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## OLR Bill Analysis

### sHB 5327

#### ***AN ACT AUTHORIZING THE DISCLOSURE OF AN OPEN INVESTIGATION OF ABUSE OR NEGLECT OR SEXUAL MISCONDUCT, INJURY OR RISK OF INJURY TO OR IMPAIRING THE MORALS OF A MINOR DURING THE HIRING PROCESS OF A SCHOOL EMPLOYEE.***

#### **SUMMARY**

This bill makes various revisions to the laws on the disclosure of certain misconduct-related information during the hiring process of a prospective school employee and when an applicant cannot be hired, including:

1. requiring applicants (including those who are contractors) to state in their application (a) whether they are facing a pending investigation of abuse, neglect, or sexual misconduct (as they must already do for any past investigations they faced that were not found to be unsubstantiated); or (b) whether they faced or are facing a pending investigation related to injury or risk of injury to, or impairing the morals of, a minor; and (c) that they authorize former employers to disclose this information to school governing entities;
2. requiring school governing entities to (a) inform the State Department of Education (SDE) if they learn that a job applicant or employee is under investigation for abuse, neglect, or sexual misconduct (as they must already do for substantiated findings of these acts); (b) disclose investigations on injury or risk of injury to, or impairing the morals of, a minor; and (c) ask SDE if it has received any information like this on an applicant;
3. prohibiting school governing entities from offering employment to applicants being investigated or that have a pending investigation for abuse; neglect; sexual misconduct; or situations

- involving the injury or risk of injury to, or impairing the morals of, a minor (they already cannot hire someone with a substantiated abuse, neglect, or sexual misconduct allegation);
4. expanding the prohibition on schools entering collective bargaining or other agreements that suppress or expunge certain information about investigations;
  5. allowing eligible and nongovernmental school operators to request from the State Board of Education (SBE) information about, among other things, whether an applicant is under investigation for abuse; neglect; sexual misconduct; or a situation involving the injury or risk of injury to, or impairing the morals of, a minor;
  6. specifying that any school board, state or local charter school governing council, or interdistrict magnet school operator is considered a former employer for purposes of information disclosure requirements (as long as they meet the existing criteria of having employed the applicant within the last 20 years); and
  7. making related technical, conforming, and other minor changes.

EFFECTIVE DATE: July 1, 2026

### **APPLICANT MISCONDUCT AND EMPLOYMENT HISTORY DISCLOSURE**

The law requires school boards, charter school governing councils, magnet school operators, and supervisory agents of nonpublic schools (“school-governing entities”) to review an applicant’s employment history before offering employment if the applicant would have direct student contact. Through this process, the school-governing entities seeking to hire must, among other things, (1) review a written statement by the applicant, (2) contact the applicant’s former employers and gather information from them on SDE-developed forms, and (3) review information from SDE on the department’s knowledge of the applicant’s engagement in certain misconduct.

The bill generally expands the scope of what former employers and SDE must disclose to include allegations currently under investigation and allegations involving the injury or risk of injury to, or impairing the morals of, a minor (whether or not related to the applicant's employment).

***Applicant's Written Statement and SDE-Developed Forms for Previous Employers***

Currently, as part of the applicant's written statement and the forms filled out by the applicant's current and prior employers, all must state if they know the applicant:

1. had an allegation made against them of abuse, neglect, or sexual misconduct under investigation by any employer, state agency, or municipal police department (that was not found to be unsubstantiated, and an employer also must reveal any pending investigation);
2. resigned, was asked to resign, otherwise separated from employment, or was disciplined for a substantiated allegation of these acts or while an allegation was pending or under investigation; or
3. surrendered a professional or occupational license or other credential or had it suspended or revoked for a substantiated allegation of these acts or while one was pending or under investigation.

The bill expands the scope of this inquiry by additionally asking the applicant and previous employers if the applicant:

1. is currently under investigation for abuse, neglect, or sexual misconduct;
2. was, or is currently, facing an allegation involving the injury or risk of injury to, or impairing the morals of, a minor; and
3. whether any of the actions described above (resignation, separation, discipline, or surrendering a credential) happened in

relation to an allegation or investigation involving the injury or risk of injury to, or impairing the morals of, a minor.

The bill makes conforming changes to clarify that certain provisions apply to all employer, state agency, and local police investigations.

### ***Providing Information to SDE***

Currently, school governing entities must notify SDE when an applicant or employee has been disciplined because of a finding of abuse, neglect, or sexual misconduct. The bill additionally requires them to notify SDE of applicants who are currently under investigation for this conduct and for investigations or discipline related to injury or risk of injury to, or impairing the morals of, a minor.

### ***SDE-Provided Information***

By law, school-governing entities must request from SDE information on:

1. an applicant's employment eligibility status;
2. whether SDE has knowledge of a substantiated finding of abuse, neglect, or sexual misconduct against the applicant; and
3. whether SDE has received notification of a criminal conviction or pending criminal charge against the applicant.

The bill expands the information that SDE must release to school-governing entities to also include if it knows of any (1) pending investigation of abuse, neglect, or sexual misconduct or (2) substantiated finding or pending investigation of an allegation involving the injury or risk of injury to, or impairing the morals of, a minor.

### ***Applicants Who Are Contractors***

By law, a contractor's employee who will have direct student contact must make the same disclosures as an applicant for employment with a school-governing entity. The bill expands the requirements for information disclosure and sharing for these employees in the same way

as for job applicants described above.

Additionally, for any of its current employees who will have contact with children, a contractor must (1) contact any of that employee's current or former employers that were school-governing entities or caused the employee to have contact with children and (2) request from them any information about whether there was a finding of abuse, neglect, or sexual misconduct against the employee. The bill expands this to include any (1) pending or open investigation and (2) finding, pending, or open investigation involving injury or risk of injury to, or impairing the morals of, a minor. By law and under the bill, the contractor must report all of this information to the school-governing entity.

Additionally, under existing law, a school-governing entity must give on request, to any other school-governing entity or to the SDE commissioner, information it has about a finding of abuse, neglect, or sexual misconduct on someone being considered for a job as a direct employee of another education employer or a contractor. The bill similarly expands this provision to apply to investigations and any investigation or finding that includes an allegation of injury or risk of injury to, or impairing the morals of, a minor.

### **CONTRACT AND AGREEMENT RESTRICTIONS**

By law, a school-governing entity cannot enter into a collective bargaining agreement, employment contract, resignation or termination agreement, severance agreement, or any other contract or agreement, or take any action with certain effects.

Currently, these agreements and actions cannot suppress information about an investigation of reported suspected abuse, neglect, or sexual misconduct by a current or former employee. The bill also applies this provision to information on an investigation of injury or risk of injury to, or impairing the morals of, a minor.

Currently, these agreements and actions cannot require a school-governing entity to expunge information about an allegation or finding

of abuse, neglect, or sexual misconduct from any documents it maintains unless, after an investigation, the allegation is dismissed or found false. The bill (1) adds that these agreements and actions cannot require expungement of information on allegations or findings related to injury or risk of injury to, or impairing the morals of, a minor and (2) raises the standard for expungement by eliminating dismissed allegations, allowing expungement only when an allegation is found to be false.

By law, these agreements also cannot affect a school-governing entity's ability to report suspected abuse, neglect, or sexual misconduct to the appropriate authorities.

### **PROHIBITION OF EMPLOYMENT**

By law, school-governing entities cannot offer employment to an applicant who had any previous employment terminated by, or who resigned from employment with, another school-governing entity if the applicant was convicted of violating the mandated reporter law or has a substantiated abuse, neglect, or sexual misconduct allegation. To get this information, school-governing entities must document a "good-faith" effort to contact current and previous employers for employment that involved the applicant being in contact with children. (Presumably, this covers only former employers disclosed by the prospective employee to the prospective school-governing entity employer.)

The bill adds that under this law, potential employer entities also cannot offer employment if the applicant is being investigated or has a pending investigation (1) for abuse, neglect, or sexual misconduct or (2) involving the injury or risk of injury to, or impairing the morals of, a minor.

This prohibition appears to apply when there is any open investigation of the types described above at the time of potential hiring and not just to those related to employment or those required to be disclosed under the bill. It is unclear whether a potential employer and employee would know of all of the relevant investigations that prohibit employment (for example, if an employee does not disclose them, an

employer does not know of non-employment related investigations, or investigations were not previously reported to SDE). In addition, because the bill does not clarify when an investigation ends, it is possible that an investigation could remain open and prohibit the types of employment covered by the bill indefinitely.

### **SCHOOL OPERATORS REQUESTING APPLICANT MISCONDUCT INFORMATION FROM SBE**

By law, eligible and nongovernmental school operators (see BACKGROUND) may request from SBE information about (1) the applicant's employment eligibility for a certified position; (2) whether SDE knows of prior applicant discipline for a finding of abuse, neglect, or sexual misconduct; or (3) whether SDE has received notice of criminal charges pending, or criminal convictions against, an applicant and information about the charges.

The bill adds that eligible and nongovernmental school operators can also request from SBE information about whether SDE:

1. knows of prior applicant discipline for a substantiated finding involving the injury or risk of injury to, or impairing the morals of, a minor; or
2. has been notified by a former employer that the applicant is under investigation for abuse; neglect; sexual misconduct; or a situation involving the injury or risk of injury to, or impairing the morals of, a minor, unless the investigation resulted in a finding that all allegations were false or unsubstantiated.

### **BACKGROUND**

#### ***Eligible School Operators***

By law, "eligible school operators" are schools or school districts authorized to receive national criminal history record information from the FBI under federal law. These operators include the following entities:

1. local or regional boards of education,

2. the Technical Education and Career System (the technical high school system), and
3. interdistrict magnet school operators that are not third-party nonprofit corporations approved by the SDE commissioner.

***Nongovernmental School Operators***

By law, nongovernmental school operators are:

1. third-party, nonprofit interdistrict magnet school operators that are approved by the SDE commissioner;
2. state or local charter school governing councils;
3. SBE-approved (a) endowed or incorporated academies and (b) special education facilities;
4. private school supervisory agents; or
5. private providers of special education services.

**COMMITTEE ACTION**

Education Committee

Joint Favorable Substitute

Yea 45 Nay 0 (03/16/2026)