

ASSEMBLY, No. 622

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman RALPH R. CAPUTO

District 28 (Essex)

Assemblyman THOMAS P. GIBLIN

District 34 (Essex and Passaic)

Co-Sponsored by:

Assemblywomen Tucker and Jasey

SYNOPSIS

Requires employees of private entity with access to student information under contract with DOE, school districts, or charter schools to undergo criminal background check.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning criminal history record checks, amending
2 P.L.1998, c.31, and supplementing P.L.1986, c.116 (C.18A:6-7.1
3 et seq.).
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 1. (New section) a. The Department of Education, a school
9 district, or a charter school shall not contract with a private entity
10 for services which involve access to student information, including
11 the monitoring of student social media activity, unless the
12 employees of the private entity who will have access to student
13 information demonstrate that no criminal history record information
14 exists on file in the Federal Bureau of Investigation, Identification
15 Division, or the State Bureau of Identification which would
16 disqualify that individual from employment in the public schools of
17 this State pursuant to the provisions of P.L.1986, c.116 (C.18A:6-
18 7.1 et seq.). No criminal history record check shall be conducted
19 without the individual's written consent to the check. The applicant
20 for the criminal history record check shall bear the cost of the
21 check, including all costs for administering and processing the
22 check.

23 b. The Commissioner of Education shall apply the same
24 requirements, procedures, and standards and shall proceed in the
25 same manner as is prescribed in P.L.1986, c.116 (C.18A:6-7.1 et
26 seq.) for determining whether the applicant would be qualified or
27 disqualified for employment in the public schools. Upon receipt of
28 the criminal history record information, the commissioner shall
29 inform the applicant of his determination in writing. The
30 commissioner shall also provide written notification to the board of
31 education or the charter school board of trustees. The Department
32 of Education, school district, or charter school shall not enter into a
33 contract with the private entity if the criminal history record check
34 of any employee who has access to student information, including
35 the monitoring of student social media activity, reveals a record of
36 conviction for any crime or offense enumerated in section 1 of
37 P.L.1986, c.116 (C.18A:6-7.1).
38

39 2. Section 13 of P.L.1998, c.31 (C.18A:6-7.2a) is amended to
40 read as follows:

41 13. The Commissioner of Education is authorized to:

42 a. receive all criminal history data necessary to complete the
43 criminal history records check as required pursuant to P.L.1986,
44 c.116 (C.18A:6-7.1 et seq.) **[and]**, section 6 of P.L.1989, c.104
45 (C.18A:39-19.1), and P.L. , c. (C.) (pending before the

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 Legislature as this bill), or as permitted pursuant to P.L.1989, c.229
2 (C.18A:6-4.13 et seq.);

3 b. receive all data in accordance with section 3 of P.L.1986,
4 c.116 (C.18A:6-7.3), section 6 of P.L.1989, c.104 (C.18A:39-19.1)
5 and section 3 of P.L.1989, c. 229 (C.18A:6-4.15), on charges
6 pending against an employee or school bus driver who has
7 previously undergone a criminal history records check; and

8 c. adjust the fees set by the Department of Education for the
9 criminal history records checks.
10 (cf: P.L.2002, c.119, s.5)

11

12 3. This act shall take effect immediately.

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15 STATEMENT

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17 This bill provides that the Department of Education, school
18 districts, and charter schools may not enter into a contract for the
19 services of a private entity, which services will involve access to
20 student information, including the monitoring of student social
21 media activity, unless the employees of the private entity who will
22 have access to student information undergo a criminal history
23 records check. Under the bill, the Commissioner of Education will
24 apply the same requirements, procedures, and standards, and
25 proceed in the same manner as established under the criminal
26 history records check law for public school employees in
27 determining whether an individual would be disqualified from
28 having access to student information. The individual will pay for
29 the cost of the background check. The department, school district,
30 or charter school will not be permitted to enter into a contract with
31 the private entity if the criminal history record check of any
32 employee who has access to student information reveals a record of
33 conviction for any disqualifying crime or offense.