



General Assembly

January Session, 2019

**Raised Bill No. 1069**

LCO No. 5830



Referred to Committee on EDUCATION

Introduced by:  
(ED)

***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 Section 10-221d of the general statutes is repealed and the  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 local and  
7 regional boards of education, the Technical Education and Career  
8 System, state and local charter schools, cooperative arrangements  
9 pursuant to section 10-158a and interdistrict magnet school operators  
10 other than those operators who are a third-party not-for-profit  
11 corporation approved by the Commissioner of Education.

12 [(a)] (b) Each [local and regional board of education, each governing  
13 council of a state or local charter school, each interdistrict magnet  
14 school operator and each supervisory agent of a nonpublic school]

15 eligible school operator shall, subject to the provisions of section 31-  
16 51i, (1) require each applicant for a position [in a public school with  
17 such board, council or operator or nonpublic school with such  
18 supervisory agent] with such eligible school operator to state, in  
19 writing, whether such applicant has ever been convicted of a crime or  
20 whether criminal charges are pending against such applicant at the  
21 time of such application and, if so, to state the charges and the court in  
22 which such charges are pending, (2) require each applicant to submit  
23 to a records check of the Department of Children and Families child  
24 abuse and neglect registry established pursuant to section 17a-101k,  
25 before such applicant may be hired by such [board, council, operator  
26 or supervisory agent,] eligible school operator, and (3) on and after  
27 July 1, [2017] 2019, require, subject to the provisions of subsection [(d)]  
28 (e) of this section, each applicant for a position with such eligible  
29 school operator to submit to state and national criminal history records  
30 checks within thirty days from the date of employment and may  
31 require, subject to the provisions of subsection [(d)] (e) of this section,  
32 any person hired prior to said date to submit to state and national  
33 criminal history records checks. [, and (4) require each worker (A)  
34 placed within a school under a public assistance employment  
35 program, (B) employed by a provider of supplemental services  
36 pursuant to the No Child Left Behind Act, P.L. 107-110, or (C) in a  
37 nonpaid, noncertified position completing preparation requirements  
38 for the issuance of an educator certificate pursuant to chapter 166, who  
39 performs a service involving direct student contact to submit to state  
40 and national criminal history records checks within thirty days from  
41 the date such worker begins to perform such service.] The criminal  
42 history records checks required by this subsection shall be conducted  
43 in accordance with section 29-17a. If the [local or regional board of  
44 education] eligible school operator receives notice of a conviction of a  
45 crime which has not previously been disclosed by such person to the  
46 [board, the board] eligible school operator, the eligible school operator  
47 may [(i)] (A) terminate the contract of a certified employee, in  
48 accordance with the provisions of section 10-151, and [(ii)] (B) dismiss  
49 a noncertified employee, provided such employee is notified of the

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

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

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

84 shall provide the results of such checks to such [local or regional board  
85 of education, governing council of a state or local charter school,  
86 operator of an interdistrict magnet school, endowed or incorporated  
87 academy, special education facility or supervisory agent of a nonpublic  
88 school and to a contractor, in the case of any employee of an applicant  
89 contractor subject to such records checks. Such regional educational  
90 service centers shall provide such results to any other local or regional  
91 board of education or regional educational service center upon the  
92 request of such person] eligible school operator. No regional  
93 educational service center shall charge a fee for services under this  
94 subsection that exceeds any fee that the center may charge any  
95 applicant for a position with such center.

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

116 [(d)] (e) The provisions of this section shall not apply to (1) a student  
117 employed by [the local or regional school district in] the eligible school

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

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

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

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

151 certificate, authorization or permit in accordance with the provisions of  
152 subsection (i) of section 10-145b, or may revoke the certificate,  
153 authorization or permit in accordance with the provisions of said  
154 subsection (i).]

155 [(h)] (f) Notwithstanding the provisions of subsection (g) of section  
156 31-51i, and to the extent permissible under state and federal laws  
157 regarding the dissemination of criminal history records, the  
158 [Department] State Board of Education shall, upon request of [a local  
159 or regional board of education, governing council of a state or local  
160 charter school, an interdistrict magnet school operator or the  
161 supervisory agent of a nonpublic school] an eligible school operator,  
162 make available to such [local or regional board of education, governing  
163 council, interdistrict magnet school operator or supervisory agent of a  
164 nonpublic school] eligible school operator requesting information  
165 concerning an applicant for a position with such [board, council,  
166 operator or supervisory agent] eligible school operator (1) any  
167 information concerning the applicant's eligibility for employment in a  
168 position with such [board, council, operator or supervisory agent]  
169 eligible school operator requiring a certificate, authorization or permit  
170 issued pursuant to chapter 166, (2) whether the department has  
171 knowledge that the applicant has been disciplined for a finding of  
172 abuse or neglect or sexual misconduct, as defined in section 10-222c,  
173 and any information concerning such a finding, and (3) whether the  
174 department has received notification that the applicant has been  
175 convicted of a crime or of criminal charges pending against the  
176 applicant and any information concerning such charges. The  
177 provisions of this subsection shall not be construed to cause the  
178 [department] state board to investigate any such request or  
179 disseminate the results of any national criminal history records check.

180 Sec. 2. (NEW) (*Effective July 1, 2019*) (a) As used in this section and  
181 sections 3 and 4 of this act, "nongovernmental school operator" means  
182 the governing council of a state or local charter school, an operator of  
183 an interdistrict magnet school that is a third-party not-for-profit  
184 corporation approved by the Commissioner of Education, an endowed

185 or incorporated academy approved by the State Board of Education  
186 pursuant to section 10-34 of the general statutes, a special education  
187 facility approved by the State Board of Education pursuant to section  
188 10-76d of the general statutes or the supervisory agent of a nonpublic  
189 school.

190 (b) Each nongovernmental school operator shall, subject to the  
191 provisions of section 31-51i of the general statutes, (1) require each  
192 applicant for a position with such nongovernmental school operator to  
193 state, in writing, whether such applicant has ever been convicted of a  
194 crime or whether criminal charges are pending against such applicant  
195 at the time of such application and, if so, to state the charges and the  
196 court in which such charges are pending, (2) require each applicant to  
197 submit to a records check of the Department of Children and Families  
198 child abuse and neglect registry established pursuant to section 17a-  
199 101k of the general statutes, before such applicant may be hired by  
200 such nongovernmental school operator, and (3) on and after July 1,  
201 2019, require, subject to the provisions of subsection (e) of this section,  
202 each applicant for a position with such nongovernmental school  
203 operator to submit to state and national criminal history records checks  
204 within thirty days from the date of employment and may require,  
205 subject to the provisions of subsection (e) of this section, any person  
206 hired prior to said date to submit to state and national criminal history  
207 records checks. The criminal history records checks required by this  
208 subsection shall be conducted in accordance with section 29-17a of the  
209 general statutes and the National Child Protection Act of 1993, P.L.  
210 103-209, as amended from time to time. If the nongovernmental school  
211 operator receives notice of a conviction of a crime which has not  
212 previously been disclosed by such person to the nongovernmental  
213 school operator, the nongovernmental school operator may (A)  
214 terminate the contract of a certified employee, in accordance with the  
215 provisions of section 10-151 of the general statutes, if applicable, and  
216 (B) dismiss a noncertified employee, provided such employee is  
217 notified of the reason for such dismissal. In addition, if the  
218 nongovernmental school operator receives notice of a conviction of a

219 crime by a person holding a certificate, authorization or permit issued  
220 by the State Board of Education, the nongovernmental school operator  
221 shall send such notice to the State Board of Education. The provisions  
222 of this subsection shall not be construed to cause an eligible school  
223 operator to disseminate the results of any national criminal history  
224 records check.

225 (c) If a nongovernmental school operator requests, a regional  
226 educational service center shall arrange for the fingerprinting of any  
227 person required to submit to state and national criminal history  
228 records checks pursuant to this section or for conducting any other  
229 method of positive identification required by the State Police Bureau of  
230 Identification or the Federal Bureau of Investigation and shall forward  
231 such fingerprints or other positive identifying information to the State  
232 Police Bureau of Identification which shall conduct criminal history  
233 records checks in accordance with section 29-17a of the general statutes  
234 and the National Child Protection Act of 1993, P.L. 103-209, as  
235 amended from time to time. Such regional educational service center  
236 shall maintain such fingerprints or other positive identifying  
237 information, which may be in an electronic format, for a period of four  
238 years, at the end of which such fingerprints and positive identifying  
239 information shall be destroyed. The State Police Bureau of  
240 Identification shall provide the results of such checks to such  
241 nongovernmental school operator. No regional educational service  
242 center shall charge a fee for services under this subsection that exceeds  
243 any fee that the center may charge any applicant for a position with  
244 such center.

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



253 nongovernmental school operator, provided a substitute teacher is  
254 subjected to such checks at least once every five years. For purposes of  
255 this section, substitute teachers shall be deemed to be continuously  
256 employed by a nongovernmental school operator if they are employed  
257 at least one day of each school year by such nongovernmental school  
258 operator.

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

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

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

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

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

321       Sec. 5. (NEW) (*Effective July 1, 2019*) (a) The State Board of Education  
322 shall submit, periodically, a database of applicants for an initial  
323 issuance of certificate, authorization or permit pursuant to sections 10-  
324 144o to 10-149, inclusive, of the general statutes, to the State Police  
325 Bureau of Identification. The State Police Bureau of Identification shall  
326 conduct a state criminal history records check in accordance with  
327 section 29-17a of the general statutes against such database and notify  
328 the State Board of Education of any such applicant who has a criminal  
329 conviction. The State Board of Education shall not issue a certificate,  
330 authorization or permit until it receives and evaluates the results of  
331 such check and may deny an application in accordance with the  
332 provisions of subsection (i) of section 10-145b of the general statutes.

333       (b) The State Board of Education shall submit, periodically, a  
334 database of all persons who hold certificates, authorizations or permits  
335 to the State Police Bureau of Identification. The State Police Bureau of  
336 Identification shall conduct a state criminal history records check in  
337 accordance with section 29-17a of the general statutes against such  
338 database and shall notify the State Board of Education of any such  
339 person who has a criminal conviction. The State Board of Education  
340 may revoke the certificate, authorization or permit of such person in  
341 accordance with the provisions of subsection (i) of section 10-145b of  
342 the general statutes.

343       (c) The State Board of Education shall require each applicant seeking  
344 an initial issuance or renewal of a certificate, authorization or permit  
345 pursuant to sections 10-144o to 10-149, inclusive, of the general  
346 statutes, to submit to a records check of the Department of Children  
347 and Families child abuse and neglect registry established pursuant to  
348 section 17a-101k of the general statutes. If notification is received that  
349 the applicant is listed as a perpetrator of abuse or neglect on the  
350 Department of Children and Families child abuse and neglect registry,  
351 the board shall deny an application for the certificate, authorization or  
352 permit in accordance with the provisions of subsection (i) of section 10-  
353 145b of the general statutes, or may revoke the certificate,  
354 authorization or permit in accordance with the provisions of said

355 subsection (i).

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

367       Sec. 7. Subsection (a) of section 10-16b of the general statutes is  
368 repealed and the following is substituted in lieu thereof (*Effective July*  
369 *1, 2019*):

370       (a) In the public schools the program of instruction offered shall  
371 include at least the following subject matter, as taught by legally  
372 qualified teachers, the arts; career education; consumer education;  
373 health and safety, including, but not limited to, human growth and  
374 development, nutrition, first aid, including cardiopulmonary  
375 resuscitation training in accordance with the provisions of section 10-  
376 16qq, disease prevention and cancer awareness, including, but not  
377 limited to, age and developmentally appropriate instruction in  
378 performing self-examinations for the purposes of screening for breast  
379 cancer and testicular cancer, community and consumer health,  
380 physical, mental and emotional health, including youth suicide  
381 prevention, sexual harassment and assault, adolescent relationship  
382 abuse and intimate partner violence, human trafficking, including  
383 commercial sexual exploitation, substance abuse prevention, including  
384 instruction relating to opioid use and related disorders, safety, which  
385 shall include the safe use of social media, as defined in section 9-601,  
386 and may include the dangers of gang membership, and accident  
387 prevention; language arts, including reading, writing, grammar,

388 speaking and spelling; mathematics; physical education; science,  
389 which may include the climate change curriculum described in  
390 subsection (d) of this section; social studies, including, but not limited  
391 to, citizenship, economics, geography, government, history and  
392 Holocaust and genocide education and awareness in accordance with  
393 the provisions of section 10-18f; computer programming instruction;  
394 and in addition, on at least the secondary level, one or more world  
395 languages and vocational education. For purposes of this subsection,  
396 world languages shall include American Sign Language, provided  
397 such subject matter is taught by a qualified instructor under the  
398 supervision of a teacher who holds a certificate issued by the State  
399 Board of Education. For purposes of this subsection, the "arts" means  
400 any form of visual or performing arts, which may include, but not be  
401 limited to, dance, music, art and theatre.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2019</i>	10-221d
Sec. 2	<i>July 1, 2019</i>	New section
Sec. 3	<i>July 1, 2019</i>	New section
Sec. 4	<i>July 1, 2019</i>	New section
Sec. 5	<i>July 1, 2019</i>	New section
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>July 1, 2019</i>	10-16b(a)

**Statement of Purpose:**

To make various revisions and additions to the education statutes.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*