
OLR Bill Analysis

sSB 1069

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

SUMMARY

This bill makes changes to laws governing criminal history checks for school personnel. Specifically, it establishes separate but analogous criminal history check requirements, similar to those required under current law, for school personnel employed by “eligible school operators” and “nongovernmental school operators” (§§ 1 & 2). The main distinction between the requirements for these two types of operators is the federal law with which the checks must comply.

The bill also makes the following related changes:

1. creates separate criminal history check requirements for teacher preparation program participants fulfilling student teaching requirements in schools (“student teachers”), and requires the Department of Emergency Services and Public Protection (DESPP) to waive the fees for their criminal history records checks (§ 3);
2. establishes separate criminal history check requirements for all other individuals performing services that cause them to have direct contact with students, replacing several other distinct classifications of school personnel (e.g., public assistance employment program workers and supplemental service providers) (§§ 1 & 4); and
3. makes changes relating to the dissemination of criminal history and child abuse registry check results (§ 1).

Additionally, the bill requires the State Department of Education (SDE) to study authorizing towns and cooperative arrangements to be

considered a “local education agency” (LEA) for regional cooperation purposes and to maximize efficiencies and cost-savings without establishing a regional school district (see BACKGROUND). (Neither the bill nor existing state law defines “LEA;” however, federal education law uses the term.) SDE must submit a report to the Education Committee by January 1, 2020, on its findings and legislation recommendations (§ 6).

The bill also requires SDE to update the comprehensive school health education component of the Healthy and Balanced Living Curriculum Framework by January 1, 2020, to include (1) sexual harassment and assault, (2) adolescent relationship abuse and intimate partner violence, and (3) human trafficking and commercial sexual exploitation (§ 7).

The bill also makes technical and conforming changes, including those about periodic State Board of Education (SBE) -initiated records checks (§ 5).

EFFECTIVE DATE: July 1, 2019, except provisions relating to SDE’s cooperative arrangement study and update to the health curriculum take effect upon passage.

§§ 1 & 2 — SCHOOL OPERATORS

The bill defines “eligible school operators” and “nongovernmental school operators” and establishes separate but analogous criminal history check requirements for personnel they employ and service providers who work in their schools.

Eligible School Operators

The bill defines “eligible school operators” as schools or school districts authorized to receive national criminal history record information from the FBI under federal law. Under the bill, these operators include the following entities:

1. local or regional boards of education;
2. the Technical Education and Career System (i.e., technical high

school system);

3. state or local charter school governing councils;
4. cooperative arrangements; and
5. interdistrict magnet school operators that are not SDE-approved third-party nonprofit corporations.

Nongovernmental School Operators

The bill defines “nongovernmental school operators” as the following entities:

1. third-party, nonprofit interdistrict magnet school operators who are approved by the education commissioner;
2. state or local charter school governing councils;
3. endowed or incorporated academies approved by SBE;
4. SBE-approved special education facilities; or
5. private school supervisory agents.

Records Check Requirements

The bill establishes analogous records check requirements similar to those in current law for personnel employed by eligible and nongovernmental school operators. Both operators must follow the same requirements for (1) applicants for employment in certified and noncertified positions and (2) substitute teachers. For both operators, student employees who attend their schools are exempt from these requirements. Additionally, both operators may avail themselves of fingerprinting services offered by regional education service centers (RESCs) to request state and national criminal history records checks from DESPP.

One distinction, however, is that the bill requires the nongovernmental school operator-requested criminal history records checks to be conducted in accordance with the federal National Child

Protection Act of 1993 and the federal Volunteers for Children Act of 1998, in addition to state law.

The bill also adds a new requirement for applicants seeking positions with both operators. Under current law, these applicants must reveal whether they have ever been convicted of a crime or whether criminal charges are pending against them. The bill requires this disclosure to be made in writing at the time of application. It also requires the disclosure to describe the charges and the court in which the charges are pending.

§ 3 — STUDENT TEACHERS

Under the bill, both eligible school operators and nongovernmental school operators must require student teachers completing their teacher preparation programs in their schools to do the following:

1. give a written statement about whether they have ever been convicted of a crime or have criminal charges pending against them when they apply to work in the school, along with the charges and court where they are pending;
2. submit to a Department of Children and Families child abuse and neglect registry check before beginning their student teaching experience; and
3. submit, beginning July 1, 2019, to state and national criminal history records checks within 60 days before beginning student teaching.

The bill requires the above criminal history records checks to be conducted by DESPP in accordance with state law.

§ 4 — SERVICE PROVIDERS WITH DIRECT STUDENT CONTACT

The bill allows eligible school operators and nongovernmental school operators to require anyone performing a service in their schools who will have direct contact with students to make the same disclosures and submit to the same criminal history records checks as student teachers (see § 3 above). However, the bill specifies that these

records checks must also be conducted in accordance with federal law (i.e., the National Child Protection Act of 1993) in addition to state law.

§ 1 — DISSEMINATION OF CRIMINAL HISTORY CHECK RESULTS

The bill specifies that it does not require eligible school operators or nongovernmental school operators to disseminate the results of any national criminal history records checks.

Additionally, for fingerprints arranged by RESCs at the request of eligible school operators or nongovernmental school operators, the bill requires the State Police Bureau of Investigation, rather than the RESC itself, to provide the results to the requesting operator.

Also, under the bill, eligible and nongovernmental school operators may request from SBE information about (1) the applicant's employment eligibility for a certified position; (2) whether SDE knows of prior discipline for a finding of abuse, neglect, or sexual misconduct; or (3) whether SDE has received notice of criminal charges pending or criminal convictions against an applicant and information about the charges. This mirrors the current informational requests available to public and private school operators in current law.

Finally, the bill specifies that, for requests made by eligible or nongovernmental school operators to SBE about job applicants' eligibility, (1) SBE must make criminal history records information available to the extent permissible under state and federal law and (2) SBE is not required to disseminate any national criminal records check results or investigate any request made by operators.

BACKGROUND

Local Education Agency (LEA)

According to federal regulation, an LEA is a public board of education or other public authority legally recognized in a state for giving administrative direction to, or performing service functions for, a public school or combination of public school districts (34 C.F.R. § 303.23(a)).

COMMITTEE ACTION

Education Committee

Joint Favorable Substitute

Yea 35 Nay 0 (03/25/2019)