

ASSEMBLY, No. 1525

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman KEVIN J. ROONEY

District 40 (Bergen, Essex, Morris and Passaic)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

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District 26 (Essex, Morris and Passaic)

Co-Sponsored by:

Assemblywoman Dunn

SYNOPSIS

Requires certain candidates for employment with DOE to undergo criminal history background check.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 3/16/2020)

1 **AN ACT** concerning criminal history record checks for certain
2 applicants for employment with the Department of Education,
3 amending P.L.1998, c.31, and supplementing P.L.1986, c.116
4 (C.18A:6-7.1 et seq.).

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

8
9 1. (New section) a. The Department of Education shall not
10 employ any person to serve in a position which involves entering
11 school facilities as part of the position's job responsibilities, unless
12 the department has first determined that no criminal history record
13 information exists on file in the Federal Bureau of Investigation,
14 Identification Division, or the State Bureau of Identification which
15 would disqualify that individual from employment in the public
16 schools of this State pursuant to the provisions of P.L.1986, c.116
17 (C.18A:6-7.1 et seq.).

18 b. The applicant for employment shall submit to the
19 Commissioner of Education his or her name, address, and
20 fingerprints taken in accordance with procedures established by the
21 commissioner. The commissioner is authorized to exchange
22 fingerprint data with, and receive criminal history record
23 information from, the Federal Bureau of Investigation and the
24 Division of State Police for use in making the determinations
25 required by this section. No criminal history record check shall be
26 conducted without the applicant's written consent to the check. The
27 applicant shall bear the cost for the check, including all costs for
28 administering and processing the check.

29 c. The commissioner shall apply the same requirements,
30 procedures, and standards and shall proceed in the same manner as
31 is prescribed in P.L.1986, c.116 (C.18A:6-7.1 et seq.) for
32 determining whether the applicant would be qualified or
33 disqualified for employment in the public schools, and shall inform
34 the applicant of his determination in writing. The Department of
35 Education shall not employ the applicant to serve in a position
36 covered by this section if the applicant's criminal history record
37 check reveals a record of conviction for which public school
38 employment candidates are disqualified pursuant to section 1 of
39 P.L.1986, c.116 (C.18A:6-7.1).

40 d. Following qualification for employment with the
41 Department of Education pursuant to this section, the State Bureau
42 of Identification shall immediately forward to the Commissioner of
43 Education any information which the bureau receives on a charge
44 pending against an employee of the department who was required to
45 undergo a criminal history record check as a condition of

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 employment. If the pending charge results in conviction for any
2 crime or offense enumerated in section 1 of P.L.1986, c.116
3 (C.18A:6-7.1), the employee shall not be eligible for continued
4 employment in a position covered by this section.

5 e. Notwithstanding the provisions of this section, an individual
6 shall not be disqualified from employment under this section on the
7 basis of any conviction disclosed by a criminal history record check
8 performed pursuant to this section without an opportunity to
9 challenge the accuracy of the disqualifying criminal history record.

10
11 2. Section 13 of P.L.1998, c.31 (C.18A:6-7.2a) is amended to
12 read as follows:

13 13. The Commissioner of Education is authorized to:

14 a. receive all criminal history data necessary to complete the
15 criminal history records check as required pursuant to P.L.1986,
16 c.116 (C.18A:6-7.1 et seq.) **[and]** , section 6 of P.L.1989, c.104
17 (C.18A:39-19.1), and P.L. , c. (C.) (pending before the
18 Legislature as this bill), or as permitted pursuant to P.L.1989, c.229
19 (C.18A:6-4.13 et seq.);

20 b. receive all data in accordance with section 3 of P.L.1986,
21 c.116 (C.18A:6-7.3), section 6 of P.L.1989, c.104 (C.18A:39-19.1)
22 **[and]** , section 3 of P.L.1989, c. 229 (C.18A:6-4.15) , and
23 P.L. , c. (C.) (pending before the Legislature as this bill) on
24 charges pending against an employee or school bus driver who has
25 previously undergone a criminal history records check; and

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

29
30 3. This act shall take effect immediately.

31 32 33 STATEMENT

34
35 This bill requires a candidate for employment with the New
36 Jersey Department of Education for a position which involves
37 entering school facilities as part of the position's job
38 responsibilities, to undergo a criminal history record check. The
39 applicant will provide written consent to the check and will pay for
40 the cost of the check. Under the bill, the Commissioner of
41 Education will apply the same requirements, procedures, and
42 standards and will proceed in the same manner as established under
43 the criminal history record check law for public school employees
44 in determining whether an individual would be disqualified from
45 employment. The department will not be permitted to employ the
46 applicant in a position that involves entering school facilities if the
47 applicant's criminal history record check reveals a record of

1 conviction for any disqualifying crime or offense enumerated in the
2 criminal history record check law for public school employees.

3 In addition, the bill provides that, following qualification for
4 employment with the department, the State Bureau of Identification
5 will forward to the commissioner any information received on a
6 charge pending against an employee of the department who was
7 required to undergo a criminal history record check as a condition
8 of employment. If the charge results in a conviction for one of the
9 disqualifying crimes or offenses enumerated in the criminal history
10 record check law for public school employees, the employee will be
11 ineligible for continued employment with the department in a
12 position that involves entering school facilities.

13 This bill would implement a recommendation contained in the
14 State Auditor's report on the audit of the Department of Education,
15 Administration, for the period of July 1, 2014 to July 31, 2016.