

ASSEMBLY, No. 4115

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 7, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Harmonizes the disqualifying offenses and certain other criminal history record background check requirements applicable to home instructors employed under DOE or DHS authority.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning home instructors, and amending P.L.1986,
2 c.116 and P.L.1999, c.358.

3

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

6

7 1. Section 1 of P.L.1986, c.116 (C.18A:6-7.1) is amended to
8 read as follows:

9 1. A facility, center, school, or school system under the
10 supervision of the Department of Education and board of education
11 which cares for, or is involved in the education of children under
12 the age of 18 shall not employ for pay , or contract for the paid
13 services of , any teaching staff member or substitute teacher,
14 teacher aide, child study team member, school physician, school
15 nurse, custodian, school maintenance worker, cafeteria worker,
16 school law enforcement officer, school secretary or clerical worker,
17 or any other person serving in a position which involves regular
18 contact with pupils unless the employer has first determined,
19 consistent with the requirements and standards of **[this act]**
20 P.L.1986, c.116 (C.18A:6-7.1 et seq.), that no criminal history
21 record information exists on file in the Federal Bureau of
22 Investigation, **[Identification Division,]** or in the State Bureau of
23 Identification in the Division of State Police, which would
24 disqualify that individual from being employed or utilized in such
25 capacity or position. An individual who is employed, in the
26 capacity of a school bus driver, by a board of education, or by a
27 school bus contractor holding a contract with a board of education,
28 **[in the capacity of a school bus driver,]** shall be required to meet
29 the criminal history record requirements established pursuant to
30 section 6 of P.L.1989, c.104 (C.18A:39-19.1). A facility, center,
31 school, or school system under the supervision of the Department of
32 Education and board of education which cares for, or is involved in
33 the education of children under the age of 18 may require criminal
34 history record background checks for individuals who, on an unpaid
35 voluntary basis, provide services that involve regular contact with
36 pupils. In the case of school districts involved in a sending-
37 receiving relationship, the decision to require criminal history
38 record background checks for volunteers shall be made jointly by
39 the boards of education of the sending and receiving districts.

40 An individual, except as provided in subsection g. of this section,
41 shall be permanently disqualified from employment or service
42 under **[this act]** P.L.1986, c.116 (C.18A:6-7.1 et seq.) if the
43 individual's criminal history record background check reveals a
44 record of conviction for any offense that constitutes a crime of the
45 first or second degree; or for any of the following offenses:

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 a. An offense against the family, children, or incompetents, as
 2 set forth in [chapter 14 of Title 2C of the New Jersey Statutes, or as
 3 set forth in N.J.S.2C:24-4 and 2C:24-7, or as set forth in]
 4 N.J.S.2C:24-1 et seq., or R.S.9:6-1 et seq.], or as set forth in
 5 N.J.S.2C:29-2] , or a crime of the fourth degree involving a victim
 6 who is a minor child ; [or]
- 7 b. An offense involving the manufacture, transportation, sale,
 8 possession, distribution, or habitual use of a ["]controlled
 9 dangerous substance["] , as [defined] set forth in the
 10 "Comprehensive Drug Reform Act of 1987," N.J.S.2C:35-1 et al.,
 11 or ["] an offense involving drug paraphernalia["] , as [defined
 12 pursuant to] set forth in N.J.S.2C:36-1 et seq.; [or]
- 13 c. (1) [A crime involving the use of force or the threat of force
 14 to or upon] An offense against a person [or property including, but
 15 not limited to, robbery, aggravated assault, stalking, kidnapping,
 16 arson, manslaughter and murder] , as set forth in N.J.S.2C:11-
 17 1 et seq., N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-
 18 1 et seq., or N.J.S.2C:15-1 et seq.; [or]
- 19 (2) [A crime] One of the following offenses against property:
 20 (a) Arson, as set forth in N.J.S.2C:17-1;
 21 (b) Causing or risking widespread injury or damage, as set forth
 22 in N.J.S.2C:17-2;
 23 (c) Criminal mischief, as set forth in N.J.S.2C:17-3;
 24 (d) Burglary, as set forth in N.J.S.2C:18-2; or
 25 (e) Theft constituting a crime of the third degree, as set forth in
 26 N.J.S.2C:20-1 et seq.;
- 27 (3) A weapons offense, as set forth in [chapter 39 of Title 2C of
 28 the New Jersey Statutes, a third degree crime as set forth in chapter
 29 20 of Title 2C of the New Jersey Statutes, or a crime as listed
 30 below:
- | | |
|--|-----------------------------|
| 31 Recklessly endangering another person | N.J.S.2C:12-2 |
| 32 Terroristic threats | N.J.S.2C:12-3 |
| 33 Criminal restraint | N.J.S.2C:13-2 |
| 34 Luring, enticing child into motor | |
| 35 vehicle, structure or isolated area | P.L.1993, c.291 (C.2C:13-6) |
| 36 Causing or risking widespread injury | |
| 37 or damage | N.J.S.2C:17-2 |
| 38 Criminal mischief | N.J.S.2C:17-3 |
| 39 Burglary | N.J.S.2C:18-2 |
- 40 Usury] N.J.S.2C:39-1 et seq.;
 41 (4) A usury offense, as set forth in N.J.S.2C:21-19 ;
 42 [Threats] (5) An offense involving threats and other improper
 43 influence , as set forth in N.J.S.2C:27-3 ;
 44 [Perjury and] (6) An offense involving perjury, as set forth in
 45 N.J.S.2C:28-1, or false swearing [N.J.S.2C:28-3], as set forth in
 46 N.J.S.2C:28-2;

- 1 **【Resisting】** (7) An offense involving resisting arrest or eluding
2 an officer, as set forth in N.J.S.2C:29-2
- 3 **【Escape】**, or escape from official detention, as set forth in
4 N.J.S.2C:29-5 ;
- 5 **【Bias】** (8) An offense involving bias intimidation , as set forth
6 in N.J.S.2C:16-1; or
- 7 **【(3) Any crime of the fourth degree involving a victim who is a**
8 **minor; or**
- 9 **(4) Conspiracy】** (9) A conspiracy or attempt to commit 【or an
10 attempt to commit】 any of the 【crimes】 offenses described in this
11 【act】 section.
- 12 d. For the purposes of this section, a conviction exists if the
13 individual **【has】** , at any time , has been convicted under the laws
14 of this State , or has been convicted under **【any similar statutes】** the
15 laws of the United States or any other state **【for a substantially**
16 **equivalent crime or other offense】** or jurisdiction for conduct
17 which, if committed in New Jersey, would constitute any of the
18 offenses described in this section.
- 19 e. Notwithstanding the provisions of this section to the
20 contrary, an individual shall not be disqualified from employment
21 or service under **【this act】** P.L.1986, c.116 (C.18A:6-7.1 et seq.) on
22 the basis of any conviction disclosed by a criminal record check
23 performed pursuant to this 【act without】 section unless the
24 individual has first been provided with an opportunity to challenge
25 the accuracy of the disqualifying criminal history record.
- 26 f. When charges are pending for **【a crime or any other】** an
27 offense enumerated in this section, the employing board of
28 education shall be notified that the candidate shall not be eligible
29 for employment until the commissioner has made a determination
30 regarding the candidate’s qualification or disqualification upon
31 adjudication of the pending charges.
- 32 g. This section shall **【first】** apply to criminal history record
33 background checks conducted on or after the effective date of
34 P.L.1998, c.31 (C.18A:6-7.1c et al.); except that **【in the case of】** , if
35 an individual is employed by a board of education or a contracted
36 service provider 【who is】 as of the effective date of P.L.1998, c.31
37 (C.18A:6-7.1c et al.), and the individual is thereafter required to
38 undergo a criminal history record background check upon
39 employment with another board of education or contracted service
40 provider, the individual shall be disqualified only for the following
41 offenses:
- 42 (1) any offense enumerated in this section prior to the effective
43 date of P.L.1998, c.31 (C.18A:6-7.1c et al.); and
- 44 (2) any offense enumerated in this section which had not been
45 enumerated in this section prior to the effective date of P.L.1998,

1 c.31 (C.18A:6-7.1c et al.), if the person was convicted of that
2 offense on or after the effective date of that act.

3 h. If a prospective employee refuses to consent to, or cooperate
4 in, the securing of a criminal history record background check
5 pursuant to this section, the person shall not be considered for
6 employment.

7 i. If a current employee refuses to consent to, or cooperate in,
8 the securing of a criminal history record background check pursuant
9 to this section, the person shall be immediately removed from his
10 position and the person's employment shall be terminated.

11 (cf: P.L.2011, c.72, s.9)

12
13 2. Section 2 of P.L.1999, c.358 (C.30:6D-64) is amended to
14 read as follows:

15 2. a. Any community agency under contract with or licensed
16 by the Department of Human Services shall not pay or contract for
17 any employee or agency head for the provision of services unless it
18 has first been determined, consistent with the requirement and
19 standards of P.L.1999, c.358 (C.30:6D-63 et seq.), that no criminal
20 history record information exists on file in the Federal Bureau of
21 Investigation, **【Identification Division,】** or in the State Bureau of
22 Identification in the Division of State Police, which would
23 disqualify the community agency head or the community agency
24 employees from such employment. The determination shall be
25 made by the department.

26 A community care residence shall not be qualified to house
27 individuals unless it has first been determined, consistent with the
28 requirements and standards of P.L.1999, c.358 (C.30:6D-63 et seq.),
29 that no criminal history record information exists on file in the
30 Federal Bureau of Investigation, **【Identification Division,】** or in the
31 State Bureau of Identification in the Division of State Police, which
32 would disqualify the community care residence applicant,
33 community care residence alternate, or community care residence
34 household member. The determination shall be made by the
35 department.

36 A criminal history record background check shall be conducted
37 at least once every two years for a community agency head,
38 community care residence applicant, community care residence
39 alternate, community care residence household member, and
40 community agency employees; except that the department, in lieu of
41 conducting criminal history record background checks every two
42 years, may determine whether an individual has been convicted of
43 **【a crime or disorderly persons】** an offense **【which】** that would
44 disqualify that person by an alternative means, including, but not
45 limited to, a match of a person's Social Security number or other
46 identifying information with records of criminal proceedings in this
47 and other states. If the department elects to implement an
48 alternative means of determining whether an individual has been

1 convicted of **【a crime or disorderly persons】** an offense 【which】
2 that would disqualify that individual, the department shall report to
3 the Governor and the Legislature, prior to its implementation, on
4 the projected costs and procedures to be followed with respect to its
5 implementation and setting forth the rationale therefor. The
6 department shall notify the community agency or the community
7 care residence if an individual has been determined qualified or
8 disqualified as provided pursuant to P.L.1999, c.358 (C.30:6D-
9 63 et seq.). The department's determination of qualification shall
10 not require the community agency or community care residence to
11 employ the individual. The department's determination of
12 disqualification shall require the community agency or community
13 care residence to terminate employment or not offer employment to
14 the individual.

15 b. An individual shall be disqualified from employment under
16 P.L.1999, c.358 (C.30:6D-63 et seq.), or the community care
17 residence with whom the individual is associated shall not be
18 qualified to house individuals who receive department services, if
19 that individual's criminal history record background check reveals a
20 record of conviction of any of the following **【crimes and】** offenses:

21 (1) **【In New Jersey, any crime or disorderly persons offense:**

22 (a) Involving danger to the person, meaning those crimes and
23 disorderly persons offenses set forth in N.J.S.2C:11-1 et seq.,
24 N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq.
25 or N.J.S.2C:15-1 et seq. An offense that constitutes a crime of the
26 first or second degree; 【or

27 (b) Against **】** (2) An offense against the family, children, or
28 incompetents, 【meaning those crimes and disorderly persons
29 offenses】 as set forth in N.J.S.2C:24-1 et seq. or R.S.9:6-1 et seq.,
30 or a crime of the fourth degree involving a victim who is a minor
31 child; 【or

32 (c) A crime or **】** (3) An offense involving the manufacture,
33 transportation, sale, possession, or habitual use of a controlled
34 dangerous substance, as 【defined】 set forth in the 【"New Jersey
35 Controlled Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1
36 et seq.).】 “Comprehensive Drug Reform Act of 1987,” N.J.S.2C:35-
37 1 et al., or an offense involving drug paraphernalia, as set forth in
38 N.J.S.2C:36-1 et seq;

39 **【(2) In】** (4) An offense against a person, as set forth in
40 N.J.S.2C:11-1 et seq., N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq.,
41 N.J.S.2C:14-1 et seq., or N.J.S.2C:15-1 et seq.;

42 (5) One of the following offenses against property:

43 (a) Arson, as set forth in N.J.S.2C:17-1;

44 (b) Causing or risking widespread injury or damage, as set forth
45 in N.J.S.2C:17-2;

46 (c) Criminal mischief, as set forth in N.J.S.2C:17-3;

47 (d) Burglary, as set forth in N.J.S.2C:18-2; or

- 1 (e) Theft constituting a crime of the third degree, as set forth in
2 N.J.S.2C:20-1 et seq.;
3 (6) A weapons offense, as set forth in N.J.S.2C:39-1 et seq.;
4 (7) A usury offense, as set forth in N.J.S.2C:21-19;
5 (8) An offense involving threats and other improper influence,
6 as set forth in N.J.S.2C:27-3;
7 (9) An offense involving perjury, as set forth in N.J.S.2C:28-1,
8 or false swearing, as set forth in N.J.S.2C:28-2;
9 (10) An offense involving resisting arrest or eluding an officer,
10 as set forth in N.J.S.2C:29-2, or escape from official detention, as
11 set forth in N.J.S.2C:29-5;
12 (11) An offense involving bias intimidation, as set forth in
13 N.J.S.2C:16-1; or
14 (12) A conspiracy or attempt to commit any of the offenses
15 described in this subsection.
16 For the purposes of this subsection, a conviction exists if the
17 individual, at any time, has been convicted under the laws of this
18 State, or has been convicted under the laws of the United States or
19 any other state or jurisdiction**[, of]** for conduct which, if committed
20 in New Jersey, would constitute any of the **[crimes or disorderly**
21 **persons]** offenses described in **[paragraph (1) of]** this subsection.
22 c. If a prospective community agency employee or community
23 agency head refuses to consent to, or cooperate in, the securing of a
24 criminal history record background check pursuant to this section,
25 the person shall not be considered for employment. If a prospective
26 community care residence applicant, alternate, or household
27 member refuses to consent to, or cooperate in, the securing of a
28 criminal history record background check pursuant to this section,
29 the community care residence shall not be qualified to house
30 individuals who receive department services.
31 d. If an individual who is required pursuant to this section to
32 undergo a criminal history record background check refuses to
33 consent to, or cooperate in, the securing of a criminal history record
34 background check pursuant to this section, the person shall be
35 immediately removed from the person's position and the person's
36 employment shall be terminated or, if the individual is affiliated
37 with a community care residence, the community care residence
38 shall not be qualified to house individuals who receive department
39 services.
40 e. Notwithstanding the provisions of **[subsection b. of]** this
41 section to the contrary, provisional employment of an individual is
42 authorized for a period not to exceed six months if the individual
43 submits to the appointing authority a sworn statement attesting that
44 the individual has not been convicted of any **[crime or disorderly**
45 **persons]** offense **[as]** described in this **[act]** section, pending a
46 determination that no criminal history record background
47 information which would disqualify the individual exists on file in

1 the State Bureau of Identification in the Division of State Police or
2 in the Federal Bureau of Investigation~~], Identification Division]~~.
3 An individual who is provisionally employed pursuant to this
4 subsection shall perform ~~his~~ the person's duties under the
5 supervision of a superior who acts in a supervisory capacity over
6 that individual until the federal and State criminal history
7 determination ~~concerning the federal and State information~~ is
8 complete, where possible.

9 A community care residence shall not be qualified to house an
10 individual with developmental disabilities while a community care
11 residence applicant, alternate, or household member's criminal
12 history records background check is pending.

13 f. Notwithstanding the provisions of ~~subsection b. of~~ this
14 section to the contrary~~], no]~~:

15 (1) An individual shall not be disqualified from employment or
16 service under P.L.1999, c.358 (C.30:6D-63 et seq.) on the basis of
17 any conviction disclosed by a criminal history record background
18 check performed pursuant to this section unless the individual has
19 first been provided with an opportunity to challenge the accuracy of
20 the disqualifying criminal history record information.

21 (2) An individual shall not be disqualified from employment or
22 from being qualified as a community care residence applicant,
23 alternate, or household member on the basis of any conviction
24 disclosed by a criminal history record background check performed
25 pursuant to ~~sections 2 through 7 of P.L.1999, c.358 (C.30:6D-64~~
26 ~~through C.30:6D-69)]~~ this section if the individual has
27 affirmatively demonstrated to the department, clear and convincing
28 evidence of the individual's rehabilitation. In determining whether
29 an individual has affirmatively demonstrated rehabilitation, the
30 following factors shall be considered:

31 **[(1)]** (a) the nature and responsibility of the position which the
32 convicted individual would hold, has held or currently holds, as the
33 case may be;

34 **[(2)]** (b) the nature and seriousness of the offense;

35 **[(3)]** (c) the circumstances under which the offense occurred;

36 **[(4)]** (d) the date of the offense;

37 **[(5)]** (e) the age of the individual when the offense was
38 committed;

39 **[(6)]** (f) whether the offense was an isolated or repeated
40 incident;

41 **[(7)]** (g) any social conditions which may have contributed to
42 the offense; and

43 **[(8)]** (h) any evidence of rehabilitation, including good
44 conduct in prison or in the community, counseling or psychiatric
45 treatment received, acquisition of additional academic or vocational
46 schooling, successful participation in correctional work-release

1 programs, or the recommendation of those who have had the
2 individual under their supervision.

3 g. **【A conviction】** Notwithstanding the provisions of
4 subsection f. of this section to the contrary, an individual who has
5 been convicted of **【a crime or disorderly persons】** an offense
6 against **【children】** a child, as set forth in N.J.S.2C:24-4 or
7 N.J.S.9:6-1 et seq., shall be deemed to have committed an offense
8 that adversely relates to a position in a community agency that
9 involves or would involve working directly with a person under 18
10 years of age **【. Individuals convicted of such crimes or disorderly**
11 **persons offenses are】** , and the individual shall be permanently
12 disqualified from such employment at a community agency and
13 from being qualified to be a community care residence applicant,
14 alternate, or household member, regardless of their rehabilitation
15 status.

16 h. **【The】** An individual shall have no longer than 14 days from
17 the date of the written notice of disqualification issued pursuant to
18 section 4 of P.L.1999, c. 358 (C.30:6D-66) to provide evidence of
19 affirmatively demonstrated rehabilitation to the department as
20 provided pursuant to this section.

21 i. The department shall have no longer than 60 days from the
22 date of receipt of evidence of **【the】** an individual's affirmatively
23 **【developed】** demonstrated rehabilitation to make a determination
24 on the individual's qualification. The department shall notify the
25 individual and the community agency or community care residence
26 in writing of the determination of the individual's qualification or
27 disqualification no longer than 60 days from the date of receipt of
28 evidence of the individual's affirmatively **【developed】**
29 demonstrated rehabilitation. The written notice may be transmitted
30 electronically if the individual authorizes the department to transmit
31 the information electronically.

32 (cf: P.L.2017, c.328, s.2)

33
34 3. This act shall take effect immediately.

35 36 37 STATEMENT

38
39 This bill would reconcile and bring consistency to two separate,
40 but interrelated, statutory provisions that provide criminal history
41 background check requirements applicable to home instructors.
42 One statutory provision (N.J.S.A.18A:6-7.1) deals with criminal
43 history background checks that are undertaken by the Department
44 of Education (DOE) for persons who will be employed by facilities,
45 centers, schools, or school systems under DOE supervision, in
46 positions that require regular contact with pupils (including home
47 instructor positions). The other statutory provision (N.J.S.A.30:6D-

1 64) deals with criminal history background checks that are
2 undertaken by the Department of Human Services (DHS) for
3 persons who will be employed by a DHS community agency for the
4 purposes of providing direct contact services (including home
5 instruction services) to DHS clients with developmental disabilities.

6 As these two statutes are currently written, the background check
7 provisions that are applicable to individuals who are employed by
8 DHS are less stringent and include a lesser number of disqualifying
9 offenses than the provisions that are applicable to individuals who
10 are employed under DOE supervision. Because of this, an
11 individual may be authorized to act as a DHS home instructor even
12 if that individual has a conviction that would disqualify them from
13 employment as a home instructor under DOE authority.

14 This bill, therefore, would bring consistency to these two
15 statutory provisions by ensuring that the same offenses are
16 constituted as disqualifying offenses for home instructors employed
17 either by DOE or by DHS.

18 In particular, the bill would consolidate the lists of disqualifying
19 offenses that currently appear in the DOE and DHS statutes, in
20 order to specify that a person will be disqualified from employment,
21 under either statute, if they have been convicted of any of the
22 following offenses:

23 1) An offense that constitutes a crime of the first or second
24 degree;

25 2) An offense against the family, children, or incompetents, as
26 set forth in N.J.S.2C:24-1 et seq. or R.S.9:6-1 et seq., or a crime of
27 the fourth degree involving a victim who is a minor child;

28 3) An offense involving the manufacture, transportation, sale,
29 possession, or habitual use of a controlled dangerous substance, as
30 set forth in the "Comprehensive Drug Reform Act of 1987,"
31 N.J.S.2C:35-1 et al., or an offense involving drug paraphernalia, as
32 set forth in N.J.S.2C:36-1 et seq.;

33 4) An offense against a person, as set forth in N.J.S.2C:11-1 et
34 seq., N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et
35 seq., or N.J.S.2C:15-1 et seq.;

36 5) One of the following offenses against property: a) Arson, as
37 set forth in N.J.S.2C:17-1; b) Causing or risking widespread injury
38 or damage, as set forth in N.J.S.2C:17-2; c) Criminal mischief, as
39 set forth in N.J.S.2C:17-3; d) Burglary, as set forth in N.J.S.2C:18-
40 2; or e) Theft constituting a crime of the third degree, as set forth in
41 N.J.S.2C:20-1 et seq.;

42 6) A weapons offense, as set forth in N.J.S.2C:39-1 et seq.;

43 7) A usury offense, as set forth in N.J.S.2C:21-19;

44 8) An offense involving threats and other improper influence,
45 as set forth in N.J.S.2C:27-3;

46 9) An offense involving perjury, as set forth in N.J.S.2C:28-1,
47 or false swearing, as set forth in N.J.S.2C:28-2;

1 10) An offense involving resisting arrest or eluding an officer, as
2 set forth in N.J.S.2C:29-2, or escape from official detention, as set
3 forth in N.J.S.2C:29-5;

4 11) An offense involving bias intimidation, as set forth in
5 N.J.S.2C:16-1; or

6 12) A conspiracy or attempt to commit any of the offenses
7 described above.

8 The bill would also amend N.J.S.A.18A:6-7.1 to clarify
9 (consistent with the provisions of N.J.S.A.30:6D-64, which are
10 applicable to DHS employees) that whenever a current or
11 prospective DOE employee refuses to consent to, or cooperate in, a
12 criminal history record background check, such person will be
13 denied consideration for employment, or will be immediately
14 removed from their existing position of employment, as appropriate.
15 The bill would further clarify (consistent with the rules of due
16 process, and, in order to mirror the legal protection that is already
17 provided under N.J.S.A.18A:6-7.1 to DOE employees) that a person
18 may not be disqualified from DHS community agency employment
19 on the basis of criminal history record information unless the person
20 has first been given the opportunity to challenge the accuracy of
21 that disqualifying criminal history record information.

22 The bill would additionally make technical and clarifying
23 changes to ensure the proper and consistent use of other language
24 appearing in the relevant statutory provisions.

25 The need for this bill was highlighted in a 2014 report on
26 contracted home instruction services, which was issued by the
27 Office of the State Auditor. That report indicated that differences
28 in the statutory criminal history background check requirements
29 applicable to DOE and DHS employees had resulted, in practice, in
30 a situation where a person with prior convictions for burglary and
31 drug offenses was employed as a DHS home instructor despite the
32 fact that the same convictions would have disqualified the person
33 from employment as home instructor under DOE authority. As
34 evidenced by this example, therefore, this bill is needed to ensure
35 that criminal history record background check requirements are
36 uniformly applied, in practice, to all home instructors, and are not
37 subject to circumvention through the use of agency shopping
38 practices.