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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 - CRIMINAL RECORDS REVIEW

Introduced By: Senator Michael J. McCaffrey

Date Introduced: February 13, 2013

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, 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. [This provision shall not apply to](#)  
13 [persons mentoring students as part of a student proficiency-based graduation requirement or a](#)  
14 [student internship associated with a student's academic program.](#)

15           (b) The applicant shall apply to the bureau of criminal identification (BCI), department  
16 of attorney general, state police or local police department where they reside, for a national and  
17 state criminal records check. Fingerprinting shall be required. Upon the discovery of any  
18 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 (c) An employee against whom disqualifying information has been found may request  
4 that a copy of the criminal background report be sent to the employer who shall make a judgment  
5 regarding the employment of the employee.

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

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

11 (f) 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 the results of the checks.  
14 The applicant shall be responsible for the costs of the national and state criminal records check.

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

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO EDUCATION - CRIMINAL RECORDS REVIEW

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1           This act would exempt persons mentoring students as part of a student proficiency-based  
2 graduation requirement or a student internship associated with a student's academic program from  
3 the requirement of criminal record review.

4           This act would take effect upon passage.

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