



Senate

General Assembly

File No. 642

January Session, 2019

Substitute Senate Bill No. 1069

Senate, April 11, 2019

The Committee on Education reported through SEN. MCCRORY, D. of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

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:

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 Section 10-221d of the general statutes is repealed and the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

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

13 [(a)] (b) Each [local and regional board of education, each governing

14 council of a state or local charter school, each interdistrict magnet
15 school operator and each supervisory agent of a nonpublic school]
16 eligible school operator shall, subject to the provisions of section 31-
17 51i, (1) require each applicant for a position [in a public school with
18 such board, council or operator or nonpublic school with such
19 supervisory agent] with such eligible school operator to state, in
20 writing, whether such applicant has ever been convicted of a crime or
21 whether criminal charges are pending against such applicant at the
22 time of such application and, if charges are pending, to state the
23 charges and the court in which such charges are pending, (2) require
24 each applicant to submit to a records check of the Department of
25 Children and Families child abuse and neglect registry established
26 pursuant to section 17a-101k, before such applicant may be hired by
27 such [board, council, operator or supervisory agent,] eligible school
28 operator, and (3) on and after July 1, [2017] 2019, require, subject to the
29 provisions of subsection [(d)] (e) of this section, each applicant for a
30 position with such eligible school operator to submit to state and
31 national criminal history records checks within thirty days from the
32 date of employment and may require, subject to the provisions of
33 subsection [(d)] (e) of this section, any person hired prior to said date
34 to submit to state and national criminal history records checks. [, and
35 (4) require each worker (A) placed within a school under a public
36 assistance employment program, (B) employed by a provider of
37 supplemental services pursuant to the No Child Left Behind Act, P.L.
38 107-110, or (C) in a nonpaid, noncertified position completing
39 preparation requirements for the issuance of an educator certificate
40 pursuant to chapter 166, who performs a service involving direct
41 student contact to submit to state and national criminal history records
42 checks within thirty days from the date such worker begins to perform
43 such service.] The criminal history records checks required by this
44 subsection shall be conducted in accordance with section 29-17a. If the
45 [local or regional board of education] eligible school operator receives
46 notice of a conviction of a crime which has not previously been
47 disclosed by such person to the [board, the board] eligible school
48 operator, the eligible school operator may [(i)] (A) terminate the

49 contract of a certified employee, in accordance with the provisions of
50 section 10-151, and [(ii)] (B) dismiss a noncertified employee, provided
51 such employee is notified of the reason for such dismissal. [In addition,
52 if the local or regional board of education] If the eligible school
53 operator receives notice of a conviction of a crime by a person [(I)]
54 holding a certificate, authorization or permit issued by the State Board
55 of Education, [(II) employed by a provider of supplemental services, or
56 (III) in a nonpaid, noncertified position completing preparation
57 requirements for the issuance of an educator certificate pursuant to
58 chapter 166, the local or regional board of education] the eligible
59 school operator shall send such notice to the State Board of Education.
60 [The supervisory agent of a nonpublic school shall be responsible for
61 paying the fee charged pursuant to section 29-17a for a state and
62 national criminal history records check required under this section.]
63 The provisions of this subsection shall not be construed to cause an
64 eligible school operator to disseminate the results of any national
65 criminal history records check.

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

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

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

98 [(c)] (d) State and national criminal history records checks for
99 substitute teachers completed within one year prior to the date of
100 employment with [a local or regional board of education, council,
101 operator or supervisory agent] an eligible school operator and
102 submitted to the employing [board of education, council, operator or
103 supervisory agent] eligible school operator shall meet the requirements
104 of [subdivision (3) of] subsection [(a)] (b) of this section. [A local or
105 regional board of education, council, operator or supervisory agent]
106 An eligible school operator shall not require substitute teachers to
107 submit to state and national criminal history records checks pursuant
108 to [subdivision (3) of] subsection [(a)] (b) of this section if they are
109 continuously employed by such [local or regional board of education,
110 council, operator or supervisory agent] eligible school operator,
111 provided a substitute teacher is subjected to such checks at least once
112 every five years. For purposes of this section, substitute teachers shall
113 be deemed to be continuously employed by [a local or regional board
114 of education, council, operator or supervisory agent] an eligible school
115 operator if they are employed at least one day of each school year by
116 such [local or regional board of education, council or operator] eligible
117 school operator.

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

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

137 (f) The State Board of Education shall submit, periodically, a
138 database of all persons who hold certificates, authorizations or permits
139 to the State Police Bureau of Identification. The State Police Bureau of
140 Identification shall conduct a state criminal history records check
141 against such database and shall notify the State Board of Education of
142 any such person who has a criminal conviction. The State Board of
143 Education may revoke the certificate, authorization or permit of such
144 person in accordance with the provisions of subsection (i) of section 10-
145 145b.

146 (g) The State Board of Education shall require each applicant
147 seeking an initial issuance or renewal of a certificate, authorization or
148 permit pursuant to sections 10-144o to 10-149, inclusive, to submit to a
149 records check of the Department of Children and Families child abuse
150 and neglect registry established pursuant to section 17a-101k. If

151 notification is received that the applicant is listed as a perpetrator of
152 abuse or neglect on the Department of Children and Families child
153 abuse and neglect registry, the board shall deny an application for the
154 certificate, authorization or permit in accordance with the provisions of
155 subsection (i) of section 10-145b, or may revoke the certificate,
156 authorization or permit in accordance with the provisions of said
157 subsection (i).]

158 [(h)] (f) Notwithstanding the provisions of subsection (g) of section
159 31-51i, and to the extent permissible under state and federal laws
160 regarding the dissemination of criminal history records, the
161 [Department] State Board of Education shall, upon request of [a local
162 or regional board of education, governing council of a state or local
163 charter school, an interdistrict magnet school operator or the
164 supervisory agent of a nonpublic school] an eligible school operator,
165 make available to such [local or regional board of education, governing
166 council, interdistrict magnet school operator or supervisory agent of a
167 nonpublic school] eligible school operator requesting information
168 concerning an applicant for a position with such [board, council,
169 operator or supervisory agent] eligible school operator (1) any
170 information concerning the applicant's eligibility for employment in a
171 position with such [board, council, operator or supervisory agent]
172 eligible school operator requiring a certificate, authorization or permit
173 issued pursuant to chapter 166, (2) whether the department has
174 knowledge that the applicant has been disciplined for a finding of
175 abuse or neglect or sexual misconduct, as defined in section 10-222c,
176 and any information concerning such a finding, and (3) whether the
177 department has received notification that the applicant has been
178 convicted of a crime or of criminal charges pending against the
179 applicant and any information concerning such charges. The
180 provisions of this subsection shall not be construed to cause the
181 [department] state board to investigate any such request or
182 disseminate the results of any national criminal history records check.

183 Sec. 2. (NEW) (*Effective July 1, 2019*) (a) As used in this section and
184 sections 3 and 4 of this act, "nongovernmental school operator" means

185 an operator of an interdistrict magnet school that is a third-party not-
186 for-profit corporation approved by the Commissioner of Education,
187 the governing council of a state or local charter school, an endowed or
188 incorporated academy approved by the State Board of Education
189 pursuant to section 10-34 of the general statutes, a special education
190 facility approved by the State Board of Education pursuant to section
191 10-76d of the general statutes or the supervisory agent of a nonpublic
192 school.

193 (b) Each nongovernmental school operator shall, subject to the
194 provisions of section 31-51i of the general statutes, (1) require each
195 applicant for a position with such nongovernmental school operator to
196 state, in writing, whether such applicant has ever been convicted of a
197 crime or whether criminal charges are pending against such applicant
198 at the time of such application and, if charges are pending, to state the
199 charges and the court in which such charges are pending, (2) require
200 each applicant to submit to a records check of the Department of
201 Children and Families child abuse and neglect registry established
202 pursuant to section 17a-101k of the general statutes, before such
203 applicant may be hired by such nongovernmental school operator, and
204 (3) on and after July 1, 2019, require, subject to the provisions of
205 subsection (e) of this section, each applicant for a position with such
206 nongovernmental school operator to submit to state and national
207 criminal history records checks within thirty days from the date of
208 employment and may require, subject to the provisions of subsection
209 (e) of this section, any person hired prior to said date to submit to state
210 and national criminal history records checks. The criminal history
211 records checks required by this subsection shall be conducted in
212 accordance with section 29-17a of the general statutes, the federal
213 National Child Protection Act of 1993 and the federal Volunteers for
214 Children Act of 1998. If the nongovernmental school operator receives
215 notice of a conviction of a crime which has not previously been
216 disclosed by such person to the nongovernmental school operator, the
217 nongovernmental school operator may (A) terminate the contract of a
218 certified employee, in accordance with the provisions of section 10-151
219 of the general statutes, if applicable, and (B) dismiss a noncertified

220 employee, provided such employee is notified of the reason for such
221 dismissal. If the nongovernmental school operator receives notice of a
222 conviction of a crime by a person holding a certificate, authorization or
223 permit issued by the State Board of Education, the nongovernmental
224 school operator shall send such notice to the State Board of Education.
225 The provisions of this subsection shall not be construed to cause a
226 nongovernmental school operator to disseminate the results of any
227 national criminal history records check.

228 (c) If a nongovernmental school operator requests, a regional
229 educational service center shall arrange for the fingerprinting of any
230 person required to submit to state and national criminal history
231 records checks pursuant to this section or for conducting any other
232 method of positive identification required by the State Police Bureau of
233 Identification or the Federal Bureau of Investigation and shall forward
234 such fingerprints or other positive identifying information to the State
235 Police Bureau of Identification which shall conduct criminal history
236 records checks in accordance with section 29-17a of the general
237 statutes, the federal National Child Protection Act of 1993 and the
238 federal Volunteers for Children Act of 1998. Such regional educational
239 service center shall maintain such fingerprints or other positive
240 identifying information, which may be in an electronic format, for a
241 period of four years, at the end of which such fingerprints and positive
242 identifying information shall be destroyed. The State Police Bureau of
243 Identification shall provide the results of such checks to such
244 nongovernmental school operator. No regional educational service
245 center shall charge a fee for services under this subsection that exceeds
246 any fee that the center may charge any applicant for a position with
247 such center.

248 (d) State and national criminal history records checks for substitute
249 teachers completed within one year prior to the date of employment
250 with a nongovernmental school operator and submitted to the
251 employing nongovernmental school operator shall meet the
252 requirements of subsection (b) of this section. A nongovernmental
253 school operator shall not require substitute teachers to submit to state

254 and national criminal history records checks pursuant to subsection (b)
255 of this section if they are continuously employed by such
256 nongovernmental school operator, provided a substitute teacher is
257 subjected to such checks at least once every five years. For purposes of
258 this section, substitute teachers shall be deemed to be continuously
259 employed by a nongovernmental school operator if they are employed
260 at least one day of each school year by such nongovernmental school
261 operator.

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

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

288 board to investigate any such request or disseminate the results of any
289 national criminal history records check.

290 Sec. 3. (NEW) (*Effective July 1, 2019*) (a) Each eligible school operator
291 and nongovernmental school operator shall require each student who
292 is enrolled in a teacher preparation program, as defined in section 10-
293 10a of the general statutes, and completing his or her student teaching
294 experience with such eligible school operator or nongovernmental
295 school operator, to (1) state, in writing, whether such student has ever
296 been convicted of a crime or whether criminal charges are pending
297 against such applicant at the time of such application and, if charges
298 are pending, to state the charges and the court in which such charges
299 are pending, (2) submit to a records check of the Department of
300 Children and Families child abuse and neglect registry established
301 pursuant to section 17a-101k of the general statutes, before such
302 student begins such student teaching experience, and (3) on and after
303 July 1, 2019, submit to state and national criminal history records
304 checks within sixty days from the date such student begins to perform
305 such student teaching experience. The criminal history records checks
306 required by this section shall be conducted in accordance with section
307 29-17a of the general statutes.

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

311 Sec. 4. (NEW) (*Effective July 1, 2019*) Each eligible school operator or
312 nongovernmental school operator may require any person who will
313 perform a service involving direct contact with students to (1) state, in
314 writing, whether such person has ever been convicted of a crime or
315 whether criminal charges are pending against such applicant at the
316 time of such application and, if charges are pending, to state the
317 charges and the court in which such charges are pending, (2) submit to
318 a records check of the Department of Children and Families child
319 abuse and neglect registry established pursuant to section 17a-101k of
320 the general statutes, before such person performs a service involving

321 direct contact with students, and (3) on and after July 1, 2019, submit to
322 state and national criminal history records checks in accordance with
323 section 29-17a of the general statutes and the National Child Protection
324 Act of 1993, P.L. 103-209, as amended from time to time.

325 Sec. 5. (NEW) (*Effective July 1, 2019*) (a) The State Board of Education
326 shall submit, periodically, to the State Police Bureau of Identification a
327 database providing identification information of each applicant to the
328 board for an initial issuance of certificate, authorization or permit
329 pursuant to sections 10-144o to 10-149, inclusive, of the general
330 statutes. The State Police Bureau of Identification shall conduct a state
331 criminal history records check in accordance with section 29-17a of the
332 general statutes against such database and notify the State Board of
333 Education of any such applicant who has a criminal conviction. The
334 State Board of Education shall not issue a certificate, authorization or
335 permit until the board receives and evaluates the results of such check
336 and may deny an application in accordance with the provisions of
337 subsection (i) of section 10-145b of the general statutes.

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

349 (c) The State Board of Education shall require each applicant seeking
350 an initial issuance or renewal of a certificate, authorization or permit
351 pursuant to sections 10-144o to 10-149, inclusive, of the general
352 statutes, to submit to a records check of the Department of Children
353 and Families child abuse and neglect registry established pursuant to

354 section 17a-101k of the general statutes. If notification is received that
 355 the applicant is listed as a perpetrator of abuse or neglect on the
 356 Department of Children and Families child abuse and neglect registry,
 357 the board shall deny an application for the certificate, authorization or
 358 permit in accordance with the provisions of subsection (i) of section 10-
 359 145b of the general statutes, or may revoke the certificate,
 360 authorization or permit in accordance with the provisions of said
 361 subsection (i).

362 Sec. 6. (*Effective from passage*) Not later than January 1, 2020, the
 363 Department of Education shall conduct a study concerning the
 364 authorization of towns and cooperative arrangements pursuant to
 365 section 10-158a of the general statutes to be considered a local
 366 education agency for purposes of regional cooperation and in order to
 367 maximize efficiencies and cost-savings without establishing a regional
 368 school district. The department shall submit a report on its findings
 369 and any recommendations for legislation to the joint standing
 370 committee of the General Assembly having cognizance of matters
 371 relating to education, in accordance with the provisions of section 11-
 372 4a of the general statutes.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2019	10-221d
Sec. 2	July 1, 2019	New section
Sec. 3	July 1, 2019	New section
Sec. 4	July 1, 2019	New section
Sec. 5	July 1, 2019	New section

Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	New section

ED *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 20 \$	FY 21 \$
Emergency Services and Public Protection, Dept.	GF - Revenue Loss	Less than 20,000	Less than 20,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in a revenue loss of less than \$20,000 to the Department of Emergency Services and Public Protection (DESPP) in both FY 20 and 21. The bill requires that DESPP waive fees associated with criminal history checks for student teachers. The fee for a criminal history check is \$50 (not including a \$15 fingerprinting fee) and it is expected that there are approximately 300 student teachers each year.

The bill makes various other changes that are clarifying, procedural and technical in nature, and do not result in a fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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)