

**2014 -- S 2365 SUBSTITUTE A**

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LC004165/SUB A  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2014**

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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  
7 week 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~~  
7 §§23-17-37, and those offenses listed in sections §§11-37-8.1 and, 11-37-8.3, 11-9-1(b), 11-9-  
8 1(c), and 11-9-1.3; and

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

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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RELATING TO EDUCATION - SCHOOL COMMITTEES AND SUPERINTENDENTS

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

7           This act would take effect upon passage.

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