

Committee on Children JOINT FAVORABLE REPORT

Bill No.: HB-6417

AN ACT REQUIRING BACKGROUND CHECKS FOR CERTAIN EMPLOYEES
OF YOUTH CAMPS.

Vote Date: 3/11/2021

Vote Action: Joint Favorable Substitute

PH Date: 2/18/2021

File No.:

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SPONSORS OF BILL:

Committee on Children
Rep. Patrick S. Boyd, 50th Dist.
Rep. Brian Lanoue, 45th Dist.
Rep. Lucy Dathan, 142nd Dist.
Rep. Mary Welander, 114th Dist.
Rep. Edwin Vargas, 6th Dist.
Rep. Robin E. Comey, 102nd Dist.
Rep. Gary A. Turco, 27th Dist.
Rep. Josh Elliott, 88th Dist.
Rep. Robert Sanchez, 25th Dist.
Rep. Jaime S. Foster, 57th Dist.
Rep. Bill Buckbee, 67th Dist.

REASONS FOR BILL:

This bill would require youth camp employees who are eighteen years old, or older, to submit a background check to the State of Connecticut including state and national criminal history records checks. This bill would be effective as of October 1st, 2022.

On line 21 language is added in order to state that after October 1st, 2022 a licensee will require any person who is eighteen years old or older and will work directly with children to submit a comprehensive background check. The provisions of this subsection will not apply to any youth camp operated by a state agency.

On line 66 language is added in order to determine what "Youth Camp" means.

On lines 70, 74, 75, 77, and 79 language is added in order to appropriately describe the terms used on this bill.

RESPONSE FROM ADMINISTRATION/AGENCY:

Beth Bye, Commissioner, Office of Early Childhood: The commissioner states that:

- The bill does have a good goal but the OEC recognizes that there is a need to proceed cautiously to avoid “implementing a background check requirement [...] that the current system in Connecticut is unable to support in a timely manner”. She also points out that sometimes the time that it takes to process the fingerprint background checks is longer than the time of operation of the camp.
- The OEC has submitted language for consideration to the Education Committee establishing what the background check should consist of.
- The “DESPP is in the process of modernizing its fingerprint system that will vastly decrease the time for processing”. “Once the new fingerprint system is in place, reducing the turnaround time for processing to 24-48 hours, the OEC believes that a requirement for fingerprint-based background checks for youth camps should be revisited”.

NATURE AND SOURCES OF SUPPORT:

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Denise Learned, CEO of Camp Hazen YMCA: Denise Learned testified in favor of this bill. She agrees with the overall goal of this bill but has some concerns with the logistics and methods of it. She states that:

- For the past 20+ years background checks have been in place and as time goes by its definition evolve, naturally, and the measures currently in place are serving their purpose just fine. The YMCA has approximately 35% of their staff from around the globe, meaning that “a Criminal Background Check Certificate from their home country must be presented to obtain their ‘Certificate of Eligibility (DS-2019)’ for their visa, issued by a US Department of State- designated sponsor organization.” However, as many of these employers only arrive in the country until their employment begins, this fingerprinting system would not work.
- The current fee for the background check through the OEC is over \$88/person, and the YMCA has been paying \$25-35/person, therefore their expenses would more than double, meaning that dollars that could be given to families for financial assistance “might need to be reduced”.
- Camp Hazen YMCA knows that their top priority is the safety of their children and that they believe their practices are both responsible and effective, they also believe that all camps in the state should be screening staff through CBCs and that a statutory requirement at this time is necessary.

Olivia DeFilippo, Administrative Assistant of Connecticut Alliance to end Sexual

Violence: The Alliance testified in support of this bill. She said that she supports the benefits of this bill as well as how it interferes with the perpetuation of the rape culture. Further she also states that requiring background checks is a simple and effective strategy to identify people who should not be working with children in this capacity.

John Cattelan, Executive Director of the Connecticut Alliance of YMCAs: The Alliance testified in support of this bill but has some comments to it. He stated that:

- Since summer camps usually take up to 8 weeks, a background check that takes this much time is not helpful. And in addition, the Ycamps already do everything required for a background check with exception to fingerprinting.
- The overall financial burden on the Ys would increase to over \$250,000 meaning that fewer people would be able to receive financial aid to attend the camp.

NATURE AND SOURCES OF OPPOSITION:

Wayne B. Moss Executive Director, National Council of Youth Sports: Wayne Moss testified against this bill.

- He states the history of how background checks began with hopes that the policies developed along time are compelling enough “to allow for the organizations who are in alignment with the most recent iterations, which is the USOPC Background Screening Policy, to be deemed in compliance with your proposed requirements.”.
- He brings the section of the policy that addresses the requirements regarding search components:
 - Social Security Number validation;
 - Name and address history records;
 - Two independent Multi-Jurisdictional Criminal Database searches covering 50 states plus DC, Guam, and Puerto Rico;
 - County Criminal Records for each name used and county where the individual currently lives or has lived during the past five years, going back the length of time records are available and reportable for each county searched;
 - National Sex Offender Registry database search of all available states, plus DC, Guam, and Puerto Rico;
 - Multiple National Watch Lists

Keith Garbart, Connecticut Camping Association: Keith Garbart testified against this bill. He stated that:

- The safety and wellbeing of the campers is the association's number one priority but he does not believe an FBI fingerprinting background check is necessary and unrealistic with the current reality of camps.
- Most camps hire up until the first day of staff training and with this new bill, training would only start after the check is 100% complete.
- "Many [fingerprinting background checks] are being returned with "smudging" or other problems experienced during the fingerprint process that were submitted way back in November in some cases."
- Another issue is having international staff since they are not even in the country until a week or two before camp begins, consequently many applications going in at once. And this group also has a rigorous application to obtain a J-1 visa prior to even entering the country.
- "The CT Camping Association does feel that the third-party companies that are currently conducting background checks for camps throughout the country are accurate, dependable, and achieve the same result in a timely manner." Keith proceeds then to explain how in depth these third-party companies go when doing a background check.

Keith brought the standards set by the American Camp Association Accredited in regard to background checks (as of October 2019):

- **AD.25 New Staff Screening (Year-Round and Seasonal)** Does the camp require screening for all new camp staff based on camp property (directors, counselors, administrative, and support staff; seasonal and year-round staff members; and paid, volunteer, and contracted personnel) that includes:
 - **AD.25.1** A criminal background check for staff eighteen years of age and older?
- **AD.26 Subsequent Criminal Background Checks** Does the camp require a criminal background check for returning and year-round camp staff based on camp property (directors, counselors, administrative and support staff; seasonal and year-round staff members; and paid, volunteer, and contracted personnel) in the following time frames:
 - **AD.26.1 For returning seasonal staff**, an annual criminal background check for staff eighteen (18) years of age and older to be initiated prior to the arrival of campers or prior to the start of employment for any late hires?
 - **AD.26.2 For year-round staff**: A criminal background check for staff eighteen (18) years of age and older at least every five years?
- **AD.27 Annual Staff Screening** Does the camp require annual screening for all camp staff (18 and older) based on camp property (directors, counselors, administrative, and support staff; seasonal and year-round staff members; and paid, volunteer, and contracted personnel) that includes:
 - **AD.27.1 A disclosure statement?**
 - **AD.27.2 A check of the National Sex Offender Public website or verification that a check of the sex offender registry of all fifty (50) states has been completed?**

Keith states that the ACA gives guidelines for acceptable background checks but does not require anything specific and it accepts third-party background checks as well. Further, ACA also states that any camp “must follow any state laws that are required”. He hopes that ACA standards can be looked at and accepted as guidelines for comprehensive background checks.

He states that youth camps feel they are “continually being shoehorned into the same licensing as childcare centers and there are many distinct differences”

Kelly McConney Moore, Interim Senior Policy Counsel for the American Civil Liberties Union of Connecticut (ACLU-CT): The Union testified in opposition to this bill. It states that:

- The effect of this bill, that requires “needless background checks” is the erection of unnecessary barriers to entry for people living with criminal records, creating then, a collateral consequence.

To balance the need for employees while avoiding unnecessarily excluding people with a criminal record from suitable job, the Union proposes that:

- “[I]nstead of a blanket ban, operators of youth camps utilize a balancing test like the one in Section 46a-80 of the general statutes”

Reported by: Gabriela Dos Santos

Date: March 24th 2021