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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 - CERTIFICATION OF PERSONNEL PROVIDING  
EDUCATIONAL SERVICES TO VERY YOUNG CHILDREN

Introduced By: Representatives Hearn, and Marcello

Date Introduced: February 28, 2012

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 16-48.1-5 of the General Laws in Chapter 16-48.1 entitled  
2 "Certification of Personnel Providing Educational Services to Very Young Children" is hereby  
3 amended to read as follows:  
4           **16-48.1-5. Criminal records check -- Employee.** - (a) Any person seeking employment,  
5 if the employment involves supervisory or disciplinary power over a child or children or involves  
6 routine contact with a child or children without the presence of other employees, in any facility  
7 covered under section 16-48-1 shall, after acceptance by the employer of the affidavit required by  
8 section 16-48.1-3, apply to the Rhode Island bureau of criminal identification for a nationwide  
9 criminal records check. The check will conform to applicable federal standards including the  
10 taking of fingerprints to identify the applicant and any expenses associated with providing the  
11 criminal records check shall be paid by the applicant and/or requesting agency. Upon the  
12 discovery of any disqualifying information as defined in accordance with the rule promulgated by  
13 the commissioner, the Rhode Island bureau of criminal identification will inform the applicant, in  
14 writing, of the nature of the disqualifying information. In addition, the Rhode Island bureau of  
15 criminal identification will inform the employer, in writing, without disclosing the nature of the  
16 disqualifying information, that an item of disqualifying information has been discovered. In those  
17 situations in which no disqualifying information has been found, the Rhode Island bureau of  
18 criminal identification will inform both the applicant and the employer, in writing, of this fact.

1 The employer will maintain on file, subject to inspection by the commissioner, evidence that the  
2 criminal records checks have been initiated on all employees seeking employment after August 1,  
3 1985, and the results of the checks. Failure to maintain that evidence on file will be prima facie  
4 grounds to revoke the license or registration of the operator of the facility. It will be the  
5 responsibility of the Rhode Island bureau of criminal identification to conduct the nationwide  
6 criminal records check pursuant to this section. The nationwide criminal records check will be  
7 provided to the applicant for employment without charge to the applicant and without charge to  
8 the prospective employer if the employer is a tax exempt corporation or an unincorporated  
9 nonprofit organization qualified under section 501(c) of the United States Internal Revenue Code,  
10 26 U.S.C. section 501(c).

11 (b) The provisions and requirements of having to provide a criminal records check from  
12 the bureau of criminal identification for a nationwide criminal records search shall also apply to  
13 any person or entity which provides any kind of service to children and minors up to the age of  
14 seventeen (17) whether as an employee, self-employed or volunteer. The director of the  
15 department of children, youth and families shall determine by rule those items of information  
16 appearing on a criminal records check which constitutes disqualifying information. Criminal  
17 background checks must be undergone every five (5) years from the date of the initial approval.

18 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 that all persons and entities which would provide any kind of  
2 service to children and minors up to the age of seventeen (17) be required to provide a criminal  
3 records check.

4           This act would take effect upon passage.

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