

2013 -- H 5229

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS

Introduced By: Representatives McNamara, MacBeth, Shekarchi, Bennett, and Hull

Date Introduced: January 31, 2013

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 16-2-18.1 of the General Laws in Chapter 16-2 entitled "School
2 Committees and Superintendents" is hereby amended to read as follows:

3 **16-2-18.1. Criminal records review.** -- (a) Any person seeking employment with a
4 private school or public school department who has not previously been employed by a private
5 school or public school department in Rhode Island during the past twelve (12) months, ~~as well as~~
6 ~~any person who seeks to participate in any mentoring program whereby the individual shall be~~
7 ~~working with a student or students as a mentor or in a mentoring situation,~~ shall undergo a
8 national and state criminal background check to be initiated prior to or within one week of
9 employment after receiving a conditional offer of employment; provided, however, that
10 employees hired prior to August 1, 2001 and or who have been continuously employed by a
11 public school department in Rhode Island during the past twelve (12) months shall be exempted
12 from the requirements of this section and section 16-2-18.2.

13 (b) The applicant shall apply to the bureau of criminal identification (BCI), department
14 of attorney general, state police or local police department where they reside, for a national and
15 state criminal records check. Fingerprinting shall be required. Upon the discovery of any
16 disqualifying information, the bureau of criminal identification, state police or local police
17 department will inform the applicant in writing of the nature of the disqualifying information;
18 and, without disclosing the nature of the disqualifying information will notify the employer in
19 writing that disqualifying information has been discovered.

1 (c) An employee against whom disqualifying information has been found may request
2 that a copy of the criminal background report be sent to the employer who shall make a judgment
3 regarding the employment of the employee.

4 (d) In those situations in which no disqualifying information has been found, the bureau
5 of criminal identification, state police or local police department shall inform the applicant and
6 the employer in writing of this fact.

7 (e) For purposes of this section, "disqualifying information" means those offenses listed
8 in section 23-17-37, and those offenses listed in sections 11-37-8.1 and 11-37-8.3.

9 (f) The employer shall maintain on file, subject to inspection by the department of
10 elementary and secondary education, evidence that criminal records checks have been initiated on
11 all employees seeking employment subsequent to July 13, 1998, and the results of the checks.
12 The applicant shall be responsible for the costs of the national and state criminal records check.

13 (g) At the conclusion of the criminal background check required in this section, the
14 attorney general, state police or local police department shall promptly destroy the fingerprint
15 record of the applicant obtained pursuant to this chapter.

16 SECTION 2. Chapter 16-2 of the General Laws entitled "School Committees and
17 Superintendents" are hereby amended by adding thereto the following sections:

18 **16-2-18.4. Criminal records review for volunteers. -- (a) Any person who is a current**
19 **or prospective volunteer of a private school or public school department and who may have direct**
20 **and unmonitored contact with children and/or students on school premises, shall undergo a state**
21 **criminal background check to be initiated prior to or within one week of commencement of such**
22 **volunteer work.**

23 **(b) The applicant shall apply to the bureau of criminal identification (BCI), department of**
24 **attorney general, state police or local police department where he or she resides, for a state**
25 **criminal records check. Upon the discovery of any disqualifying information, the bureau of**
26 **criminal identification, state police or local police department will inform the applicant in writing**
27 **of the nature of the disqualifying information; and, without disclosing the nature of the**
28 **disqualifying information will notify the school department in writing that disqualifying**
29 **information has been discovered.**

30 **(c) A person against whom disqualifying information has been found may request that a**
31 **copy of the criminal background report be sent to the school department which shall make a**
32 **judgment regarding the qualifications and fitness of said person to volunteer for the school**
33 **department.**

34 **(d) In those situations in which no disqualifying information has been found, the bureau**

1 of criminal identification, state police or local police department shall inform the applicant and
2 the school department in writing of this fact.

3 (e) For purposes of this section, "disqualifying information" means those offenses listed
4 in section 23-17-37, and those offenses listed in sections 11-37-8.1 and 11-37-8.3.

5 (f) The school department shall maintain on file, subject to inspection by the department
6 of elementary and secondary education, evidence that criminal records checks have been initiated
7 on all volunteers seeking employment subsequent to July 1, 2012, and the results of the checks.
8 The current or prospective volunteer shall be responsible for the costs of the state criminal
9 records check.

10 (g) As used in this section and section 16-2-18.5, the term "school department" means the
11 school department for a public school as well as the governing administrative body for a private
12 school.

13 **16-2-18.5. Prior criminal records checks for school volunteers. --** If a current or
14 prospective volunteer of the school department or of a private school who may have direct and
15 unmonitored contact with children and/or students on school premises has undergone a state
16 criminal records check within twelve (12) months prior to commencement of volunteering for the
17 school department, the school department may request from the bureau of criminal identification
18 or local police department a letter indicating the presence or absence of disqualifying information.
19 The bureau of criminal identification will respond without disclosing the nature of the
20 disqualifying information. The letter may be maintained on file to satisfy the requirements of this
21 chapter.

22 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS

1 This act would require that individuals who are current or prospective volunteers of a
2 school department and who may have direct and unmonitored contact with children and/or
3 students on school premises would be required to undergo a state criminal background check.

4 This act would take effect upon passage.

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