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## **OLR Bill Analysis**

**sSB 1069 (File 642, as amended by Senate "A")\***

### ***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 criminal history 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 its 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 makes the following unrelated changes:

1. 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 (§ 6);
2. requires SDE to update the comprehensive school health education component of the Healthy and Balanced Living Curriculum Framework by January 1, 2020, to include sexual harassment and assault, adolescent relationship abuse and intimate partner violence, and human trafficking and commercial sexual exploitation (§ 7);
3. increases the term limit for school governance council voting members from two to four terms (§ 8);
4. narrows the student expulsion criteria for conduct on school grounds or at a school-sponsored activity (§ 9); and
5. requires each local or regional board of education to post its grade-level curricula on its website by August 1 each year (§ 10).

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

\*Senate Amendment “A” adds provisions that increase the term limit for school governance council members (§ 8), narrow the student expulsion criteria (§ 9), and require annual online posting of grade-level curricula (§ 10).

EFFECTIVE DATE: July 1, 2019, except the (1) provisions relating to SDE’s cooperative arrangement study and health curriculum update take effect upon passage and (2) provision relating to local and regional boards’ online curricula is effective July 1, 2020.

## **§§ 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.

#### **§ 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.

### **§ 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.

#### **§ 6 — SDE STUDY OF LEA STATUS**

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. (Neither the bill nor existing state law defines “LEA;” however, federal education law uses the term.) 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)).

SDE must submit a report to the Education Committee by January 1, 2020, on its findings and legislation recommendations.

#### **§ 8 — SCHOOL GOVERNANCE COUNCIL TERM LIMITS**

The bill increases the term limit for voting members of school governance councils from two to four terms. By law and unchanged by the bill, voting members who are elected to the council serve two-year terms, and nonvoting student members serve no more than two one-year terms.

The law allows, and in some instances requires, boards of education to establish school governance councils for each school in their district that is identified as low-performing by SDE’s accountability index. These councils are responsible for working with the school administration to prepare an improvement plan for the school, participating in the hiring process for school administrators, and developing school policies affecting students and parents, among other things. Their members are elected by the school’s parents and guardians. Membership must consist of parents and guardians, community leaders, teachers, the principal, and students (CGS § 10-223j).

**§ 9 — STUDENT EXPULSION CRITERIA**

Current law allows a local or regional board of education to expel from public school a student enrolled in grades three to 12 if an impartial hearing board finds that the student’s conduct (1) on school grounds or at a school-sponsored activity violates a publicized board policy or is seriously disruptive of the educational process or endangers persons or property or (2) off school grounds violates such a policy and is seriously disruptive of the educational process.

The bill narrows the expulsion criteria for student conduct on school grounds or at a school-sponsored activity. Under the bill, the hearing board must find the student’s conduct to be both (1) violative of a board policy and (2) either seriously disruptive of the educational process or endangering persons or property, rather than meeting only one of these two criteria.

**COMMITTEE ACTION**

Education Committee

Joint Favorable Substitute

Yea 35    Nay 0    (03/25/2019)