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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS

Introduced By: Representatives Shallcross Smith, Hull, Bennett, Biah, Ranglin-Vassell,  
and Noret

Date Introduced: April 13, 2022

Referred To: House Education

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 [See Title 16 Chapter 97 - The Rhode Island Board of Education  
3 Act]" is hereby amended to read as follows:

4 **16-2-18.1. Criminal records review.**

5 (a)(1) Any person seeking employment with a private school or public school department  
6 who has not previously been employed by a private school or public school department in Rhode  
7 Island during the past twelve (12) months shall undergo a national and state criminal background  
8 check to be initiated prior to, or within one week of, employment after receiving a conditional offer  
9 of employment; provided, however, that employees hired prior to August 1, 2001, and or who have  
10 been continuously employed by a public school department in Rhode Island during the past twelve  
11 (12) months shall be exempt from the requirements of this section and § 16-2-18.2.

12 (2) Any person teaching or instructing children under the age of eighteen (18) years old,  
13 either as a volunteer or for compensation, who teaches or provides educational, athletic or coaching  
14 services and the like and is not covered by subsection (a)(1) of this section, including, but not  
15 limited to, music/art teachers, tutors, coaches or other instructors and any person involved in an  
16 oversight setting or event involving children, shall be required to comply with the provisions of §  
17 40-13.2-5.1 regarding a criminal background check.

18 (b) The applicant shall apply to the bureau of criminal identification (BCI), department of  
19 attorney general, state police, or local police department where they reside, for a national and state

1 criminal records check. Fingerprinting shall be required. Upon the discovery of any disqualifying  
2 information, the bureau of criminal identification, state police or local police department will  
3 inform the applicant, in writing, of the nature of the disqualifying information; and, without  
4 disclosing the nature of the disqualifying information, will notify the employer, in writing, that  
5 disqualifying information has been discovered.

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

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

12 (e) For purposes of this section:

13 (1) "Disqualifying information" means those offenses listed in §§ 23-17-37, 11-37-8.1, 11-  
14 37-8.3, 11-9-1(b), 11-9-1(c), 11-9-1.3; and

15 (2) "Employment" means those individuals hired directly by the private school or public  
16 school department, contractual employees of the private school or public school department, and  
17 those individuals, who may have direct or unmonitored contact with children or students, who are  
18 hired by a third party who or that has contracted with the private school or public school department  
19 to provide services.

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

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

27 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO EDUCATION -- SCHOOL COMMITTEES AND SUPERINTENDENTS

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1           This act would require individuals teaching, instructing or providing educational, athletic  
2 or coaching services to a child, as a volunteer or for compensation, including, but not limited to,  
3 music/art teachers, tutors, coaches or other instructors, and any individual involved in an overnight  
4 setting or event including children, to comply with the criminal records review process for  
5 employees of a youth-serving agency contained in § 40-13.2-5.1.

6           This act would take effect upon passage.

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