



## Agency Legislative Proposal - 2021 Session

**Document Name:** 091120\_SDE\_FingerprintRevisions

(If submitting electronically, please label with date, agency, and title of proposal – 092621\_SDE\_TechRevisions)

State Agency: Connecticut State Department of Education

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Lead agency division requesting this proposal: Legal Affairs

Agency Analyst/Drafter of Proposal: Matt Venhorst

**Title of Proposal:** An Act Concerning Technical Changes to Laws Requiring Fingerprinting in Schools

**Statutory Reference:** C.G.S. Sec. 10-221d and 10-232a

**Proposal Summary:**

Connecticut law mandates that school employees undergo, among other checks, national criminal history records checks, which obtain criminal history information from a database maintained by the Federal Bureau of Investigation (FBI). As a condition of accessing this information, the FBI requires that the state statutes mandating these background checks for school employees list governmental (public) and non-governmental (non-public) entities separately in statute. As such, Connecticut currently has separate statutes applicable to public and non-public entities (C.G.S. Sections 10-221d and 10-232a, respectively). The proposed changes here seek to re-classify charter school governing boards and cooperative arrangements based on the FBI's classification of these entities as non-public. The FBI is requiring these changes in order to allow educational entities to have continued access to its criminal history database.

### 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?*
- (2) *Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?*
- (3) *Have certain constituencies called for this action?*
- (4) *What would happen if this was not enacted in law this session?*

These changes are required in order to allow educational entities to receive access to the FBI's criminal history database.



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◇ **Origin of Proposal**       **New Proposal**       **Resubmission**

*If this is a resubmission, please share:*

- (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?*

n/a

**PROPOSAL IMPACT**

◇ **AGENCIES AFFECTED** *(please list for each affected agency)*

**Agency Name:** Department of Emergency Services and Public Protection (DESPP)  
**Agency Contact (name, title, phone):** Versie Jones, Auditor, DESPP, (860)685-8020  
**Date Contacted:**

Approve of Proposal     **YES**     **NO**     **Talks Ongoing**

**Summary of Affected Agency’s Comments**  
 DESPP has indicated that these changes are required by the FBI. DESPP is in the process of reviewing this proposal.

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)*

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**State**



Applicants from entities now considered non-public will be assessed a state fee (assessed by DESPP) because these applicants are no longer eligible to have state fingerprinting fees waived because they work for a governmental employer.

**Federal**

**Additional notes on fiscal impact**

◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

◇ **EVIDENCE BASE**

*What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First [evidence definitions](#) can help you to establish the evidence-base for your program and their [Clearinghouse](#) allows for easy access to information about the evidence base for a variety of programs.*

**Insert fully drafted bill here**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 10-221d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

(a) As used in this section and sections 10-232b and 10-232c, “eligible school operator” means a school or school district authorized to receive national criminal history record information from the Federal Bureau of Investigation pursuant to P.L. 92-544, and shall include a local or regional board of education, the Technical Education and Career System, **[the governing council of a state or local charter school, a cooperative arrangement pursuant to section 10-158a]** and an interdistrict magnet school operator other than an operator who is a third-party not-for-profit corporation approved by the Commissioner of Education.

(b) Each eligible school operator shall, subject to the provisions of section 31-51i, (1) require each applicant for a position with such eligible school operator to state, in writing, whether such applicant has ever been convicted of a crime or whether criminal charges are pending against such applicant at



the time of such application and, if charges are pending, to state the charges and the court in which such charges are pending, (2) require each applicant to submit to a records check of the Department of Children and Families child abuse and neglect registry established pursuant to section 17a-101k, before such applicant may be hired by such eligible school operator, and (3) on and after July 1, 2019, require, subject to the provisions of subsection (e) of this section, each applicant for a position with such eligible school operator to submit to state and national criminal history records checks within thirty days from the date of employment and may require, subject to the provisions of subsection (e) of this section, any person hired prior to said date to submit to state and national criminal history records checks. The criminal history records checks required by this subsection shall be conducted in accordance with section 29-17a. If the eligible school operator receives notice of a conviction of a crime which has not previously been disclosed by such person to the eligible school operator, the eligible school operator may (A) terminate the contract of a certified employee, in accordance with the provisions of section 10-151, and (B) dismiss a noncertified employee, provided such employee is notified of the reason for such dismissal. If the eligible school operator receives notice of a conviction of a crime by a person holding a certificate, authorization or permit issued by the State Board of Education, the eligible school operator shall send such notice to the State Board of Education. The provisions of this subsection shall not be construed to cause an eligible school operator to disseminate the results of any national criminal history records check.

(c) If an eligible school operator requests, a regional educational service center shall arrange for the fingerprinting of any person required to submit to state and national criminal history records checks pursuant to this section or for conducting any other method of positive identification required by the State Police Bureau of Identification or the Federal Bureau of Investigation and shall forward such fingerprints or other positive identifying information to the State Police Bureau of Identification which shall conduct criminal history records checks in accordance with section 29-17a. Such regional educational service center shall maintain such fingerprints or other positive identifying information, which may be in an electronic format, for a period of four years, at the end of which such fingerprints and positive identifying information shall be destroyed. The State Police Bureau of Identification shall provide the results of such checks to such eligible school operator. No regional educational service center shall charge a fee for services under this subsection that exceeds any fee that the center may charge any applicant for a position with such center.

(d) State and national criminal history records checks for substitute teachers completed within one year prior to the date of employment with an eligible school operator and submitted to the employing eligible school operator shall meet the requirements of subsection (b) of this section. An eligible school operator shall not require substitute teachers to submit to state and national criminal history records checks pursuant to subsection (b) of this section if they are continuously employed by such eligible school operator, provided a substitute teacher is subjected to such checks at least once every five years. For purposes of this section, substitute teachers shall be deemed to be continuously employed by an eligible school operator if they are employed at least one day of each school year by such eligible school operator.

(e) The provisions of this section shall not apply to (1) a student employed by the eligible school operator that operates a school which the student attends, or (2) a person employed by an eligible



school operator as a teacher for a noncredit adult class or adult education activity, as defined in section 10-67, who is not required to hold a teaching certificate pursuant to section 10-145b for his or her position.

(f) Notwithstanding the provisions of subsection (g) of section 31-51i, and to the extent permissible under state and federal laws regarding the dissemination of criminal history records, the State Board of Education shall, upon request of an eligible school operator, make available to such eligible school operator requesting information concerning an applicant for a position with such eligible school operator (1) any information concerning the applicant's eligibility for employment in a position with such eligible school operator requiring a certificate, authorization or permit issued pursuant to chapter 166, (2) whether the department has knowledge that the applicant has been disciplined for a finding of abuse or neglect or sexual misconduct, as defined in section 10-222c, and any information concerning such a finding, and (3) 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. The provisions of this subsection shall not be construed to cause the state board to investigate any such request or disseminate the results of any national criminal history records check.

Section 2. Section 10-232a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective upon passage*):

(a) As used in this section and sections 10-232b and 10-232c, "nongovernmental school operator" means an operator of an interdistrict magnet school that is a third-party not-for-profit corporation approved by the Commissioner of Education, the governing council of a state or local charter school, an endowed or incorporated academy approved by the State Board of Education pursuant to section 10-34, a special education facility approved by the State Board of Education pursuant to section 10-76d, **[or]** the supervisory agent of a nonpublic school or a cooperative arrangement pursuant to section 10-158a.

(b) Each nongovernmental school operator shall, subject to the provisions of section 31-51i, (1) require each applicant for a position with such nongovernmental school operator to state, in writing, whether such applicant has ever been convicted of a crime or whether criminal charges are pending against such applicant at the time of such application and, if charges are pending, to state the charges and the court in which such charges are pending, (2) require each applicant to submit to a records check of the Department of Children and Families child abuse and neglect registry established pursuant to section 17a-101k, before such applicant may be hired by such nongovernmental school operator, and (3) on and after July 1, 2019, require, subject to the provisions of subsection (e) of this section, each applicant for a position with such nongovernmental school operator to submit to state and national criminal history records checks within thirty days from the date of employment and may require, subject to the provisions of subsection (e) of this section, any person hired prior to said date to submit to state and national criminal history records checks. The criminal history records checks required by this subsection shall be conducted in accordance with section 29-17a, the federal National Child Protection Act of 1993 and the federal Volunteers for Children Act of 1998. If the nongovernmental school



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

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

(d) State and national criminal history records checks for substitute teachers completed within one year prior to the date of employment with a nongovernmental school operator and submitted to the employing nongovernmental school operator shall meet the requirements of subsection (b) of this section. A nongovernmental school operator shall not require substitute teachers to submit to state and national criminal history records checks pursuant to subsection (b) of this section if they are continuously employed by such nongovernmental school operator, provided a substitute teacher is subjected to such checks at least once every five years. For purposes of this section, substitute teachers shall be deemed to be continuously employed by a nongovernmental school operator if they are employed at least one day of each school year by such nongovernmental school operator.

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

(f) Notwithstanding the provisions of subsection (g) of section 31-51i, and to the extent permissible under state and federal laws regarding the dissemination of criminal history records, the State Board of Education shall, upon request of a nongovernmental school operator, make available to such nongovernmental school operator requesting information concerning an applicant for a position with



such nongovernmental school operator, (1) any information concerning the applicant's eligibility for employment in a position with such nongovernmental school operator requiring a certificate, authorization or permit issued pursuant to chapter 166, (2) whether the department has knowledge that the applicant has been disciplined for a finding of abuse or neglect or sexual misconduct, as defined in section 10-222c, and any information concerning such a finding, and (3) 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. The provisions of this subsection shall not be construed to cause the state board to investigate any such request or disseminate the results of any national criminal history records check.