General Assembly

Amendment

January Session, 2019

LCO No. 7436

Offered by:
SEN. FASANO, 34th Dist.
SEN. WITKOS, 8th Dist.
SEN. BERTHEL, 32nd Dist.
SEN. SAMPSON, 16th 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 After the last section, add the following and renumber sections and internal references accordingly:

"Sec. 501. Subsection (a) of section 10-222c of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2019):

(a) No local or regional board of education, governing council of a state or local charter school, interdistrict magnet school operator or supervisory agent of a nonpublic school shall offer employment to an applicant for a position, including any position which is contracted for, if such applicant would have direct student contact, prior to such board, council, operator or supervisory agent:

(1) Requiring of such applicant:
(A) To list the name, address and telephone number of each current or former employer of the applicant, if such current or former employer was a local or regional board of education, council, operator or supervisory agent or if such employment otherwise caused the applicant to have contact with children;

(B) A written authorization that (i) consents to and authorizes disclosure by the employers listed under subparagraph (A) of this subdivision of the information requested under subdivision (2) of this subsection and the release of related records by such employers, (ii) consents to and authorizes disclosure by the Department of Education of the information requested under subdivision (3) of this subsection and the release of related records by the department, and (iii) releases those employers and the department from liability that may arise from such disclosure or release of records pursuant to subdivision (2) or (3) of this subsection; and

(C) A written statement of whether the applicant (i) has been the subject of an abuse or neglect or sexual misconduct investigation by any employer, state agency or municipal police department, unless the investigation resulted in a finding that all allegations were unsubstantiated, (ii) has ever been disciplined or asked to resign from employment or resigned from or otherwise separated from any employment while an allegation of abuse or neglect was pending or under investigation by the Department of Children and Families, or an allegation of sexual misconduct was pending or under investigation or due to an allegation substantiated pursuant to section 17a-101g of abuse or neglect, or of sexual misconduct or a conviction for abuse or neglect or sexual misconduct, [or] (iii) has ever had a professional or occupational license or certificate suspended or revoked or has ever surrendered such a license or certificate while an allegation of abuse or neglect was pending or under investigation by the department or an investigation of sexual misconduct was pending or under investigation, or due to an allegation substantiated by the department of abuse or neglect or of sexual misconduct or a conviction for abuse or neglect or sexual misconduct, or (iv) has entered into a nondisclosure
agreement or a confidentiality agreement as part of a settlement for a claim of sexual harassment or sexual assault against such applicant;

(2) Conducting a review of the employment history of the applicant by contacting those employers listed by the applicant under subdivision (1) of this subsection. Such review shall be conducted using a form developed by the Department of Education in accordance with section 3 of public act 16-67* that shall request (A) the dates of employment of the applicant, and (B) a statement as to whether the employer has knowledge that the applicant (i) was the subject of an allegation of abuse or neglect or sexual misconduct for which there is an investigation pending with any employer, state agency or municipal police department or which has been substantiated; (ii) was disciplined or asked to resign from employment or resigned from or otherwise separated from any employment while an allegation of abuse or neglect or sexual misconduct was pending or under investigation, or due to a substantiation of abuse or neglect or sexual misconduct; or (iii) has ever had a professional or occupational license, certificate, authorization or permit suspended or revoked or has ever surrendered such a license, certificate, authorization or permit while an allegation of abuse or neglect or sexual misconduct was pending or under investigation, or due to a substantiation of abuse or neglect or sexual misconduct. Such review may be conducted telephonically or through written communication. Notwithstanding the provisions of subsection (g) of section 31-51i, not later than five business days after any such current or former employer of the applicant receives a request for such information, such employer shall respond with such information. A local or regional board of education, council, operator or supervisory agent may request more information concerning any response made by a current or former employer, and, notwithstanding the provisions of said subsection (g), such employer shall respond not later than five business days after receiving such request; and

(3) Requesting information from the Department of Education concerning (A) the eligibility status for employment of any applicant for a position requiring a certificate, authorization or permit issued
pursuant to chapter 166, (B) whether the department has knowledge
that a finding has been substantiated by the Department of Children
and Families pursuant to section 17a-101g of abuse or neglect or of
sexual misconduct against the applicant and any information
concerning such a finding, and (C) whether the department has
received notification that the applicant has been convicted of a crime
or of criminal charges pending against the applicant and any
information concerning such charges."

This act shall take effect as follows and shall amend the following
sections:

| Sec. 501 | July 1, 2019 | 10-222c(a) |