

General Assembly

February Session, 2024

Substitute Bill No. 381

AN ACT CONCERNING THE TEACHING PROFESSION AND REVISIONS TO THE MANDATED REPORTER REQUIREMENTS.

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

Section 1. (NEW) (*Effective July 1, 2024*) Any collective bargaining agreement entered into, amended or extended on or after July 1, 2025, between a local or regional board of education and the representatives of the exclusive bargaining unit for certified employees, chosen pursuant to section 10-153b of the general statutes, shall establish a minimum salary for certified teachers that is not less than sixty thousand dollars annually.

8 Sec. 2. (NEW) (*Effective July 1, 2024*) For the fiscal year ending June 30, 9 2026, and annually thereafter, the Office of Policy and Management shall create an independent appropriation for the purposes of providing 10 11 a teacher salary enhancement subsidy to local and regional boards of 12 education. The office shall use the funds available in such independent 13 appropriation to provide a subsidy to each local or regional board of 14 education in an amount equal to the difference between the annual 15 salary, as of July 1, 2024, of a certified teacher who is employed by such 16 board on said date and the minimum salary required pursuant to 17 section 1 of this act for each certified teacher employed by such board of 18 education whose annual salary is less than sixty thousand dollars. Any

such subsidy provided to a local or regional board of education under
this section shall not be combined with any other state grant provided
to local or regional boards of education under any provision of the
general statutes.

23 Sec. 3. (Effective from passage) The sum of fifty-five million dollars is 24 allocated, in accordance with the provisions of special act 21-1, from the 25 federal funds designated for the state pursuant to the provisions of 26 Section 602 of Subtitle M of Title IX of the American Rescue Plan Act of 27 2021, P.L. 117-2, as amended from time to time, to the Department of 28 Education, for the fiscal year ending June 30, 2024, for the purpose of 29 providing a COVID-19 recognition payment in the amount of one 30 thousand dollars to each certified teacher who was employed by a local 31 or regional board of education and providing instruction during the 32 school years commencing July 1, 2019, and July 1, 2020.

Sec. 4. Subsection (a) of section 31-3i of the 2024 supplement to the
general statutes is repealed and the following is substituted in lieu
thereof (*Effective July 1, 2024*):

(a) Pursuant to Section 101 of the federal Workforce Innovation and
Opportunity Act of 2014, P.L. 113-128, the members of the Governor's
Workforce Council shall be:

39 (1) The Governor;

40 (2) A member of the House of Representatives, appointed by the
41 speaker of the House of Representatives, and a member of the Senate,
42 appointed by the president pro tempore of the Senate;

(3) Twenty-four members, appointed by the Governor, who (A) are
owners of a business, chief executives or operating officers of a business,
or other business executives or employers with optimum policy-making
or hiring authority; (B) represent businesses or organizations
representing businesses that provide employment opportunities that, at
a minimum, include high-quality, work-relevant training and
development in in-demand industry sectors or occupation in the state;

or (C) have been nominated by state business organizations or business
trade associations. At a minimum, at least one such member shall
represent small businesses, as defined by the United States Small
Business Administration.

(4) The Labor Commissioner, Commissioner of Aging and Disability
Services, Commissioner of Education, Commissioner of Economic and
Community Development and the Chief Workforce Officer, or their
respective designees;

58 (5) Four representatives of labor organizations, who have been 59 nominated by state labor federations and appointed by the Governor;

(6) An individual, appointed by the Governor, who is a member of a
labor organization or a training director from a joint labor-management
apprenticeship program, or, if no such joint program exists in the state,
such a representative of an apprenticeship program in the state;

64 (7) An individual, appointed by the Governor, who is an expert in65 residential construction;

66 (8) Five members, appointed by the Governor, who represent 67 community-based organizations that have demonstrated experience 68 and expertise in addressing employment, training, or education, 69 including one representative of a community action agency, as defined 70 in section 17b-885, and one representative of a philanthropic 71 organization;

(9) A representative from the Connecticut State Colleges and
Universities, a representative from The University of Connecticut and a
representative from a nonprofit institution of higher education in the
state, each appointed by the Governor;

(10) A representative from a regional vocational-technical school and
a representative from a regional agricultural science and technology
school, each appointed by the Governor;

(11) Two superintendents of a local or regional board of education,appointed by the Governor;

81 (12) A certified teacher employed by a local or regional board of
 82 education, appointed by the Governor;

[(12)] (13) Two chief elected officials of municipalities, appointed by
the Governor; and

[(13)] (14) Two members of the public, who are enrolled in or who
have recently completed a nondegree workforce training program,
appointed by the Governor.

Sec. 5. Subsection (e) of section 10-144d of the 2024 supplement to the
general statutes is repealed and the following is substituted in lieu
thereof (*Effective July 1, 2024*):

91 (e) The council shall (1) advise the [State Board of Education, the 92 Governor] Commissioner of Education and the joint standing committee of the General Assembly having cognizance of matters 93 94 relating to education concerning [teacher preparation,] teacher 95 recruitment, teacher retention, [teacher certification,] teacher professional development, teacher assessment and evaluation, [and] 96 teacher professional discipline, [; (2) review and comment upon all 97 98 regulations and other standards concerning the approval of teacher 99 preparation programs and teacher certification] the equitable 100 distribution of teachers, diversity of the teaching workforce, special 101 education, testing and assessment of students, school safety and social-102 emotional learning; (2) share perspectives on the impact of proposed policies and initiatives on classroom practice with the commissioner and 103 the joint standing committee of the General Assembly having 104 105 cognizance of matters relating to education; (3) provide suggestions and 106 feedback on guidance to be sent to school districts related to the 107 implementation of such policies and initiatives with the commissioner; 108 and [(3)] (4) report to the [State Board of Education, the Governor] commissioner and the joint standing committee of the General 109

Assembly having cognizance of matters relating to education not later
than January 15, 1991, and annually thereafter, on its activities and
recommendations, if any, concerning the condition of the teaching
profession.

Sec. 6. Subsection (d) of section 10-151 of the general statutes is
repealed and the following is substituted in lieu thereof (*Effective July 1*,
2024):

117 (d) The contract of employment of a teacher who has attained tenure 118 shall be continued from school year to school year, except that it may be 119 terminated at any time for one or more of the following reasons: (1) 120 Inefficiency, incompetence or ineffectiveness, provided, if a teacher is 121 notified on or after July 1, 2014, that termination is under consideration 122 due to incompetence or ineffectiveness, the determination of 123 incompetence or ineffectiveness is based on evaluation of the teacher 124 using teacher evaluation guidelines established pursuant to section 10-125 151b; (2) insubordination against reasonable rules of the board of 126 education; (3) moral misconduct; (4) disability, as shown by competent 127 medical evidence; (5) elimination of the position to which the teacher 128 was appointed or loss of a position to another teacher, if no other 129 position exists to which such teacher may be appointed if qualified, 130 provided such teacher, if qualified, shall be appointed to a position held 131 by a teacher who has not attained tenure, and provided further that 132 determination of the individual contract or contracts of employment to 133 be terminated shall be made in accordance with either (A) a provision 134 for a layoff procedure agreed upon by the board of education and the 135 exclusive employees' representative organization, or (B) in the absence of such agreement, a written policy of the board of education; or (6) 136 137 other [due and sufficient] just cause. Nothing in this section or in any 138 other section of the general statutes or of any special act shall preclude 139 a board of education from making an agreement with an exclusive 140 bargaining representative which contains a recall provision. Prior to 141 terminating a contract, the superintendent shall give the teacher 142 concerned a written notice that termination of such teacher's contract is

143 under consideration and give such teacher a statement of the reasons for 144 such consideration of termination. Not later than ten calendar days after 145 receipt of written notice by the superintendent that contract termination is under consideration, such teacher may file with the local or regional 146 147 board of education a written request for a hearing. [A board of education may designate a subcommittee of three or more board 148 members to conduct hearings and submit written findings and 149 150 recommendations to the board for final disposition in the case of 151 teachers whose contracts are terminated.] Such hearing shall commence 152 not later than fifteen calendar days after receipt of such request, unless 153 the parties mutually agree to an extension, not to exceed fifteen calendar 154 days [(A) before the board of education or a subcommittee of the board, 155 or (B) if indicated in such request or if designated by the board] before 156 an impartial hearing officer chosen by the teacher and the 157 superintendent. If the parties are unable to agree upon the choice of a 158 hearing officer not later than five calendar days after the decision to use 159 a hearing officer, the hearing officer shall be selected with the assistance 160 of the American Arbitration Association using its expedited selection 161 process and in accordance with its rules for selection of a neutral 162 arbitrator in grievance arbitration. If the hearing officer is not selected 163 with the assistance of such association after five days, the hearing shall 164 be held before the board of education or a subcommittee of the board. 165 When the reason for termination is incompetence or ineffectiveness, the 166 hearing shall [(i)] (A) address the question of whether the performance evaluation ratings of the teacher were determined in good faith in 167 168 accordance with the program adopted by the local or regional board of 169 education pursuant to section 10-151b and were reasonable in light of 170 the evidence presented, and [(ii)] (B) be limited to twelve total hours of 171 evidence and testimony, with each side allowed not more than six hours 172 to present evidence and testimony except the board, subcommittee of the board or impartial hearing officer may extend the time period for 173 174 evidence and testimony at the hearing when good cause is shown. Not 175 later than forty-five calendar days after receipt of the request for a 176 hearing, the [subcommittee of the board or] hearing officer, unless the 177 parties mutually agree to an extension not to exceed fifteen calendar

178 days, shall [submit written findings and a recommendation to the board 179 of education as to the disposition of the charges against the teacher and 180 shall send a copy of such findings and recommendation to the teacher. The board of education shall give the teacher concerned its written 181 182 decision not later than fifteen calendar days after receipt of the written 183 recommendation of the subcommittee or hearing officer] render to the 184 board of education and the teacher a written disposition that shall be 185 binding on the parties. Each party shall share equally the fee of the 186 hearing officer and all other costs incidental to the hearing. [If the 187 hearing is before the board of education, the board shall render its 188 decision not later than fifteen calendar days after the close of such 189 hearing and shall send a copy of its decision to the teacher.] The hearing 190 shall be public if the teacher so requests. [or the board, subcommittee or 191 hearing officer so designates.] The teacher concerned shall have the right 192 to appear with counsel at the hearing, whether public or private. [A 193 copy of a transcript of the proceedings of the hearing shall be furnished 194 by the board of education, upon written request by the teacher within 195 fifteen days after the board's decision, provided the teacher shall assume 196 the cost of any such copy.] Nothing [herein] contained in this section 197 shall deprive a board of education or superintendent of the power to 198 suspend a teacher from duty immediately when serious misconduct is 199 charged without prejudice to the rights of the teacher as otherwise 200 provided in this section.

201 Sec. 7. Section 10-153f of the general statutes is repealed and the 202 following is substituted in lieu thereof (*Effective July 1, 2024*):

203 (a) There shall be in the Department of Education an arbitration panel 204 of not less than [twenty-four] ten or more than [twenty-nine] fifteen 205 persons to serve as provided in subsection (c) of this section. The 206 Governor shall appoint the members of such panel, with the advice and 207 consent of the General Assembly, as follows: [(1) Seven members who are representative of the interests of local and regional boards of 208 209 education and selected from lists of names submitted by such boards; 210 (2) seven members who are representative of the interests of exclusive

211 bargaining representatives of certified employees and selected from lists 212 of names submitted by such bargaining representatives; and (3) not Not 213 less than ten or more than fifteen members who are impartial 214 representatives of the interests of the public in general, residents of the 215 state of Connecticut, experienced in public sector collective bargaining 216 interest impasse resolution and selected from lists of names submitted 217 by the State Board of Education. The lists of names submitted to the 218 Governor [pursuant to subdivisions (1) to (3), inclusive, of this 219 subsection] shall, in addition to complying with the provisions of 220 section 4-9b, include a report from the State Board of Education 221 certifying that the process conducted for soliciting applicants made 222 adequate outreach to minority communities and documenting that the 223 number and make-up of minority applicants considered reflect the 224 state's racial and ethnic diversity. Each member of the panel serving on 225 or appointed after January 1, 2016, shall serve a term of four years, 226 except that (1) each arbitrator shall hold office until a successor is 227 appointed and any arbitrator not reappointed shall finish to conclusion 228 any arbitration for which such arbitrator has been selected or appointed, 229 and (2) the term of each arbitrator who is a representative of the interests 230 of local and regional boards of education or is a representative of the 231 interests of exclusive bargaining representatives of certified employees 232 shall terminate on July 1, 2024. Arbitrators may be removed for good 233 cause. If any vacancy occurs in such panel, the Governor shall act within 234 forty days to fill such vacancy in the manner provided in section 4-19. 235 Persons appointed to the arbitration panel shall serve without 236 compensation but each shall receive a per diem fee for any day during 237 which such person is engaged in the arbitration of a dispute pursuant to 238 this section. The parties to the dispute so arbitrated shall pay the fee in 239 accordance with subsection (c) of this section.

(b) If any local or regional board of education cannot agree with the exclusive representatives of a teachers' or administrators' unit after negotiation concerning the terms and conditions of employment applicable to the employees in such unit, either party may submit the issues to the commissioner for mediation. On the one hundred sixtieth 245 day prior to the budget submission date, the commissioner shall order 246 the parties to report their settlement. If, on such one hundred sixtieth 247 day, the parties have not reached agreement and have failed to initiate 248 mediation, the commissioner shall order the parties to notify the 249 commissioner of the name of a mutually selected mediator and to 250 commence mediation. The commissioner may order the parties to 251 appear before said commissioner during the mediation period. In either 252 case, the parties shall meet with a mediator mutually selected by them, 253 provided such parties shall inform the commissioner of the name of 254 such mediator, or with the commissioner or the commissioner's agents 255 or a mediator designated by said commissioner. Mediators shall be 256 chosen from a panel of mediators selected by the State Board of 257 Education or from outside such panel if mutually agreed by the parties. 258 Such mediators shall receive a per diem fee determined on the basis of 259 the prevailing rate for such services, and the parties shall share equally 260 in the cost of such mediation. In any civil or criminal case, any 261 proceeding preliminary thereto, or in any legislative or administrative 262 proceeding, a mediator shall not disclose any confidential communication made to such mediator in the course of mediation 263 264 unless the party making such communication waives such privilege. 265 The parties shall provide such information as the commissioner may 266 require. The commissioner may recommend a basis for settlement but 267 such recommendations shall not be binding upon the parties. Such 268 recommendation shall be made [within] not later than twenty-five days 269 after the day on which mediation begins.

270 (c) (1) On the fourth day next following the end of the mediation 271 session or on the one hundred thirty-fifth day prior to the budget 272 submission date, whichever is sooner, the commissioner shall order the 273 parties to report their settlement of the dispute or, if there is no 274 settlement, to notify the commissioner of either their agreement to 275 submit their dispute to a single arbitrator. [or the name of the arbitrator 276 selected by each of them. Within] Not later than five days of providing 277 such notice, the parties shall notify the commissioner of the name of the 278 arbitrator if there is an agreement on a single arbitrator appointed to the

panel pursuant to [subdivision (3) of] subsection (a) of this section. [or 279 280 agreement on the third arbitrator appointed to the panel pursuant to 281 said subdivision.] The commissioner may order the parties to appear 282 before said commissioner during the arbitration period. If the parties 283 have notified the commissioner of their agreement to submit their 284 dispute to a single arbitrator and they have not agreed on such 285 arbitrator, [within] not later than five days after such notification, the 286 commissioner shall select such single arbitrator who shall be an 287 impartial representative of the interests of the public in general. [If each 288 party has notified the commissioner of the name of the arbitrator it has 289 selected and the parties have not agreed on the third arbitrator, within 290 five days after such notification, the commissioner shall select a third 291 arbitrator, who shall be an impartial representative of the interests of the 292 public in general. If either party fails to notify the commissioner of the 293 name of an arbitrator, the commissioner shall select an arbitrator to 294 serve and the commissioner shall also select a third arbitrator who shall 295 be an impartial representative of the interests of the public in general.] 296 Any selection pursuant to this section by the commissioner of an 297 impartial arbitrator shall be made at random from among the members 298 appointed under [subdivision (3) of] subsection (a) of this section. 299 Arbitrators shall be selected from the panel appointed pursuant to 300 subsection (a) of this section and shall receive a per diem fee determined 301 on the basis of the prevailing rate for such services. [Whenever a panel 302 of three arbitrators is selected, the chairperson of such panel shall be the 303 impartial representative of the interests of the public in general.]

304 (2) The [chairperson of the arbitration panel or the single] arbitrator 305 shall set the date, time and place for a hearing to be held in the school 306 district between the fifth and twelfth day, inclusive, after such 307 [chairperson or such single] arbitrator is selected. At least five days prior 308 to such hearing, a written notice of the date, time and place of the 309 hearing shall be sent to the board of education and the representative 310 organization which are parties to the dispute. [, and, if a three-member 311 arbitration panel is selected or designated, to the other members of such 312 panel.] Such written notice shall also be sent, by registered mail, return 313 receipt requested, to the fiscal authority having budgetary responsibility 314 or charged with making appropriations for the school district, and a 315 representative designated by such body may be heard at the hearing as 316 part of the presentation and participation of the board of education. At 317 the hearing each party shall have full opportunity to submit all relevant 318 evidence, to introduce relevant documents and written material and to 319 argue on behalf of its positions. At the hearing a representative of the 320 fiscal authority having budgetary responsibility or charged with 321 making appropriations for the school district shall be heard regarding 322 the financial capability of the school district, unless such opportunity to 323 be heard is waived by the fiscal authority. The nonappearance of the 324 representative shall constitute a waiver of the opportunity to be heard 325 unless there is a showing that proper notice was not given to the fiscal 326 authority. The [chairperson of the arbitration panel or the single] 327 arbitrator shall preside over such hearing.

328 (3) The hearing may, at the discretion of the [arbitration panel or the
329 single] arbitrator, be continued but in any event shall be concluded
330 within twenty-five days after its commencement.

331 (4) After hearing all the issues, the [arbitrators or the single] arbitrator 332 shall, within twenty days, render a decision in writing, signed by [a 333 majority of the arbitrators or the single] the arbitrator, which states in 334 detail the nature of the decision and the disposition of the issues by the 335 [arbitrators or the single] arbitrator. The written decision shall include a 336 narrative explaining the evaluation by the [arbitrators or the single] 337 arbitrator of the evidence presented for each item upon which a decision 338 was rendered by the [arbitrators or the single] arbitrator and shall state 339 with particularity the basis for the decision as to each disputed issue and 340 the manner in which the factors enumerated in this subdivision were 341 considered in arriving at such decision, including, where applicable, the 342 specific similar groups and conditions of employment presented for 343 comparison and accepted by the [arbitrators or the single] arbitrator and 344 the reason for such acceptance. The [arbitrators or the single] arbitrator 345 shall file one copy of the decision with the commissioner, each town

346 clerk in the school district involved, the legislative body or bodies of the 347 town or towns for the school district involved, or, in the case of a town 348 for which the legislative body of the town is a town meeting or representative town meeting, to the board of selectmen, and the board 349 350 of education and organization which are parties to the dispute. The 351 decision of the [arbitrators or the single] arbitrator shall be final and 352 binding upon the parties to the dispute unless a rejection is filed in 353 accordance with subdivision (7) of this subsection. The decision of the 354 [arbitrators or the single] arbitrator shall incorporate those items of 355 agreement the parties have reached prior to its issuance. At any time 356 prior to the issuance of a decision by the [arbitrators or the single] 357 arbitrator, the parties may jointly file with the [arbitrators or the single] 358 arbitrator, any stipulations setting forth contract provisions which both 359 parties agree to accept. In arriving at a decision, the [arbitrators or the 360 single] arbitrator shall give priority to the public interest and the financial capability of the town or towns in the school district, including 361 362 consideration of other demands on the financial capability of the town 363 or towns in the school district. In assessing the public interest, equity 364 and stability of compensation models shall be valued and there shall be 365 a rebuttable presumption that the board of education shall maintain and 366 execute any obligations created by existing salary schedules that 367 provide for annual progression of employees' salaries from one step on 368 a salary schedule to another and any obligations regarding the 369 maintenance of health care benefits. In assessing the financial capability 370 of the town or towns, there shall be an irrebuttable presumption that a 371 budget reserve of five per cent or less is not available for payment of the 372 cost of any item subject to arbitration under this chapter. The [arbitrators 373 or the single] arbitrator shall further consider, in light of such financial 374 capability, the following factors: (A) The negotiations between the parties prior to arbitration, including the offers and the range of 375 discussion of the issues; (B) the interests and welfare of the employee 376 377 group, including the maintenance of health care benefits; (C) changes in 378 the cost of living averaged over the preceding three years; (D) the 379 existing conditions of employment of the employee group and those of 380 similar groups; and (E) the salaries, fringe benefits, and other conditions

381 of employment prevailing in the state labor market, including the terms 382 of recent contract settlements or awards in collective bargaining for 383 other municipal employee organizations and developments in private 384 sector wages and benefits. The parties shall submit to the [arbitrators or 385 the single] arbitrator their respective positions on each individual issue 386 in dispute between them in the form of a last best offer. The [arbitrators 387 or the single] arbitrator shall resolve separately each individual 388 disputed issue by accepting the last best offer thereon of either of the 389 parties, and shall incorporate in a decision each such accepted 390 individual last best offer and an explanation of how the total cost of all 391 offers accepted was considered. The award of the [arbitrators or the 392 single] arbitrator shall not be subject to rejection by referendum. The 393 parties shall [each pay the fee of the arbitrator selected by or for them 394 and] share equally the fee of the [third arbitrator or the single] arbitrator 395 and all other costs incidental to the arbitration.

(5) The commissioner shall assist the [arbitration panel or the single]arbitrator as may be required in the course of arbitration pursuant tothis section.

(6) If the day for filing any document required pursuant to thissection falls on Saturday, Sunday or a holiday, the time for such filingshall be extended to the next business day thereafter.

402 (7) The award of the [arbitrators or single] arbitrator may be rejected 403 by the legislative body of the local school district or, in the case of a 404 regional school district, by the legislative bodies of the participating 405 towns. Such rejection shall be by a two-thirds majority vote of the 406 members of such legislative body or, in the case of a regional school 407 district, the legislative body of each participating town, present at a 408 regular or special meeting called and convened for such purpose within 409 twenty-five days of the receipt of the award. If the legislative body or 410 legislative bodies, as appropriate, reject any such award, they shall 411 notify, within ten days after the vote to reject, the commissioner and the 412 exclusive representative for the teachers' or administrators' unit of such 413 vote and submit to them a written explanation of the reasons for the

vote. [Within] Not later than ten days after receipt of such notice, the 414 415 exclusive representative of the teachers' or administrators' unit shall 416 prepare, and the board of education may prepare, a written response to such rejection and shall submit it to such legislative body or legislative 417 418 bodies, as appropriate, and the commissioner. Within ten days after the 419 commissioner has been notified of the vote to reject, (A) the 420 commissioner shall select a review panel of three arbitrators or, if the 421 parties agree, a single arbitrator, who are residents of Connecticut and 422 labor relations arbitrators approved by the American Arbitration 423 Association and not members of the panel who issued the rejected 424 award, and (B) such arbitrators or single arbitrator shall review the 425 decision on each rejected issue. The review conducted pursuant to this 426 subdivision shall be limited to the record and briefs of the hearing 427 pursuant to subdivision (2) of this subsection, the written explanation of 428 the reasons for the vote and a written response by either party. In 429 conducting such review, the arbitrators or single arbitrator shall be 430 limited to consideration of the criteria set forth in subdivision (4) of this 431 subsection. Such review shall be completed [within] not later than 432 twenty days [of] after the appointment of the arbitrators or single 433 arbitrator. The arbitrators or single arbitrator shall accept the last best 434 offer of either of the parties. [Within] Not later than five days after the 435 completion of such review, the arbitrators or single arbitrator shall 436 render a final and binding award with respect to each rejected issue. The 437 decision of the arbitrators or single arbitrator shall be in writing and 438 shall include the specific reasons and standards used by each arbitrator 439 in making his decision on each issue. The decision shall be filed with the 440 parties. The reasonable costs of the arbitrators or single arbitrator and 441 the cost of the transcript shall be paid by the legislative body or legislative bodies, as appropriate. Where the legislative body of the 442 443 school district is the town meeting, the board of selectmen shall have all 444 of the authority and responsibilities required of and granted to the 445 legislative body under this subdivision.

(8) The decision of the arbitrators or a single arbitrator shall be subjectto judicial review upon the filing by a party to the arbitration, within

thirty days following receipt of a final decision pursuant to subdivision 448 449 (4) or (7), as appropriate, of a motion to vacate or modify such decision 450 in the superior court for the judicial district wherein the school district 451 involved is located. The superior court, after hearing, may vacate or 452 modify the decision if substantial rights of a party have been prejudiced 453 because such decision is: (A) In violation of constitutional or statutory 454 provisions; (B) in excess of the statutory authority of the panel; (C) made 455 upon unlawful procedure; (D) affected by other error of law; (E) clearly 456 erroneous in view of the reliable, probative and substantial evidence on 457 the whole record; or (F) arbitrary or capricious or characterized by abuse 458 of discretion or clearly unwarranted exercise of discretion. In any action 459 brought pursuant to this subdivision to vacate or modify the decision of 460 the arbitrators or single arbitrator, reasonable attorney's fees, costs and 461 legal interest on salary withheld as the result of an appeal of said 462 decision may be awarded in accordance with the following: Where the 463 board of education moves to vacate or modify the decision and the 464 decision is not vacated or modified, the court may award to the 465 organization which is the exclusive representative reasonable attorney's 466 fees, costs and legal interest on salary withheld as the result of an appeal; 467 or, where the organization which is the exclusive representative moves 468 to vacate or modify the decision and the decision is not vacated or 469 modified, the court may award to the board of education reasonable 470 attorney's fees, costs and legal interest on salary withheld as the result 471 of an appeal.

(d) The commissioner and the arbitrators or single arbitrator shall
have the same powers and duties as the board under section 31-108 for
the purposes of mediation or arbitration pursuant to this section, and
subsection (c) of section 10-153d, and all provisions in section 31-108
with respect to procedure, jurisdiction of the Superior Court, witnesses
and penalties shall apply.

(e) The local or regional board of education and the organization
designated or elected as the exclusive representative for the appropriate
unit, through designated officials or their representatives, which are

parties to a collective bargaining agreement, and which, for the purpose 481 482 of negotiating with respect to salaries, hours and other conditions of 483 employment, mutually agree to negotiate during the term of the 484 agreement or are ordered to negotiate said agreement by a body of 485 competent jurisdiction, shall notify the commissioner of the date upon 486 which negotiations commenced [within] not later than five days after 487 said commencement. If the parties are unable to reach settlement not 488 later than twenty-five days after the date of the commencement of 489 negotiations, the parties shall notify the commissioner of the name of a 490 mutually selected mediator and shall conduct mediation pursuant to the 491 provisions of subsection (b) of this section, notwithstanding the 492 mediation time schedule of subsection (b) of this section. On the fourth 493 day next following the end of the mediation session or on the fiftieth 494 day following the date of the commencement of negotiations, whichever 495 is sooner, if no settlement is reached the parties shall commence 496 arbitration pursuant to the provisions of subsections (a), (c) and (d) of 497 this section, notwithstanding the reference to the budget submission 498 date.

499 (f) The State Board of Education shall adopt regulations pursuant to 500 chapter 54 concerning the method by which names of persons who are 501 impartial representatives of the interests of the public in general are 502 placed on lists submitted by the State Board of Education to the 503 Governor for appointment to the arbitration panel established pursuant 504 to subsection (a) of this section. Such regulations shall include, but not 505 be limited to (1) a description of the composition of the group which 506 screens persons applying to be such impartial representatives, which 507 group shall include representatives of local legislative and fiscal 508 authorities and local and regional boards of education and exclusive 509 bargaining representatives of certified employees, (2) application 510 requirements and procedures and (3) the selection criteria and process, 511 including an evaluation of an applicant's experience in arbitration. Such 512 regulations shall provide for a training program for applicants who lack 513 experience in arbitration but who are otherwise qualified and shall 514 describe the criteria for participation in the training program.

515 Sec. 8. Section 17a-101a of the general statutes is repealed and the 516 following is substituted in lieu thereof (*Effective July 1, 2024*):

517 (a) (1) Any mandated reporter, as described in section 17a-101, who 518 in the ordinary course of such person's employment or profession has 519 reasonable cause to suspect or believe that any child under the age of 520 eighteen years (A) has been abused or neglected, as described in section 521 46b-120, (B) has had nonaccidental physical injury, or injury which is at 522 variance with the history given of such injury, inflicted upon such child, 523 or (C) is placed at imminent risk of serious harm, or (2) any school 524 employee, as defined in section 53a-65, who in the ordinary course of 525 such person's employment or profession has reasonable cause to suspect 526 or believe that any person who is being educated by the Technical 527 Education and Career System, [or] a local or regional board of 528 education, other than as part of an adult education program, or a 529 nonpublic school, is a victim under the provisions of section 53a-70, 53a-530 70a, 53a-71, 53a-72a, 53a-72b or 53a-73a, and the perpetrator is a school 531 employee shall report or cause a report to be made in accordance with 532 the provisions of sections 17a-101b to 17a-101d, inclusive.

533 [(b) (1) Any person required to report under the provisions of this 534 section who fails to make such report or fails to make such report within 535 the time period prescribed in sections 17a-101b to 17a-101d, inclusive, 536 and section 17a-103 shall be guilty of a class A misdemeanor, except that 537 such person shall be guilty of a class E felony if (A) such violation is a 538 subsequent violation, (B) such violation was wilful or intentional or due 539 to gross negligence, or (C) such person had actual knowledge that (i) a 540 child was abused or neglected, as described in section 46b-120, or (ii) a 541 person was a victim described in subdivision (2) of subsection (a) of this 542 section.

(2) Any person who intentionally and unreasonably interferes with
or prevents the making of a report pursuant to this section, or attempts
or conspires to do so, shall be guilty of a class D felony. The provisions
of this subdivision shall not apply to any child under the age of eighteen
years or any person who is being educated by the Technical Education

and Career System or a local or regional board of education, other thanas part of an adult education program.

(3) Any person found guilty under the provisions of this subsection
shall be required to participate in an educational and training program.
The program may be provided by one or more private organizations
approved by the commissioner, provided the entire cost of the program
shall be paid from fees charged to the participants, the amount of which
shall be subject to the approval of the commissioner.

(c) The Commissioner of Children and Families, or the
commissioner's designee, shall promptly notify the Chief State's
Attorney when there is reason to believe that any such person has failed
to make a report in accordance with this section.]

560 [(d)] (b) For purposes of this section and section 17a-101b, a 561 mandated reporter's suspicion or belief may be based on factors 562 including, but not limited to, observations, allegations, facts or 563 statements by a child, victim, as described in subdivision (2) of 564 subsection (a) of this section, or third party. Such suspicion or belief does not require certainty or probable cause. Nothing in this section shall 565 566 preclude a mandated reporter from conducting a preliminary inquiry to 567 determine if reasonable cause exists for such mandated reporter to make 568 a report pursuant to subsection (a) of this section.

569 Sec. 9. Section 17a-101e of the general statutes is repealed and the 570 following is substituted in lieu thereof (*Effective July 1, 2024*):

571 (a) No employer shall (1) discharge, or in any manner discriminate or 572 retaliate against, any employee who in good faith makes a report 573 pursuant to sections 17a-101a to 17a-101d, inclusive, as amended by this 574 act, and 17a-103, testifies or is about to testify in any proceeding 575 involving child abuse or neglect, or (2) hinder or prevent, or attempt to hinder or prevent, any employee from making a report pursuant to 576 577 sections 17a-101a to 17a-101d, inclusive, as amended by this act, and 578 17a-103, or testifying in any proceeding involving child abuse or neglect.

579 The Attorney General may bring an action in Superior Court against an 580 employer who violates this subsection. The court may assess a civil 581 penalty of not more than two thousand five hundred dollars and may 582 order such other equitable relief as the court deems appropriate.

583 (b) Any person, institution or agency [which, in good faith,] that (1) makes or does not make, in good faith, a report pursuant to sections 17a-584 585 101a to 17a-101d, inclusive, as amended by this act, and 17a-103, or (2) 586 provides, in good faith, professional medical intervention or assistance 587 in any proceeding involving child abuse and neglect, including, but not 588 limited to, (A) causing a photograph, x-ray or a physical custody 589 examination to be made, (B) causing a child to be taken into emergency 590 protective custody, (C) disclosing a medical record or other information 591 pertinent to the proceeding, or (D) performing a medically relevant test, 592 shall be immune from any liability, civil or criminal, which might 593 otherwise arise from or be related to the actions taken pursuant to this 594 subsection and shall have the same immunity with respect to any 595 judicial proceeding which results from such report or actions, provided 596 such person did not perpetrate or cause such abuse or neglect. The 597 immunity from civil or criminal liability extends only to actions done 598 pursuant to this subsection and does not extend to the malpractice of a 599 medical professional that results in personal injury or death.

600 (c) Any person who is alleged to have knowingly made a false report 601 of child abuse or neglect pursuant to sections 17a-101a to 17a-101d, 602 inclusive, as amended by this act, and 17a-103 shall be referred to the 603 office of the Chief State's Attorney for purposes of a criminal 604 investigation.

(d) Any person who knowingly makes a false report of child abuse or
neglect pursuant to sections 17a-101a to 17a-101d, inclusive, as amended
by this act, and 17a-103 shall be fined not more than two thousand
dollars or imprisoned not more than one year or both.

609 Sec. 10. Subsection (d) of section 17a-101i of the general statutes is 610 repealed and the following is substituted in lieu thereof (*Effective July 1*, 611 2024):

612 (d) If a school employee, as defined in section 53a-65, or any person 613 holding a certificate, permit or authorization issued by the State Board of Education under the provisions of sections 10-1440 to 10-149, 614 615 inclusive, is convicted of a crime involving an act of child abuse or 616 neglect as described in section 46b-120 or a violation of subdivision (2) 617 of subsection [(b) of section 17a-101a] (d) of section 17a-101o, as 618 amended by this act, or section 53-21, 53a-71 or 53a-73a against any 619 person, or a violation of section 53a-70, 53a-70a, 53a-72a or 53a-72b 620 against a victim, as described in subdivision (2) of subsection (a) of 621 section 17a-101a, as amended by this act, the state's attorney for the 622 judicial district in which the conviction occurred shall in writing notify 623 the superintendent of the school district or the supervisory agent of the 624 nonpublic school in which the person is employed and the 625 Commissioner of Education of such conviction.

626 Sec. 11. Section 17a-1010 of the general statutes is repealed and the 627 following is substituted in lieu thereof (*Effective July 1, 2024*):

628 (a) If the Commissioner of Children and Families suspects or knows 629 that a mandated reporter, as defined in section 17a-101, [employed by a 630 local or regional board of education, has failed to make a report that a 631 child has been abused or neglected or placed in immediate risk of 632 serious harm within the time period prescribed in sections 17a-101a to 633 [17a-101d] 17a-101c, inclusive, as amended by this act, [and section 17a-634 103,] the commissioner shall make a record of such [delay] failure to 635 report and develop and maintain a database of such records. The 636 commissioner shall [investigate such delayed reporting. Such 637 investigation] conduct an assessment with respect to such failure to 638 report. Such assessment shall be conducted in accordance with the 639 policy developed in subsection (b) of this section, and include the 640 actions taken by the employing local or regional board of education or 641 superintendent of schools for the district in response to such employee's 642 failure to report.

(b) The Department of Children and Families shall develop a policy 643 644 for the [investigation of delayed reports by mandated reporters] assessment of the failure of mandated reporters to make reports within 645 646 the time period prescribed in sections 17a-101a to 17a-101c, inclusive, as 647 amended by this act. Such policy shall include, but not be limited to, 648 when referrals to the appropriate law enforcement agency for [delayed 649 reporting] the failure to report are required and when the department shall require mandated reporters who have been found to have [delayed 650 making a report] failed to make reports to participate in the educational 651 652 and training program pursuant to subsection [(b) of section 17a-101a] 653 (d) of this section.

654 <u>(c) The Commissioner of Children and Families, or the</u> 655 <u>commissioner's designee, shall promptly notify the Chief State's</u> 656 <u>Attorney when there is reason to believe that a mandated reporter has</u> 657 <u>failed to make a report in accordance with sections 17a-101a to 17a-101c,</u> 658 inclusive, as amended by this act.

659 (d) (1) Any person required to report under the provisions of section 660 17a-101a, as amended by this act, who fails to make such report or fails to make such report within the time period prescribed in sections 17a-661 101a to 17a-101c, inclusive, as amended by this act, shall be guilty of a 662 663 class A misdemeanor, except that such person shall be guilty of a class 664 E felony if (A) such violation is a subsequent violation, (B) such violation was wilful or intentional or due to gross negligence, or (C) such person 665 had actual knowledge that (i) a child was abused or neglected, as 666 described in section 46b-120, or (ii) a person was a victim described in 667 668 subdivision (2) of subsection (a) of section 17a-101a, as amended by this 669 act.

670 (2) Any person who intentionally and unreasonably interferes with 671 or prevents the making of a report pursuant to section 17a-101a, as 672 amended by this act, or attempts or conspires to do so, shall be guilty of 673 a class D felony. The provisions of this subdivision shall not apply to 674 any child under the age of eighteen years or any person who is being 675 educated by the Technical Education and Career System, a local or 676 <u>regional board of education, other than as part of an adult education</u>
677 <u>program, or a nonpublic school.</u>

(3) Any person found guilty under the provisions of this subsection
 shall be required to participate in an educational and training program.
 The program may be provided by one or more private organizations

681 <u>approved by the commissioner and the entire cost of the program shall</u>

682 <u>be paid from fees charged to the participants, the amount of which shall</u>

683 <u>be subject to the approval of the commissioner.</u>

[(c)] (e) For purposes of this section, "child" includes any victim
described in subdivision (2) of subsection (a) of section 17a-101a, as
amended by this act.

687 Sec. 12. Subdivision (3) of subsection (i) of section 10-145b of the 688 general statutes is repealed and the following is substituted in lieu 689 thereof (*Effective July 1, 2024*):

690 (3) When the Commissioner of Education is notified, pursuant to 691 section 10-149a, as amended by this act, or 17a-101i, as amended by this 692 act, that a person holding a certificate, permit or authorization issued by the State Board of Education under the provisions of sections 10-1440 to 693 694 10-149, inclusive, has been convicted of (A) a capital felony, under the 695 provisions of section 53a-54b in effect prior to April 25, 2012, (B) arson 696 murder, pursuant to section 53a-54d, (C) a class A felony, (D) a class B 697 felony, except a violation of section 53a-122, 53a-252 or 53a-291, (E) a 698 crime involving an act of child abuse or neglect as described in section 699 46b-120, or (F) a violation of section [17a-101a] 17a-101o, as amended by 700 this act, 53-21, 53-37a, 53a-60b, 53a-60c, 53a-71, 53a-72a, 53a-72b, 53a-701 73a, 53a-88, 53a-90a, 53a-99, 53a-103a, 53a-181c, 53a-191, 53a-196, 53a-702 196c, 53a-216, 53a-217b or 21a-278 or subsection (a) of section 21a-277, 703 any certificate, permit or authorization issued by the State Board of 704 Education and held by such person shall be deemed revoked and the 705 commissioner shall notify such person of such revocation, provided 706 such person may request reconsideration pursuant to regulations 707 adopted by the State Board of Education, in accordance with the

provisions of chapter 54. As part of such reconsideration process, the
board shall make the initial determination as to whether to uphold or
overturn the revocation. The commissioner shall make the final
determination as to whether to uphold or overturn the revocation.

Sec. 13. Section 10-145i of the general statutes is repealed and the
following is substituted in lieu thereof (*Effective July 1, 2024*):

714 Notwithstanding the provisions of sections 10-1440 to 10-146b, 715 inclusive, and 10-149, the State Board of Education shall not issue or 716 reissue any certificate, authorization or permit pursuant to said sections 717 if (1) the applicant for such certificate, authorization or permit has been 718 convicted of any of the following: (A) A capital felony, as defined under 719 the provisions of section 53a-54b in effect prior to April 25, 2012; (B) 720 arson murder, as defined in section 53a-54d; (C) any class A felony; (D) 721 any class B felony except a violation of section 53a-122, 53a-252 or 53a-722 291; (E) a crime involving an act of child abuse or neglect as described 723 in section 46b-120; or (F) a violation of section [17a-101a] 17a-101o, as 724 amended by this act, 53-21, 53-37a, 53a-60b, 53a-60c, 53a-71, 53a-72a, 725 53a-72b, 53a-73a, 53a-88, 53a-90a, 53a-99, 53a-103a, 53a-181c, 53a-191, 726 53a-196, 53a-196c, 53a-216, 53a-217b or 21a-278 or a violation of 727 subsection (a) of section 21a-277, and (2) the applicant completed 728 serving the sentence for such conviction within the five years 729 immediately preceding the date of the application.

Sec. 14. Section 10-149a of the general statutes is repealed and thefollowing is substituted in lieu thereof (*Effective July 1, 2024*):

If a person holding a certificate, authorization or permit issued by the State Board of Education under the provisions of sections 10-1440 to 10-149, inclusive, is convicted of a felony or fined pursuant to section [17a-101a] <u>17a-101o, as amended by this act</u>, the state's attorney or assistant state's attorney for the judicial district in which the conviction or fine occurred shall notify, in writing, the Commissioner of Education of such conviction or fine. Sec. 15. Subsection (a) of section 10-222c of the general statutes is
repealed and the following is substituted in lieu thereof (*Effective July 1*,
2024):

(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:

748 (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;

754 (B) A written authorization that (i) consents to and authorizes 755 disclosure by the employers listed under subparagraph (A) of this 756 subdivision of the information requested under subdivision (2) of this 757 subsection and the release of related records by such employers, (ii) 758 consents to and authorizes disclosure by the Department of Education 759 of the information requested under subdivision (3) of this subsection 760 and the release of related records by the department, and (iii) releases 761 those employers and the department from liability that may arise from 762 such disclosure or release of records pursuant to subdivision (2) or (3) 763 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 770 771 under investigation by the Department of Children and Families, or an 772 allegation of sexual misconduct was pending or under investigation or 773 due to an allegation substantiated pursuant to section 17a-101g of abuse 774 or neglect, or of sexual misconduct or a conviction for abuse or neglect 775 or sexual misconduct, or (iii) has ever had a professional or occupational 776 license or certificate suspended or revoked or has ever surrendered such 777 a license or certificate while an allegation of abuse or neglect was 778 pending or under investigation by the department or an investigation 779 of sexual misconduct was pending or under investigation, or due to an 780 allegation substantiated by the department of abuse or neglect or of 781 sexual misconduct or a conviction for abuse or neglect or sexual 782 misconduct;

783 (2) Conducting a review of the employment history of the applicant 784 by contacting those employers listed by the applicant under subdivision 785 (1) of this subsection. Such review shall be conducted using a form 786 developed by the Department of Education in accordance with section 787 3 of public act 16-67 that shall request (A) the dates of employment of 788 the applicant, and (B) a statement as to whether the employer has 789 knowledge that the applicant (i) was the subject of an allegation of abuse 790 or neglect or sexual misconduct for which there is an investigation 791 pending with any employer, state agency or municipal police 792 department or which has been substantiated, unless such substantiation 793 has been reversed as a result of an appeal conducted pursuant to section 794 17a-101k; (ii) was disciplined or asked to resign from employment or 795 resigned from or otherwise separated from any employment while an 796 allegation of abuse or neglect or sexual misconduct was pending or 797 under investigation, or due to a substantiation of abuse or neglect or 798 sexual misconduct, unless such substantiation has been reversed as a 799 result of an appeal conducted pursuant to section 17a-101k; or (iii) has 800 ever had a professional or occupational license, certificate, authorization 801 or permit suspended or revoked or has ever surrendered such a license, 802 certificate, authorization or permit while an allegation of abuse or 803 neglect or sexual misconduct was pending or under investigation, or

804 due to a substantiation of abuse or neglect or sexual misconduct, unless 805 such substantiation has been reversed as a result of an appeal conducted 806 pursuant to section 17a-101k. Such review may be conducted 807 telephonically or through written communication. Notwithstanding the 808 provisions of subsection (g) of section 31-51i, not later than five business 809 days after any such current or former employer of the applicant receives 810 a request for such information, such employer shall respond with such 811 information. A local or regional board of education, council, operator or 812 supervisory agent may request more information concerning any 813 response made by a current or former employer, and, notwithstanding 814 the provisions of said subsection (g), such employer shall respond not 815 later than five business days after receiving such request; and

816 (3) Requesting information from the Department of Education 817 concerning (A) the eligibility status for employment of any applicant for 818 a position requiring a certificate, authorization or permit issued 819 pursuant to chapter 166, (B) whether the department has knowledge 820 that a finding has been substantiated by the Department of Children and 821 Families pursuant to section 17a-101g of abuse or neglect or of sexual 822 misconduct against the applicant and any information concerning such 823 a finding, and (C) whether the department has received notification that 824 the applicant has been convicted of a crime or of criminal charges 825 pending against the applicant and any information concerning such 826 charges.

Sec. 16. Subsection (m) of section 10-222c of the general statutes is
repealed and the following is substituted in lieu thereof (*Effective July 1*,
2024):

(m) No local or regional board of education, council, operator or
supervisory agent shall offer employment to any applicant who had any
previous employment contract terminated by a board, council, operator
or supervisory agent or who resigned from such employment, if such
person has been convicted of a violation of section [17a-101a] <u>17a-101o</u>,
<u>as amended by this act</u>, when an allegation of abuse or neglect or sexual
assault has been substantiated.

837 Sec. 17. Section 10-221s of the general statutes is repealed and the 838 following is substituted in lieu thereof (*Effective July 1, 2024*):

(a) Each local and regional board of education shall post the
telephone number for the Careline operated by the Department of
Children and Families, pursuant to section 17a-103a, and the Internet
web site address that provides information about the Careline in a
conspicuous location frequented by students in each school under the
jurisdiction of the board. Such posting shall be in various languages that
are the most appropriate for the students enrolled in the school.

846 (b) A local or regional board of education shall permit and give 847 priority to any investigation conducted by the Commissioner of 848 Children and Families or the appropriate local law enforcement agency 849 that a child has been abused or neglected pursuant to sections 17a-101a 850 to 17a-101d, inclusive, as amended by this act, and section 17a-103. Such 851 board of education shall conduct its own investigation and take any 852 disciplinary action, in accordance with the provisions of section 17a-853 101i, as amended by this act, upon notice from the commissioner or the 854 appropriate local law enforcement agency that such board's 855 investigation will not interfere with the investigation of the 856 commissioner or such local law enforcement agency. A preliminary 857 inquiry described in subsection (b) of section 17a-101a, as amended by 858 this act, shall not be considered an investigation conducted by a board 859 of education under this section.

860 Sec. 18. (Effective from passage) Not later than October 1, 2024, the 861 Commissioner of Children and Families shall update the educational 862 training program and refresher training program for the accurate and 863 prompt identification and reporting of child abuse and neglect, 864 developed pursuant to subsection (c) of section 17a-101 of the general 865 statutes, to include training for school employees, as defined in section 866 53a-65 of the general statutes, on (1) the proper manner in which to 867 conduct a preliminary inquiry described in subsection (b) of section 17a-868 101a of the general statutes, as amended by this act, and (2) the 869 provisions of section 10-221s of the general statutes, as amended by this

870 act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2024	New section
Sec. 2	July 1, 2024	New section
Sec. 3	from passage	New section
Sec. 4	July 1, 2024	31-3i(a)
Sec. 5	July 1, 2024	10-144d(e)
Sec. 6	July 1, 2024	10-151(d)
Sec. 7	July 1, 2024	10-153f
Sec. 8	July 1, 2024	17a-101a
Sec. 9	July 1, 2024	17a-101e
Sec. 10	July 1, 2024	17a-101i(d)
Sec. 11	July 1, 2024	17a-101o
Sec. 12	July 1, 2024	10-145b(i)(3)
Sec. 13	July 1, 2024	10-145i
Sec. 14	July 1, 2024	10-149a
Sec. 15	July 1, 2024	10-222c(a)
Sec. 16	July 1, 2024	10-222c(m)
Sec. 17	July 1, 2024	10-221s
Sec. 18	from passage	New section

ED

Joint Favorable Subst. C/R

APP