

2012 -- H 7444

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO EDUCATION - SCHOOL COMMITTEES AND SUPERINTENDENTS

Introduced By: Representatives MacBeth, Menard, McLaughlin, Schadone, and McNamara

Date Introduced: February 09, 2012

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) 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) Any person seeking to volunteer with a private school or public school department
12 who has not previously volunteered with a private school or public school department in Rhode
13 Island during the past twelve (12) months shall undergo a national and state criminal background
14 check to be initiated prior to the commencement of volunteer work.

15 ~~(b)~~(c) The applicant shall apply to the bureau of criminal identification (BCI),
16 department of attorney general, state police or local police department where they reside, for a
17 national and state criminal records check. Fingerprinting shall be required. Upon the discovery of
18 any disqualifying information, the bureau of criminal identification, state police or local police
19 department will inform the applicant in writing of the nature of the disqualifying information;

1 and, without disclosing the nature of the disqualifying information will notify the employer in
2 writing that disqualifying information has been discovered.

3 ~~(e)~~(d) An employee or volunteer against whom disqualifying information has been found
4 may request that a copy of the criminal background report be sent to the employer who shall
5 make a judgment regarding the employment of the employee or volunteer.

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

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

11 ~~(f)~~(g) The employer shall maintain on file, subject to inspection by the department of
12 elementary and secondary education, evidence that criminal records checks have been initiated on
13 all employees seeking employment subsequent to July 13, 1998 and on all volunteers seeking to
14 volunteer subsequent to July 1, 2012, and the results of the checks. The applicant shall be
15 responsible for the costs of the national and state criminal records check.

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

19 SECTION 2. This act shall take effect on July 1, 2012.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO EDUCATION - SCHOOL COMMITTEES AND SUPERINTENDENTS

1 This act would require that anyone seeking to volunteer in a private or public school who
2 has not volunteered in the last twelve months would undergo a national and state criminal
3 background check prior to the commencement of the work.

4 This act would take effect on July 1, 2012.

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