

2013 -- H 5537

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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 MacBeth, McLaughlin, McNamara, Canario, and Phillips

Date Introduced: February 14, 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) (1) 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 (2) Any person seeking to volunteer with a private school and/or public school
14 department who may have direct and unmonitored contact with children and/or students in the
15 school and who has not previously volunteered with a private school and/or public school
16 department in Rhode Island during the previous twelve (12) months shall undergo a national and
17 state criminal background check, to be initiated prior to commencement of such volunteer work.

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
7 that 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
10 of criminal identification, state police or local police department shall inform the applicant and
11 the employer in writing of this fact.

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

14 (f) The employer shall maintain on file, subject to inspection by the department of
15 elementary and secondary education, evidence that criminal records checks have been initiated on
16 all employees seeking employment subsequent to July 13, 1998, [and on all volunteers seeking to](#)
17 [volunteer subsequent to July 1, 2013](#), and the results of the checks. The applicant shall be
18 responsible for the costs of the national and state criminal records check.

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

22 SECTION 2. This act shall take effect on July 1, 2013.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
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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 and national criminal
4 background check.

5 This act would take effect on July 1, 2013.

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