



General Assembly

**Amendment**

January Session, 2019

LCO No. 9170



Offered by:

SEN. MCCRORY, 2<sup>nd</sup> Dist.

REP. SANCHEZ, 25<sup>th</sup> Dist.

To: Subst. Senate Bill No. 1069

File No. 642

Cal. No. 303

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

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

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 Section 10-221d of the general statutes is repealed and the  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

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

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

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

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

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

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

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

118 such [local or regional board of education, council or operator] eligible  
119 school operator.

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

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

139 (f) The State Board of Education shall submit, periodically, a  
140 database of all persons who hold certificates, authorizations or permits  
141 to the State Police Bureau of Identification. The State Police Bureau of  
142 Identification shall conduct a state criminal history records check  
143 against such database and shall notify the State Board of Education of  
144 any such person who has a criminal conviction. The State Board of  
145 Education may revoke the certificate, authorization or permit of such  
146 person in accordance with the provisions of subsection (i) of section 10-  
147 145b.

148 (g) The State Board of Education shall require each applicant  
149 seeking an initial issuance or renewal of a certificate, authorization or

150 permit pursuant to sections 10-144o to 10-149, inclusive, to submit to a  
151 records check of the Department of Children and Families child abuse  
152 and neglect registry established pursuant to section 17a-101k. If  
153 notification is received that the applicant is listed as a perpetrator of  
154 abuse or neglect on the Department of Children and Families child  
155 abuse and neglect registry, the board shall deny an application for the  
156 certificate, authorization or permit in accordance with the provisions of  
157 subsection (i) of section 10-145b, or may revoke the certificate,  
158 authorization or permit in accordance with the provisions of said  
159 subsection (i).]

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

184 disseminate the results of any national criminal history records check.

185       Sec. 2. (NEW) (*Effective July 1, 2019*) (a) As used in this section and  
186 sections 3 and 4 of this act, "nongovernmental school operator" means  
187 an operator of an interdistrict magnet school that is a third-party not-  
188 for-profit corporation approved by the Commissioner of Education,  
189 the governing council of a state or local charter school, an endowed or  
190 incorporated academy approved by the State Board of Education  
191 pursuant to section 10-34 of the general statutes, a special education  
192 facility approved by the State Board of Education pursuant to section  
193 10-76d of the general statutes or the supervisory agent of a nonpublic  
194 school.

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

218 disclosed by such person to the nongovernmental school operator, the  
219 nongovernmental school operator may (A) terminate the contract of a  
220 certified employee, in accordance with the provisions of section 10-151  
221 of the general statutes, if applicable, and (B) dismiss a noncertified  
222 employee, provided such employee is notified of the reason for such  
223 dismissal. If the nongovernmental school operator receives notice of a  
224 conviction of a crime by a person holding a certificate, authorization or  
225 permit issued by the State Board of Education, the nongovernmental  
226 school operator shall send such notice to the State Board of Education.  
227 The provisions of this subsection shall not be construed to cause a  
228 nongovernmental school operator to disseminate the results of any  
229 national criminal history records check.

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

250 (d) State and national criminal history records checks for substitute  
251 teachers completed within one year prior to the date of employment



252 with a nongovernmental school operator and submitted to the  
253 employing nongovernmental school operator shall meet the  
254 requirements of subsection (b) of this section. A nongovernmental  
255 school operator shall not require substitute teachers to submit to state  
256 and national criminal history records checks pursuant to subsection (b)  
257 of this section if they are continuously employed by such  
258 nongovernmental school operator, provided a substitute teacher is  
259 subjected to such checks at least once every five years. For purposes of  
260 this section, substitute teachers shall be deemed to be continuously  
261 employed by a nongovernmental school operator if they are employed  
262 at least one day of each school year by such nongovernmental school  
263 operator.

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

272 (f) Notwithstanding the provisions of subsection (g) of section 31-51i  
273 of the general statutes, and to the extent permissible under state and  
274 federal laws regarding the dissemination of criminal history records,  
275 the State Board of Education shall, upon request of a nongovernmental  
276 school operator, make available to such nongovernmental school  
277 operator requesting information concerning an applicant for a position  
278 with such nongovernmental school operator, (1) any information  
279 concerning the applicant's eligibility for employment in a position with  
280 such nongovernmental school operator requiring a certificate,  
281 authorization or permit issued pursuant to chapter 166 of the general  
282 statutes, (2) whether the department has knowledge that the applicant  
283 has been disciplined for a finding of abuse or neglect or sexual  
284 misconduct, as defined in section 10-222c of the general statutes, and  
285 any information concerning such a finding, and (3) whether the

286 department has received notification that the applicant has been  
287 convicted of a crime or of criminal charges pending against the  
288 applicant and any information concerning such charges. The  
289 provisions of this subsection shall not be construed to cause the state  
290 board to investigate any such request or disseminate the results of any  
291 national criminal history records check.

292       Sec. 3. (NEW) (*Effective July 1, 2019*) (a) Each eligible school operator  
293 and nongovernmental school operator shall require each student who  
294 is enrolled in a teacher preparation program, as defined in section 10-  
295 10a of the general statutes, and completing his or her student teaching  
296 experience with such eligible school operator or nongovernmental  
297 school operator, to (1) state, in writing, whether such student has ever  
298 been convicted of a crime or whether criminal charges are pending  
299 against such applicant at the time of such application and, if charges  
300 are pending, to state the charges and the court in which such charges  
301 are pending, (2) submit to a records check of the Department of  
302 Children and Families child abuse and neglect registry established  
303 pursuant to section 17a-101k of the general statutes, before such  
304 student begins such student teaching experience, and (3) on and after  
305 July 1, 2019, submit to state and national criminal history records  
306 checks within sixty days from the date such student begins to perform  
307 such student teaching experience. The criminal history records checks  
308 required by this section shall be conducted in accordance with section  
309 29-17a of the general statutes.

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

313       Sec. 4. (NEW) (*Effective July 1, 2019*) Each eligible school operator or  
314 nongovernmental school operator may require any person who will  
315 perform a service involving direct contact with students to (1) state, in  
316 writing, whether such person has ever been convicted of a crime or  
317 whether criminal charges are pending against such applicant at the  
318 time of such application and, if charges are pending, to state the

319 charges and the court in which such charges are pending, (2) submit to  
320 a records check of the Department of Children and Families child  
321 abuse and neglect registry established pursuant to section 17a-101k of  
322 the general statutes, before such person performs a service involving  
323 direct contact with students, and (3) on and after July 1, 2019, submit to  
324 state and national criminal history records checks in accordance with  
325 section 29-17a of the general statutes and the National Child Protection  
326 Act of 1993, P.L. 103-209, as amended from time to time.

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

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

351       (c) The State Board of Education shall require each applicant seeking

352 an initial issuance or renewal of a certificate, authorization or permit  
353 pursuant to sections 10-144o to 10-149, inclusive, of the general  
354 statutes, to submit to a records check of the Department of Children  
355 and Families child abuse and neglect registry established pursuant to  
356 section 17a-101k of the general statutes. If notification is received that  
357 the applicant is listed as a perpetrator of abuse or neglect on the  
358 Department of Children and Families child abuse and neglect registry,  
359 the board shall deny an application for the certificate, authorization or  
360 permit in accordance with the provisions of subsection (i) of section 10-  
361 145b of the general statutes, or may revoke the certificate,  
362 authorization or permit in accordance with the provisions of said  
363 subsection (i).

364 Sec. 6. (*Effective from passage*) Not later than January 1, 2020, the  
365 Department of Education shall conduct a study concerning the  
366 authorization of towns and cooperative arrangements pursuant to  
367 section 10-158a of the general statutes to be considered a local  
368 education agency for purposes of regional cooperation and in order to  
369 maximize efficiencies and cost-savings without establishing a regional  
370 school district. The department shall submit a report on its findings  
371 and any recommendations for legislation to the joint standing  
372 committee of the General Assembly having cognizance of matters  
373 relating to education, in accordance with the provisions of section 11-  
374 4a of the general statutes.

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

382 Sec. 8. Subdivision (3) of subsection (b) of section 10-223j of the  
383 general statutes is repealed and the following is substituted in lieu  
384 thereof (*Effective July 1, 2019*):

385 (3) Terms of voting members elected pursuant to this subsection  
386 shall be for two years and no members shall serve more than [two]  
387 four terms on the council. The nonvoting student members shall serve  
388 one year and no student member shall serve more than two terms on  
389 the council.

390 Sec. 9. Subdivision (1) of subsection (a) of section 10-233d of the  
391 general statutes is repealed and the following is substituted in lieu  
392 thereof (*Effective July 1, 2019*):

393 (a) (1) Any local or regional board of education, at a meeting at  
394 which three or more members of such board are present, or the  
395 impartial hearing board established pursuant to subsection (b) of this  
396 section, may expel, subject to the provisions of this subsection, any  
397 pupil in grades three to twelve, inclusive, whose conduct on school  
398 grounds or at a school-sponsored activity is violative of a publicized  
399 policy of such board [or] and is seriously disruptive of the educational  
400 process or endangers persons or property or whose conduct off school  
401 grounds is violative of such policy and is seriously disruptive of the  
402 educational process, provided a majority of the board members sitting  
403 in the expulsion hearing vote to expel and that at least three  
404 affirmative votes for expulsion are cast. In making a determination as  
405 to whether conduct is seriously disruptive of the educational process,  
406 the board of education or impartial hearing board may consider, but  
407 such consideration shall not be limited to: (A) Whether the incident  
408 occurred within close proximity of a school; (B) whether other students  
409 from the school were involved or whether there was any gang  
410 involvement; (C) whether the conduct involved violence, threats of  
411 violence or the unlawful use of a weapon, as defined in section 29-38,  
412 and whether any injuries occurred; and (D) whether the conduct  
413 involved the use of alcohol.

414 Sec. 10. (NEW) (*Effective July 1, 2020*) Not later than August first of  
415 each year, each local and regional board of education shall make its  
416 grade level curriculum available on its Internet web site."

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>from passage</i>	New section
Sec. 8	<i>July 1, 2019</i>	10-223j(b)(3)
Sec. 9	<i>July 1, 2019</i>	10-233d(a)(1)
Sec. 10	<i>July 1, 2020</i>	New section