



PA 19-91—sSB 1069

Education Committee

AN ACT CONCERNING VARIOUS REVISIONS AND ADDITIONS TO THE EDUCATION STATUTES

SUMMARY: This act makes changes in laws governing criminal history checks for school personnel. Specifically, it establishes separate but analogous criminal history check requirements, similar to those required under prior 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 act 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 these criminal history records checks (§ 3);
2. establishes optional, separate criminal history check requirements for all other individuals performing services that cause them to have direct contact with students, replacing several other required criminal history check requirements for 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 sharing of criminal history and child abuse registry check results (§ 1).

Additionally, the act 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); and
4. narrows the student expulsion criteria for conduct on school grounds or at a school-sponsored activity (§ 9).

The act also makes technical and conforming changes, including those about periodic State Board of Education (SBE)-initiated records checks (§§ 1 & 5).

EFFECTIVE DATE: July 1, 2019, except the provisions relating to SDE’s

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cooperative arrangement study (§ 6) and health curriculum update (§ 7) take effect upon passage.

§§ 1 & 2 — SCHOOL OPERATORS’ RECORDS CHECK REQUIREMENTS

The act defines “eligible school operators” and “nongovernmental school operators” and establishes separate but analogous criminal history check requirements for their personnel.

Eligible School Operators Defined

The act 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 act, 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 third-party nonprofit corporations approved by the education commissioner.

Nongovernmental School Operators Defined

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

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

Records Check Requirements

The act establishes analogous records check requirements similar to those that applied to personnel employed by boards of education, interdistrict magnet school operators, and private schools under prior law. Both eligible school operators and nongovernmental school operators must follow the same requirements for (1) employment applicants in certified and noncertified positions and (2) substitute teachers. Additionally, both operators may use 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 act requires only 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.

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The act also adds a new requirement for applicants seeking positions with both operators. Existing law requires these applicants to reveal whether they have ever been convicted of a crime or whether criminal charges are pending against them. The act 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 & 2 — DISSEMINATION OF CRIMINAL HISTORY CHECK RESULTS

The act 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 act requires the State Police Bureau of Investigation, rather than the RESC itself, to provide the results to the requesting operator.

Also, under the act, 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 applicant 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 informational requests available to public and private school operators in prior law, except the act requires the operators to make these requests to SBE, rather than SDE.

Finally, the act 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 share any national criminal records check results or investigate any request made by operators.

§ 3 — STUDENT TEACHERS

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

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

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§§ 1 & 4 — SERVICE PROVIDERS WITH DIRECT STUDENT CONTACT

The act removes the requirement that boards of education, interdistrict magnet school operators, and private schools require state and national criminal history records checks 30 days prior to beginning employment for workers performing a service involving direct student contact who are (1) placed in a school under a public assistance employment program, (2) employed by a supplemental services provider pursuant to the federal No Child Left Behind Act, or (3) in an unpaid, noncertified student teacher position.

The act instead 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 act 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 LOCAL EDUCATION AGENCY (LEA) STATUS

The act requires SDE to study by January 1, 2020, authorizing towns and cooperative arrangements to be considered an LEA for regional cooperation purposes and to maximize efficiencies and cost-savings without establishing a regional school district. Neither the act nor existing state law defines “LEA;” however, federal 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 on its findings and any legislation recommendations.

§ 8 — SCHOOL GOVERNANCE COUNCIL TERM LIMITS

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

Existing 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, participate in the hiring process for school administrators, and develop school policies affecting students and parents, among other things. The school’s parents and guardians, teachers, and student body elect the council’s membership. Membership must consist of parents and guardians, community leaders, teachers, the principal, and students (CGS § 10-223j).

§ 9 — STUDENT EXPULSION CRITERIA

Prior law allowed a local or regional board of education or an impartial hearing board to expel a public school student enrolled in grades 3 to 12 if it found that the student's conduct (1) on school grounds or at a school-sponsored activity violated a publicized board policy or was seriously disruptive of the educational process or endangered persons or property or (2) off school grounds violated such a policy and was seriously disruptive of the educational process.

The act narrows the expulsion criteria for student conduct on school grounds or at a school-sponsored activity. Under the act, the board must find the student's conduct to be both (1) in violation of a publicized 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.