

2022 -- H 8132 SUBSTITUTE A

LC004916/SUB A/3

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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, other than a fellow student, teaching or instructing children under the age
13 of eighteen (18) years old, either as a volunteer or for compensation, who teaches or provides
14 educational, athletic, or coaching services or other type of extracurricular activity for a private or
15 public school or school department, including any person to whom students are referred by a private
16 or public school or school department and who is not covered by subsection (a)(1) of this section,
17 including, but not limited to, music/art teachers, tutors, coaches or other instructors, shall be
18 required to comply with the provisions of § 40-13.2-5.1 regarding a criminal background check.

19 (b) The applicant shall apply to the bureau of criminal identification (BCI), department of

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

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

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

13 (e) For purposes of this section:

14 (1) "Disqualifying information" means those offenses listed in §§ 23-17-37, 11-37-8.1, 11-
15 37-8.3, 11-9-1(b), 11-9-1(c), 11-9-1.3; and

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

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

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

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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1 This act would require individuals teaching, instructing or providing educational, athletic
2 or coaching services to a child for a private or public school, including any person to whom students
3 are referred by a private or public school, as a volunteer or for compensation, including, but not
4 limited to, music/art teachers, tutors, coaches or other instructors, to comply with the criminal
5 records review process for 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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