

2026 -- H 7356

LC004591

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO EDUCATION -- SCHOOL EMPLOYEE BACKGROUND CHECKS

Introduced By: Representatives Chippendale, Santucci, and Place

Date Introduced: January 28, 2026

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

SECTION 1. Title 16 of the General Laws entitled "EDUCATION" is hereby amended by adding thereto the following chapter:

CHAPTER 21.9

SCHOOL EMPLOYEE EMPLOYMENT BACKGROUND CHECKS

16-21.9-1. Definitions.

(a) As used in this chapter:

(1) "Abused or neglected child" or "child abuse" shall have the same meaning as defined in § 40-11-2.

(2) "Sexual misconduct" means any verbal, nonverbal, written, or electronic communication, or any other act directed toward or with a student that is designed to establish a sexual relationship with the student, including a sexual invitation, dating or soliciting a date, engaging in sexual dialogue, making sexually suggestive comments, self-disclosure or physical exposure of a sexual or erotic nature, and any other sexual, indecent or erotic contact with a student.

16-21.9-2. Requirements for certain school employees.

(a) A school district, charter school, nonpublic school, or contracted service provider holding a contract with a school district, charter school, or nonpublic school shall not employ for pay or contract for the paid services of any person serving in a position which involves regular contact with students unless the school district, charter school, nonpublic school, or contracted service provider:

1 (1) Conducts any criminal background check of the applicant required by the provisions of
2 § 16-2-18.1.

3 (2) Requires the applicant to provide:

4 (i) A list, including name, address, telephone number and other relevant contact
5 information of the applicant's:

6 (A) Current employer;

7 (B) All former employers within the last twenty (20) years that were schools;

8 (C) All former employers within the last twenty (20) years where the applicant was
9 employed in a position that involved direct contact with children; and

10 (D) A written authorization that consents to and authorizes disclosure of the information
11 requested under this section and the release of related records by the applicant's employers listed
12 under this section, and that releases those employers from liability that may arise from the
13 disclosure or release of records;

14 (ii) A written statement as to whether the applicant:

15 (A) Has been the subject of any child abuse or sexual misconduct investigation by any
16 employer, state licensing agency, law enforcement agency, or the department of children, youth
17 and families, and if applicable, whether the investigation resulted in a finding that the allegations
18 were false or the alleged incident of child abuse or sexual misconduct was not substantiated;

19 (B) Has ever been disciplined, discharged, nonrenewed, asked to resign from employment,
20 resigned from or otherwise separated from any employment while allegations of child abuse or
21 sexual misconduct were pending or under investigation, or as a result of an adjudication or finding
22 of child abuse or sexual misconduct;

23 (C) Has ever had a professional license, or certificate suspended, surrendered, or revoked
24 while allegations of child abuse or sexual misconduct were pending or under investigation, or as a
25 result of an adjudication or finding of child abuse or sexual misconduct; or

26 (D) Has ever been the subject of a lawsuit, claim or complaint by an individual claiming
27 that the applicant abused or neglected a child.

28 (b) An employment hiring entity subject to subsection (a) of this section, upon receipt of
29 the information and documentation required pursuant to subsection (a)(2) of this section, shall
30 conduct a review of and confirm the circumstances of the employment history of the applicant by
31 contacting those employers listed by the applicant and requesting the following information:

32 (1) The dates of employment of the applicant; and

33 (2) A statement as to whether the applicant:

34 (i) Was the subject of any child abuse or sexual misconduct investigation by the employer,

1 a state licensing agency, a law enforcement agency, or the department of children, youth and
2 families, or applicable state investigated agency;

3 (ii) Was disciplined, discharged, nonrenewed, asked to resign from employment, resigned
4 from or otherwise separated from any employment while allegations of child abuse or sexual
5 misconduct were pending or under investigation, or due to an adjudication or finding of child abuse
6 or sexual misconduct; and

7 (iii) Has ever had a professional license, or certificate suspended, surrendered, or revoked
8 while allegations of child abuse or sexual misconduct were pending or under investigation, or due
9 to an adjudication or finding of child abuse or sexual misconduct.

10 (c) The review of the employment history may be conducted through telephonic, electronic,
11 or written communications. If the review is conducted by telephone, the results of the review shall
12 be documented in writing by the prospective employer.

13 **16-21.9-3. Penalties.**

14 (a) An applicant who willfully provides false information or willfully fails to disclose
15 information required in §16-21.9-2:

16 (1) Shall be subject to discipline up to, and including, termination or denial of employment;
17 and

18 (2) May be subject to a civil penalty of not more than five hundred dollars (\$500).

19 (b) A school district, charter school, nonpublic school, or contracted service provider
20 holding a contract with a school district, charter school, or nonpublic school shall include a
21 notification of the penalties set forth in this section on all applications for employment for positions
22 which involve regular contact with students.

23 **16-21.9-4. Verification of prior employment information.**

24 (a) No later than twenty (20) days after receiving a request for information and the
25 applicant's signed authorization under §16-21.9-2, a Rhode Island employer that has or had an
26 employment relationship within the last twenty (20) years with the applicant shall disclose the
27 information requested.

28 (b) The employment hiring entity subject to the provisions of subsection (a) of this section,
29 in conducting the review of the employment history of an out-of-state applicant, shall make, and
30 document with specificity, diligent efforts to:

31 (1) Verify the information provided by the applicant pursuant to this chapter; and

32 (2) Obtain from any co-operating out-of-state employers listed by the applicant the
33 information requested pursuant to this chapter.

34 (c) If an out-of-state employer fails to provide the information requested pursuant to §16-

1 21.9-2, within the twenty (20) days, then the employment hiring entity shall to the extent reasonably
2 available review and document the applicant's prior out-of-state employment history from
3 alternative sources to include, but not be limited to, any employment records in the applicant's
4 possession, contact with the applicant's former supervisors or co-employees, information from
5 licensing agencies, documentation from unions or professional organizations and tax returns of the
6 applicant.

7 (c) If the result of the background check conducted pursuant to § 16-2-18.1 is negative
8 regarding any disqualifying information but the responses to either the applicant's questions
9 required pursuant to § 16-21.9-2(a)(2), or any information received in the course of the verification
10 pursuant to § 16-21.9-4 raises questions regarding the applicant's character or fitness to interact
11 with children, then the hiring entity shall not allow or permit any access by the applicant to any
12 child or student in the care, custody or supervision of the hiring entity unless and until after final
13 investigation and the applicant has been cleared of all possible past wrongful conduct subject to
14 this chapter, and the hiring entity has established that the applicant possesses appropriate character
15 and fitness to interact and supervise children.

16 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 -- SCHOOL EMPLOYEE BACKGROUND CHECKS

- 1 This act would provide for a comprehensive criminal and employment background check
- 2 procedure for all school employees.
- 3 This act would take effect upon passage.

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