

2014 -- S 2365

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO EDUCATION - SCHOOL COMMITTEES AND SUPERINTENDENTS

Introduced By: Senators Hodgson, Raptakis, McCaffrey, Archambault, and Conley

Date Introduced: February 12, 2014

Referred To: Senate Judiciary

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 shall
6 undergo a national and state criminal background check to be initiated prior to or within one week
7 of employment after receiving a conditional offer of employment; provided, however, that
8 employees hired prior to August 1, 2001 and or who have been continuously employed by a
9 public school department in Rhode Island during the past twelve (12) months shall be exempted
10 from the requirements of this section and section 16-2-18.2.

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

18 (c) An employee against whom disqualifying information has been found may request
19 that a copy of the criminal background report be sent to the employer who shall make a judgment

1 regarding the employment of the employee.

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

5 (e) For purposes of this section:

6 (1) "~~disqualifying~~ Disqualifying information" means those offenses listed in ~~section~~ §23-
7 17-37, and those offenses listed in ~~sections §§~~11-37-8.1 and 11-37-8.3, 11-9-1(b), 11-9-1(c), and
8 11-9-1.3; and

9 (2) "Employment" means any service provided by an individual hired directly by a
10 private school or public school department, as a municipal employee or contractual employee and
11 individuals who provide direct services or indirect or any other services with access to personal
12 student information to the private school or public school department pursuant to a third-party
13 service contract with said private or public school department.

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 the results of the checks.
17 The applicant shall be responsible for the costs of the national and state criminal records check.

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

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would require those persons who are contract employees of a private school or
2 public school department, and individuals hired by a third party vendor who has contracted with
3 the private school or public school department to provide services, to undergo a national criminal
4 background check, prior to or within one week of employment at the school. The act would also
5 expand the disqualifying information on the national criminal background check to include
6 convictions of child pornography offenses.

7 This act would take effect upon passage.

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