



Agency Legislative Proposal - 2021 Session

Document Name (e.g. OPM1015Budget.doc; OTG1015Policy.doc): 091120_SDE_CharterSchFingerprinting

(If submitting an electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Connecticut State Department of Education

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Lead agency division requesting this proposal: **Legal and Governmental Affairs**

Agency Analyst/Drafter of Proposal: **Matthew Venhorst, Staff Attorney; Jessa Mirtle, Legal Director**

Title of Proposal **An Act Concerning Revisions to the Laws Regarding Charter School Background Checks**

Statutory Reference **10-66rr**

Proposal Summary **This proposal changes the way in which criminal background checks are conducted on charter school governing council members and members of charter management organizations. The Connecticut Department of Emergency Services and Public Protection (DESPP) has indicated that, based on FBI protocols, the checks are unable to be implemented as written in the current version of 10-66rr.**

PROPOSAL BACKGROUND

- **Reason for Proposal**

Please consider the following, if applicable:

- (1) *Have there been changes in federal/state/local laws and regulations that make this legislation necessary? Yes. DESPP has indicated that, based on issues discovered during an FBI audit of DESPP practices, 10-66rr may not be implemented as written.*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? N/A. Connecticut appears to have a unique background check requirement for this class of individuals, in that the SBE requires that the background checks be conducted but the employing entity is required to make the decision regarding suitability for employment/placement.*
- (3) *Have certain constituencies called for this action? Yes. DESPP has indicated that the current version of 10-66rr may not be implemented as written.*
- (4) *What would happen if this was not enacted in law this session? The background checks required by C.G.S. Sec. 10-66rr may not be implemented as contemplated in the law.*



- **Origin of Proposal** ___ **New Proposal** ___ **Resubmission**

If this is a resubmission, please share: *These should be answered only if it is a resubmission*

- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
- (4) What was the last action taken during the past legislative session?

PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency) *Please only complete this section if you have already been working with another agency. If not, I will reach out to the appropriate agency's legislative liaison upon approval from the Commissioner.*

Agency Name:

Agency Contact (name, title, phone):

Date Contacted:

Approve of Proposal ___ YES ___ NO ___ Talks Ongoing

Summary of Affected Agency's Comments

Will there need to be further negotiation? ___ YES ___ NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

Municipal (please include any municipal mandate that can be found within legislation) *None*

State *If the proposal is implemented as written, background checks need not go through DESPP and applicants would therefore no longer pay DESPP's state fee for obtaining fingerprint checks.*

Federal *None*

Additional notes on fiscal impact

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)



N/A

Section 10-66rr of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

On and after July 1, 2015, the State Board of Education shall require members of the governing council of a state or local charter school and members of a charter management organization to submit to a records check of the Department of Children and Families child abuse and neglect registry, established pursuant to section 17a-101k, and to state and national criminal history records checks before the state board grants initial certificates of approval for charters pursuant to section 10-66bb, or before such members may be hired by the governing council of a state or local charter school or charter management organization. The governing council of a state or local charter school shall require each contractor doing business with a state or local charter school, who performs a service involving direct student contact, to submit to a records check of the Department of Children and Families child abuse and neglect registry, established pursuant to section 17a-101k, and to state and national criminal history records checks before such contractor begins to perform such service. [Any criminal history records checks required under this section shall be conducted in accordance with section 29-17a.]



Required Agency Approvals

Bureau Chief/Manager

Date

Chief Officer

Date

*Note: For CTHSS, this should be Board Chair and Superintendent.

*Note: Forms must have both signatures to be reviewed by Legal Director for consideration.

Legal Director

Date