsection shall be conducted in accordance with section 29-17a. If the [local or regional board of education] eligible school operator receives notice of a conviction of a crime which has not previously been disclosed by such person to the [board, the board] eligible school operator, the eligible school operator may [(i)] (A) terminate the contract of a certified employee, in accordance with the provisions of section 10-151, and [(ii)] (B) dismiss a noncertified employee, provided

Substitute Senate Bill No. 1069

such employee is notified of the reason for such dismissal. [In addition, if the local or regional board of education] If the eligible school operator receives notice of a conviction of a crime by a person [(I) holding a certificate, authorization or permit issued by the State Board of Education, [(II) employed by a provider of supplemental services, or (III) in a nonpaid, noncertified position completing preparation requirements for the issuance of an educator certificate pursuant to chapter 166, the local or regional board of education] the eligible school operator shall send such notice to the State Board of Education. [The supervisory agent of a nonpublic school shall be responsible for paying the fee charged pursuant to section 29-17a for a state and national criminal history records check required under this section.] The provisions of this subsection shall not be construed to cause an eligible school operator to disseminate the results of any national criminal history records check.

[(b) If a local or regional board of education, governing council of a state or local charter school, operator of an interdistrict magnet school, endowed or incorporated academy approved by the State Board of Education pursuant to section 10-34, special education facility approved by the State Board of Education pursuant to section 10-76d, or supervisory agent of a nonpublic school]

(c) If an eligible school operator requests, a regional educational service center shall arrange for the fingerprinting of any person required to submit to state and national criminal history records checks pursuant to this section or for conducting any other method of positive identification required by the State Police Bureau of Identification or the Federal Bureau of Investigation and shall forward such fingerprints or other positive identifying information to the State Police Bureau of Identification which shall conduct criminal history records checks in accordance with section 29-17a. Such regional educational service center shall maintain such fingerprints or other

Substitute Senate Bill No. 1069

positive identifying information, which may be in an electronic format, for a period of four years, at the end of which such fingerprints and positive identifying information shall be destroyed. [Such regional educational service centers] The State Police Bureau of Identification shall provide the results of such checks to such [local or regional board of education, governing council of a state or local charter school, operator of an interdistrict magnet school, endowed or incorporated academy, special education facility or supervisory agent of a nonpublic school and to a contractor, in the case of any employee of an applicant contractor subject to such records checks. Such regional educational service centers shall provide such results to any other local or regional board of education or regional educational service center upon the request of such person] eligible school operator. No regional educational service center shall charge a fee for services under this subsection that exceeds any fee that the center may charge any applicant for a position with such center.

[(c)] (d) State and national criminal history records checks for substitute teachers completed within one year prior to the date of employment with [a local or regional board of education, council, operator or supervisory agent] an eligible school operator and submitted to the employing [board of education, council, operator or supervisory agent] eligible school operator shall meet the requirements of [subdivision (3) of] subsection [(a)] (b) of this section. [A local or regional board of education, council, operator or supervisory agent] An eligible school operator shall not require substitute teachers to submit to state and national criminal history records checks pursuant to [subdivision (3) of] subsection [(a)] (b) of this section if they are continuously employed by such [local or regional board of education, council, operator or supervisory agent] eligible school operator, provided a substitute teacher is subjected to such checks at least once every five years. For purposes of this section, substitute teachers shall be deemed to be continuously employed by [a local or regional board

Substitute Senate Bill No. 1069

of education, council, operator or supervisory agent] an eligible school operator if they are employed at least one day of each school year by such [local or regional board of education, council or operator] eligible school operator.

[(d)] (e) The provisions of this section shall not apply to (1) a student employed by [the local or regional school district in] the eligible school operator that operates a school which the student attends, [school,] or (2) a person employed by [a local or regional board of education] an eligible school operator as a teacher for a noncredit adult class or adult education activity, as defined in section 10-67, who is not required to hold a teaching certificate pursuant to section 10-145b for his or her position.

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

(f) The State Board of Education shall submit, periodically, a database of all persons who hold certificates, authorizations or permits to the State Police Bureau of Identification. The State Police Bureau of Identification shall conduct a state criminal history records check against such database and shall notify the State Board of Education of any such person who has a criminal conviction. The State Board of Education may revoke the certificate, authorization or permit of such person in accordance with the provisions of subsection (i) of section 10-

Substitute Senate Bill No. 1069

145b.

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

[(h)] (f) Notwithstanding the provisions of subsection (g) of section 31-51i, and to the extent permissible under state and federal laws regarding the dissemination of criminal history records, the [Department] State Board of Education shall, upon request of [a local or regional board of education, governing council of a state or local charter school, an interdistrict magnet school operator or the supervisory agent of a nonpublic school] an eligible school operator, make available to such [local or regional board of education, governing council, interdistrict magnet school operator or supervisory agent of a nonpublic school] eligible school operator requesting information concerning an applicant for a position with such [board, council, operator or supervisory agent] eligible school operator (1) any information concerning the applicant's eligibility for employment in a position with such [board, council, operator or supervisory agent] eligible school operator requiring a certificate, authorization or permit issued pursuant to chapter 166, (2) whether the department has knowledge that the applicant has been disciplined for a finding of abuse or neglect or sexual misconduct, as defined in section 10-222c,

Substitute Senate Bill No. 1069

and any information concerning such a finding, and (3) whether the department has received notification that the applicant has been convicted of a crime or of criminal charges pending against the applicant and any information concerning such charges. The provisions of this subsection shall not be construed to cause the [department] state board to investigate any such request or disseminate the results of any national criminal history records check.

Sec. 2. (NEW) (*Effective July 1, 2019*) (a) As used in this section and sections 3 and 4 of this act, "nongovernmental school operator" means an operator of an interdistrict magnet school that is a third-party not-for-profit corporation approved by the Commissioner of Education, the governing council of a state or local charter school, an endowed or incorporated academy approved by the State Board of Education pursuant to section 10-34 of the general statutes, a special education facility approved by the State Board of Education pursuant to section 10-76d of the general statutes or the supervisory agent of a nonpublic school.

(b) Each nongovernmental school operator shall, subject to the provisions of section 31-51i of the general statutes, (1) require each applicant for a position with such nongovernmental school operator to state, in writing, whether such applicant has ever been convicted of a crime or whether criminal charges are pending against such applicant at the time of such application and, if charges are pending, to state the charges and the court in which such charges are pending, (2) require each applicant to submit to a records check of the Department of Children and Families child abuse and neglect registry established pursuant to section 17a-101k of the general statutes, before such applicant may be hired by such nongovernmental school operator, and (3) on and after July 1, 2019, require, subject to the provisions of subsection (e) of this section, each applicant for a position with such nongovernmental school operator to submit to state and national

Substitute Senate Bill No. 1069

criminal history records checks within thirty days from the date of employment and may require, subject to the provisions of subsection (e) of this section, any person hired prior to said date to submit to state and national criminal history records checks. The criminal history records checks required by this subsection shall be conducted in accordance with section 29-17a of the general statutes, the federal National Child Protection Act of 1993 and the federal Volunteers for Children Act of 1998. If the nongovernmental school operator receives notice of a conviction of a crime which has not previously been disclosed by such person to the nongovernmental school operator, the nongovernmental school operator may (A) terminate the contract of a certified employee, in accordance with the provisions of section 10-151 of the general statutes, if applicable, and (B) dismiss a noncertified employee, provided such employee is notified of the reason for such dismissal. If the nongovernmental school operator receives notice of a conviction of a crime by a person holding a certificate, authorization or permit issued by the State Board of Education, the nongovernmental school operator shall send such notice to the State Board of Education. The provisions of this subsection shall not be construed to cause a nongovernmental school operator to disseminate the results of any national criminal history records check.

(c) If a nongovernmental school operator requests, a regional educational service center shall arrange for the fingerprinting of any person required to submit to state and national criminal history records checks pursuant to this section or for conducting any other method of positive identification required by the State Police Bureau of Identification or the Federal Bureau of Investigation and shall forward such fingerprints or other positive identifying information to the State Police Bureau of Identification which shall conduct criminal history records checks in accordance with section 29-17a of the general statutes, the federal National Child Protection Act of 1993 and the federal Volunteers for Children Act of 1998. Such regional educational

Substitute Senate Bill No. 1069

service center shall maintain such fingerprints or other positive identifying information, which may be in an electronic format, for a period of four years, at the end of which such fingerprints and positive identifying information shall be destroyed. The State Police Bureau of Identification shall provide the results of such checks to such nongovernmental school operator. No regional educational service center shall charge a fee for services under this subsection that exceeds any fee that the center may charge any applicant for a position with such center.

(d) State and national criminal history records checks for substitute teachers completed within one year prior to the date of employment with a nongovernmental school operator and submitted to the employing nongovernmental school operator shall meet the requirements of subsection (b) of this section. A nongovernmental school operator shall not require substitute teachers to submit to state and national criminal history records checks pursuant to subsection (b) of this section if they are continuously employed by such nongovernmental school operator, provided a substitute teacher is subjected to such checks at least once every five years. For purposes of this section, substitute teachers shall be deemed to be continuously employed by a nongovernmental school operator if they are employed at least one day of each school year by such nongovernmental school operator.

(e) The provisions of this section shall not apply to (1) a student employed by the nongovernmental school operator that operates a school which the student attends, or (2) a person employed by a nongovernmental school operator as a teacher for a noncredit adult class or adult education activity, as defined in section 10-67 of the general statutes, who is not required to hold a teaching certificate pursuant to section 10-145b of the general statutes for his or her position.

Substitute Senate Bill No. 1069

(f) Notwithstanding the provisions of subsection (g) of section 31-51i of the general statutes, and to the extent permissible under state and federal laws regarding the dissemination of criminal history records, the State Board of Education shall, upon request of a nongovernmental school operator, make available to such nongovernmental school operator requesting information concerning an applicant for a position with such nongovernmental school operator, (1) any information concerning the applicant's eligibility for employment in a position with such nongovernmental school operator requiring a certificate, authorization or permit issued pursuant to chapter 166 of the general statutes, (2) whether the department has knowledge that the applicant has been disciplined for a finding of abuse or neglect or sexual misconduct, as defined in section 10-222c of the general statutes, and any information concerning such a finding, and (3) whether the department has received notification that the applicant has been convicted of a crime or of criminal charges pending against the applicant and any information concerning such charges. The provisions of this subsection shall not be construed to cause the state board to investigate any such request or disseminate the results of any national criminal history records check.

Sec. 3. (NEW) (*Effective July 1, 2019*) (a) Each eligible school operator and nongovernmental school operator shall require each student who is enrolled in a teacher preparation program, as defined in section 10-10a of the general statutes, and completing his or her student teaching experience with such eligible school operator or nongovernmental school operator, to (1) state, in writing, whether such student has ever been convicted of a crime or whether criminal charges are pending against such applicant at the time of such application and, if charges are pending, to state the charges and the court in which such charges are pending, (2) submit to a records check of the Department of Children and Families child abuse and neglect registry established pursuant to section 17a-101k of the general statutes, before such

Substitute Senate Bill No. 1069

student begins such student teaching experience, and (3) on and after July 1, 2019, submit to state and national criminal history records checks within sixty days from the date such student begins to perform such student teaching experience. The criminal history records checks required by this section shall be conducted in accordance with section 29-17a of the general statutes.

(b) The Commissioner of Emergency Services and Public Protection shall waive the fee for a criminal history records check required under this section.

Sec. 4. (NEW) (*Effective July 1, 2019*) Each eligible school operator or nongovernmental school operator may require any person who will perform a service involving direct contact with students to (1) state, in writing, whether such person has ever been convicted of a crime or whether criminal charges are pending against such applicant at the time of such application and, if charges are pending, to state the charges and the court in which such charges are pending, (2) submit to a records check of the Department of Children and Families child abuse and neglect registry established pursuant to section 17a-101k of the general statutes, before such person performs a service involving direct contact with students, and (3) on and after July 1, 2019, submit to state and national criminal history records checks in accordance with section 29-17a of the general statutes and the National Child Protection Act of 1993, P.L. 103-209, as amended from time to time.

Sec. 5. (NEW) (*Effective July 1, 2019*) (a) The State Board of Education shall submit, periodically, to the State Police Bureau of Identification a database providing identification information of each applicant to the board for an initial issuance of certificate, authorization or permit pursuant to sections 10-144o to 10-149, inclusive, of the general statutes. The State Police Bureau of Identification shall conduct a state criminal history records check in accordance with section 29-17a of the general statutes against such database and notify the State Board of

Substitute Senate Bill No. 1069

Education of any such applicant who has a criminal conviction. The State Board of Education shall not issue a certificate, authorization or permit until the board receives and evaluates the results of such check and may deny an application in accordance with the provisions of subsection (i) of section 10-145b of the general statutes.

(b) The State Board of Education shall submit, periodically, to the State Police Bureau of Identification a database providing identification information of each person who holds a certificate, authorization or permit. The State Police Bureau of Identification shall conduct a state criminal history records check in accordance with section 29-17a of the general statutes against such database and shall notify the State Board of Education of any such person who has a criminal conviction. The State Board of Education may revoke the certificate, authorization or permit of such person in accordance with the provisions of subsection (i) of section 10-145b of the general statutes.

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

Sec. 6. (*Effective from passage*) Not later than January 1, 2020, the Department of Education shall conduct a study concerning the

Substitute Senate Bill No. 1069

authorization of towns and cooperative arrangements pursuant to section 10-158a of the general statutes to be considered a local education agency for purposes of regional cooperation and in order to maximize efficiencies and cost-savings without establishing a regional school district. The department shall submit a report on its findings and any recommendations for legislation to the joint standing committee of the General Assembly having cognizance of matters relating to education, in accordance with the provisions of section 11-4a of the general statutes.

Sec. 7. (*Effective from passage*) Not later than January 1, 2020, the Department of Education shall update the comprehensive school health education component of the Healthy and Balanced Living Curriculum Framework developed by the department in 2006 to include sexual harassment and assault, adolescent relationship abuse and intimate partner violence, and human trafficking and commercial sexual exploitation.

Sec. 8. Subdivision (3) of subsection (b) of section 10-223j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2019*):

(3) Terms of voting members elected pursuant to this subsection shall be for two years and no members shall serve more than [two] four terms on the council. The nonvoting student members shall serve one year and no student member shall serve more than two terms on the council.

Sec. 9. Subdivision (1) of subsection (a) of section 10-233d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2019*):

(a) (1) Any local or regional board of education, at a meeting at which three or more members of such board are present, or the

Substitute Senate Bill No. 1069

impartial hearing board established pursuant to subsection (b) of this section, may expel, subject to the provisions of this subsection, any pupil in grades three to twelve, inclusive, whose conduct on school grounds or at a school-sponsored activity is violative of a publicized policy of such board [or] and is seriously disruptive of the educational process or endangers persons or property or whose conduct off school grounds is violative of such policy and is seriously disruptive of the educational process, provided a majority of the board members sitting in the expulsion hearing vote to expel and that at least three affirmative votes for expulsion are cast. In making a determination as to whether conduct is seriously disruptive of the educational process, the board of education or impartial hearing board may consider, but such consideration shall not be limited to: (A) Whether the incident occurred within close proximity of a school; (B) whether other students from the school were involved or whether there was any gang involvement; (C) whether the conduct involved violence, threats of violence or the unlawful use of a weapon, as defined in section 29-38, and whether any injuries occurred; and (D) whether the conduct involved the use of alcohol.

Approved July 8, 2019