



# House of Representatives

General Assembly

**File No. 381**

February Session, 2026

Substitute House Bill No. 5327

*House of Representatives, April 2, 2026*

The Committee on Education reported through REP. LEEPER of the 132nd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***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.***

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

1 Section 1. Section 10-222c of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2026*):

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

9 (1) Requiring of such applicant:

10 (A) To list the name, address and telephone number of each current

11 or former employer of the applicant, if such current or former employer  
12 was a local or regional board of education, council, operator or  
13 supervisory agent or if such employment otherwise caused the  
14 applicant to have contact with children;

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

25 (C) A written statement of whether the applicant (i) has been or is the  
26 subject of an abuse or neglect or sexual misconduct investigation, or any  
27 investigation involving the injury or risk of injury to, or impairing the  
28 morals of, a minor by any employer, state agency or municipal police  
29 department, unless the investigation resulted in a finding that all  
30 allegations were unsubstantiated, (ii) has ever been disciplined or asked  
31 to resign from employment or resigned from or otherwise separated  
32 from any employment while an allegation of abuse or neglect was  
33 pending or under investigation by the Department of Children and  
34 Families or such employer, state agency or municipal police  
35 department, or an allegation of sexual misconduct was pending or  
36 under investigation by such employer, state agency or municipal police  
37 department, or an allegation involving the injury or risk of injury to, or  
38 impairing the morals of, a minor was pending or under investigation, or  
39 due to an allegation substantiated pursuant to section 17a-101g of abuse  
40 or neglect, or of sexual misconduct or a conviction for abuse or neglect  
41 or sexual misconduct, or (iii) has ever had a professional or occupational  
42 license or certificate suspended or revoked or has ever surrendered such  
43 a license or certificate while an allegation of abuse or neglect was  
44 pending or under investigation by the department or an investigation

45 of sexual misconduct was pending or under investigation, or an  
46 allegation involving the injury or risk of injury to, or impairing the  
47 morals of, a minor was pending or under investigation, or due to an  
48 allegation substantiated by the department of abuse or neglect or of  
49 sexual misconduct or a conviction for abuse or neglect or sexual  
50 misconduct;

51 (2) Conducting a review of the employment history of the applicant  
52 by contacting those employers listed by the applicant under subdivision  
53 (1) of this subsection. Such review shall be conducted using a form  
54 developed by the Department of Education in accordance with section  
55 3 of public act 16-67 that shall request (A) the dates of employment of  
56 the applicant, and (B) a statement as to whether the employer has  
57 knowledge that the applicant (i) was or is the subject of an allegation of  
58 abuse or neglect or sexual misconduct or involving the injury or risk of  
59 injury to, or impairing the morals of, a minor for which there is an  
60 investigation pending with any employer, state agency or municipal  
61 police department or which has been substantiated, unless such  
62 substantiation has been reversed as a result of an appeal conducted  
63 pursuant to section 17a-101k; (ii) was disciplined or asked to resign from  
64 employment or resigned from or otherwise separated from any  
65 employment while an allegation of abuse or neglect or sexual  
66 misconduct or involving the injury or risk of injury to, or impairing the  
67 morals of, a minor was or is pending or under investigation, or due to a  
68 substantiation of abuse or neglect or sexual misconduct or involving the  
69 injury or risk of injury to, or impairing the morals of, a minor, unless  
70 such substantiation has been reversed as a result of an appeal conducted  
71 pursuant to section 17a-101k; or (iii) has ever had a professional or  
72 occupational license, certificate, authorization or permit suspended or  
73 revoked or has ever surrendered such a license, certificate, authorization  
74 or permit while an allegation of abuse or neglect or sexual misconduct  
75 or involving the injury or risk of injury to, or impairing the morals of, a  
76 minor was pending or under investigation, or due to a substantiation of  
77 abuse or neglect or sexual misconduct or involving the injury or risk of  
78 injury to, or impairing the morals of, a minor, unless such substantiation  
79 has been reversed as a result of an appeal conducted pursuant to section

80 17a-101k. Such review may be conducted telephonically or through  
81 written communication. Notwithstanding the provisions of subsection  
82 (g) of section 31-51i, not later than five business days after any such  
83 current or former employer of the applicant receives a request for such  
84 information, such employer shall respond with and is authorized to  
85 disclose such information. A local or regional board of education,  
86 council, operator or supervisory agent may request more information  
87 concerning any response made by a current or former employer, and,  
88 notwithstanding the provisions of said subsection (g), such employer  
89 shall respond not later than five business days after receiving such  
90 request; and

91 (3) Requesting information from the Department of Education  
92 concerning (A) the eligibility status for employment of any applicant for  
93 a position requiring a certificate, authorization or permit issued  
94 pursuant to chapter 166, (B) whether the department has knowledge  
95 that an investigation is pending or a finding has been substantiated by  
96 the Department of Children and Families pursuant to section 17a-101g  
97 of abuse or neglect or of sexual misconduct or involving the injury or  
98 risk of injury to, or impairing the morals of, a minor against the  
99 applicant and any information concerning such [a] investigation or  
100 finding, and (C) whether the department has received notification that  
101 the applicant has been convicted of a crime or of criminal charges  
102 pending against the applicant and any information concerning such  
103 charges.

104 (b) Notwithstanding the provisions of subsection (g) of section 31-51i,  
105 any local or regional board of education, council, operator or  
106 supervisory agent that receives information that an applicant for a  
107 position with or an employee of the board is under investigation or has  
108 been disciplined for a finding of abuse or neglect or sexual misconduct  
109 or involving the injury or risk of injury to, or impairing the morals of, a  
110 minor shall notify the Department of Education of such information.

111 (c) No local or regional board of education, council, operator or  
112 supervisory agent shall employ an applicant for a position involving

113 direct student contact who does not comply with the provisions of  
114 subdivision (1) of subsection (a) of this section.

115 (d) A local or regional board of education, council, operator or  
116 supervisory agent may employ or contract with an applicant on a  
117 temporary basis for a period not to exceed ninety days, pending the  
118 review of information received under this section by such board,  
119 council, operator or supervisory agent, provided:

120 (1) The applicant complied with subdivision (1) of subsection (a) of  
121 this section;

122 (2) The board, council, operator or supervisory agent has no  
123 knowledge of information pertaining to the applicant that would  
124 disqualify the applicant from employment with the board, council,  
125 operator or supervisory agent; and

126 (3) The applicant affirms that the applicant is not disqualified from  
127 employment with such board, council, operator or supervisory agent.

128 (e) No local or regional board of education, council, operator or  
129 supervisory agent shall enter into a collective bargaining agreement, an  
130 employment contract, an agreement for resignation or termination, a  
131 severance agreement or any other contract or agreement or take any  
132 action that:

133 (1) Has the effect of suppressing or requiring the nondisclosure of  
134 information relating to [an] a pending investigation of a report of  
135 suspected abuse or neglect or sexual misconduct or involving the injury  
136 or risk of injury to, or impairing the morals of, a minor by a current or  
137 former employee;

138 (2) Affects the ability of the local or regional board of education,  
139 council, operator or supervisory agent to report suspected abuse or  
140 neglect or sexual misconduct to appropriate authorities; or

141 (3) Requires the local or regional board of education, council,  
142 operator or supervisory agent to expunge information about an

143 allegation or a finding of suspected abuse or neglect or sexual  
144 misconduct or involving the injury or risk of injury to, or impairing the  
145 morals of, a minor from any documents maintained by the board, unless  
146 after investigation such allegation is [dismissed or] found to be false.

147 (f) No local or regional board of education, council, operator or  
148 supervisory agent shall offer employment to a person as a substitute  
149 teacher, unless such person and such board, council, operator or  
150 supervisory agent comply with the provisions of subsection (a) of this  
151 section. The board, council, operator or supervisory agent shall  
152 determine which such persons are employable as substitute teachers  
153 and maintain a list of such persons. No board, council, operator or  
154 supervisory agent shall hire any person as a substitute teacher who is  
155 not on such list. Such person shall remain on such list as long as such  
156 person is continuously employed by the board, council, operator or  
157 supervisory agent as a substitute teacher, as described in subsection (c)  
158 of section 10-221d, provided the board, council, operator or supervisory  
159 agent does not have any knowledge of a reason that such person should  
160 be removed from such list.

161 (g) In the case of an applicant who is a contractor, the contractor shall  
162 require any employee with such contractor who would be in a position  
163 involving direct student contact to supply to such contractor all  
164 information required of an applicant under subparagraphs (A) and (C)  
165 of subdivision (1) of subsection (a) of this section and a written  
166 authorization under subparagraph (B) of said subdivision. Such  
167 contractor shall contact any current or former employer of such  
168 employee that was a local or regional board of education, council,  
169 operator or supervisory agent or if such employment caused the  
170 employee to have contact with children, and request, either  
171 telephonically or through written communication, any information  
172 concerning whether there is a pending or open investigation or was a  
173 finding of abuse or neglect or sexual misconduct or involving the injury  
174 or risk of injury to, or impairing the morals of, a minor against such  
175 employee. Notwithstanding the provisions of subsection (g) of section  
176 31-51i, such employer shall report to the contractor any such

177 investigation or finding, either telephonically or through written  
178 communication. If the contractor receives any information indicating  
179 such [a] investigation or finding or otherwise has knowledge of such [a]  
180 investigation or finding, the contractor shall, notwithstanding the  
181 provisions of said subsection (g), immediately forward such  
182 information to any local or regional board of education, council,  
183 operator or supervisory agent with which the contractor is under  
184 contract, either telephonically or through written communication. Any  
185 local or regional board of education, council, operator or supervisory  
186 agent that receives such information shall determine whether such  
187 employee may work in a position involving direct student contact at any  
188 school under the jurisdiction or control of such board, council, operator  
189 or supervisory agent. No determination by a local or regional board of  
190 education, council, operator or supervisory agent that any such  
191 employee shall not work under any such contract in any such position  
192 shall constitute a breach of such contract.

193 (h) Any applicant who knowingly provides false information or  
194 knowingly fails to disclose information required in subdivision (1) of  
195 subsection (a) of this section shall be subject to discipline by the  
196 employing local or regional board of education, council, operator or  
197 supervisory agent that may include (1) denial of employment, or (2)  
198 termination of the contract of a certified employee, in accordance with  
199 the provisions of section 10-151.

200 (i) Any employer who provides information in accordance with  
201 subdivision (2) of subsection (a) of this section or subsection (g) of this  
202 section and the Department of Education for the provision of  
203 information requested in accordance with subdivision (3) of said  
204 subsection (a) shall be immune from criminal and civil liability,  
205 provided the employer or department did not knowingly supply false  
206 information.

207 (j) Notwithstanding the provisions of section 10-151c and subsection  
208 (g) of section 31-51i, a local or regional board of education, council,  
209 operator or supervisory agent shall provide upon request by any other

210 local or regional board of education, council, operator or supervisory  
211 agent for the purposes of an inquiry pursuant to subdivision (2) of  
212 subsection (a) of this section or subsection (g) of this section or to the  
213 Commissioner of Education pursuant to subsection (b) of this section  
214 any information that the board, council, operator or supervisory agent  
215 has concerning [a] an investigation or finding of abuse or neglect or  
216 sexual misconduct or involving the injury or risk of injury to, or  
217 impairing the morals of, a minor by a subject of any such inquiry.

218 (k) For purposes of this section and section 10-221d, as amended by  
219 this act, (1) "sexual misconduct" means any verbal, nonverbal, written  
220 or electronic communication, or any other act directed toward or with a  
221 student that is designed to establish a sexual relationship with the  
222 student, including a sexual invitation, dating or soliciting a date,  
223 engaging in sexual dialog, making sexually suggestive comments, self-  
224 disclosure or physical exposure of a sexual or erotic nature and any  
225 other sexual, indecent or erotic contact with a student; (2) "abuse or  
226 neglect" means abuse or neglect as described in section 46b-120, and  
227 includes any violation of section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-  
228 72b or 53a-73a; and (3) "former employer" means any local or regional  
229 board of education, governing council of a state or local charter school  
230 or interdistrict magnet school operator, person, firm, business,  
231 educational institution, nonprofit agency, corporation, limited liability  
232 company, the state, any political subdivision of the state, any  
233 governmental agency, or any other entity that such applicant was  
234 employed by during any of the previous twenty years prior to applying  
235 for a position with a local or regional board of education, governing  
236 council of a state or local charter school or interdistrict magnet school  
237 operator.

238 (l) Prior to offering employment to an applicant, a local or regional  
239 board of education, council, operator or supervisory agent shall make a  
240 documented good faith effort to contact each current and any former  
241 employer that was a local or regional board of education, council,  
242 operator or supervisory agent or if such employment otherwise caused  
243 the applicant to have contact with children of the applicant in order to

244 obtain information and recommendations which may be relevant to the  
245 applicant's fitness for employment, including whether there is a  
246 pending investigation of the applicant for allegations of abuse or neglect  
247 or sexual misconduct or involving the injury or risk of injury to, or  
248 impairing the morals of, a minor conducted by such former employer,  
249 provided such effort shall not be construed to require more than three  
250 telephonic requests made on three separate days.

251 (m) No local or regional board of education, council, operator or  
252 supervisory agent shall offer employment to any applicant who had any  
253 previous employment contract terminated by a board, council, operator  
254 or supervisory agent or who resigned from such employment, if such  
255 [person] applicant (1) has been convicted of a violation of section 17a-  
256 101o, [when] (2) has had an allegation of abuse or neglect or sexual  
257 [assault has been] misconduct substantiated, or (3) is being investigated  
258 or has a pending investigation for abuse or neglect or sexual misconduct  
259 or involving the injury or risk of injury to, or impairing the morals of, a  
260 minor.

261 Sec. 2. Subsection (f) of section 10-221d of the general statutes is  
262 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
263 *2026*):

264 (f) Notwithstanding the provisions of subsection (g) of section 31-51i,  
265 and to the extent permissible under state and federal laws regarding the  
266 dissemination of criminal history records, the State Board of Education  
267 shall, upon request of an eligible school operator, make available to such  
268 eligible school operator requesting information concerning an applicant  
269 for a position with such eligible school operator (1) any information  
270 concerning the applicant's eligibility for employment in a position with  
271 such eligible school operator requiring a certificate, authorization or  
272 permit issued pursuant to chapter 166, (2) whether the department has  
273 knowledge that the applicant has been disciplined for a finding of abuse  
274 or neglect or sexual misconduct, as defined in section 10-222c, as  
275 amended by this act, or involving the injury or risk of injury to, or  
276 impairing the morals of, a minor, and any information concerning such

277 a finding, [and] (3) whether the department has received notification  
278 that the applicant has been convicted of a crime or of criminal charges  
279 pending against the applicant and any information concerning such  
280 charges, and (4) whether the department has been notified pursuant to  
281 subsection (b) of section 10-222c, as amended by this act, that the  
282 applicant is under investigation or has been disciplined for a finding of  
283 abuse or neglect or sexual misconduct or involving the injury or risk of  
284 injury to, or impairing the morals of, a minor by a former employer, as  
285 defined in section 10-222c, as amended by this act, unless the  
286 investigation resulted in a finding that all allegations were false or  
287 unsubstantiated. The provisions of this subsection shall not be  
288 construed to cause the state board to investigate any such request or  
289 disseminate the results of any national criminal history records check.

290 Sec. 3. Subsection (f) of section 10-232a of the 2026 supplement to the  
291 general statutes is repealed and the following is substituted in lieu  
292 thereof (*Effective July 1, 2026*):

293 (f) Notwithstanding the provisions of subsection (g) of section 31-51i,  
294 and to the extent permissible under state and federal laws regarding the  
295 dissemination of criminal history records, the State Board of Education  
296 shall, upon request of a nongovernmental school operator, make  
297 available to such nongovernmental school operator requesting  
298 information concerning an applicant for a position with such  
299 nongovernmental school operator, (1) any information concerning the  
300 applicant's eligibility for employment in a position with such  
301 nongovernmental school operator requiring a certificate, authorization  
302 or permit issued pursuant to chapter 166, (2) whether the department  
303 has knowledge that the applicant has been disciplined for a finding of  
304 abuse or neglect or sexual misconduct, as defined in section 10-222c, as  
305 amended by this act, or involving the injury or risk of injury to, or  
306 impairing the morals of, a minor and any information concerning such  
307 a finding, [and] (3) whether the department has received notification  
308 that the applicant has been convicted of a crime or of criminal charges  
309 pending against the applicant and any information concerning such  
310 charges, and (4) whether the department has been notified pursuant to

311 subsection (b) of section 10-222c, as amended by this act, that the  
 312 applicant is under investigation or has been disciplined for a finding of  
 313 abuse or neglect or sexual misconduct or involving the injury or risk of  
 314 injury to, or impairing the morals of, a minor by a former employer, as  
 315 defined in section 10-222c, as amended by this act, unless the  
 316 investigation resulted in a finding that all allegations were false or  
 317 unsubstantiated. The provisions of this subsection shall not be  
 318 construed to cause the state board to investigate any such request or  
 319 disseminate the results of any national criminal history records check.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2026	10-222c
Sec. 2	July 1, 2026	10-221d(f)
Sec. 3	July 1, 2026	10-232a(f)

**ED**            *Joint Favorable Subst.*

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*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

The bill has no fiscal impact. It expands various requirements related to hiring employees who would have direct contact with students. The bill is not expected to impact existing costs to school districts or the State Department of Education (SDE) associated with hiring decisions.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

**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)