

SENATE, No. 2018

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 5, 2020

Sponsored by:

Senator JOSEPH A. LAGANA

District 38 (Bergen and Passaic)

SYNOPSIS

Provides that criminal history record checks for employees of nonpublic schools are mandatory.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the safety of children and amending P.L.1989,
2 c.229.

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.1989, c.229 (C.18A:6-4.13) is amended to
8 read as follows:

9 1. **Any** A nonpublic school **may** shall require as a
10 condition of employment all final candidates for employment or
11 service under contract with the school as a teacher, substitute
12 teacher, teacher aide, a school physician, school nurse, custodian,
13 maintenance worker, bus driver, security guard, secretary or clerical
14 worker or for any other position which involves regular contact
15 with pupils, to demonstrate that no criminal history record
16 information exists on file in the Federal Bureau of Investigation,
17 Identification Division, or the State Bureau of Identification which
18 would disqualify that individual from employment in the public
19 schools of this State pursuant to the provisions of P.L.1986, c.116
20 (C.18A:6-7.1 et seq.). **Application of this requirement by a**
21 **nonpublic school shall be consistent and nondiscriminatory among**
22 **candidates.**

23 As used in this act, "nonpublic school" means an elementary or
24 secondary school within the State, other than a public school,
25 offering education in grades K-12 or any combination thereof,
26 wherein a child may legally fulfill compulsory school attendance
27 requirements.

28 (cf: P.L.1998, c.31, s.1)

29

30 2. Section 3 of P.L.1989, c.229 (C.18A:6-4.15) is amended to
31 read as follows:

32 3. The commissioner shall apply the same requirements,
33 procedures and standards and shall proceed in the same manner as
34 is prescribed in P.L.1986, c.116 (C.18A:6-7.1 et seq.) for
35 determining whether the applicant would be qualified or
36 disqualified for employment in the public schools and shall inform
37 the applicant of his determination in writing. The commissioner
38 shall also provide written notification to the chief administrator of
39 the nonpublic school **, which requires the criminal history record**
40 **check as a condition of employment,** of his determination as to
41 whether the candidate would be qualified or disqualified for
42 employment in the public schools.

43 Following qualification for employment pursuant to this section,
44 the State Bureau of Identification shall immediately forward to the
45 Commissioner of Education any information which the bureau on a

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 charge pending against an employee of the nonpublic school [which
2 requires a criminal history record check as a condition of
3 employment]. If the charge is for one of the crimes or offenses
4 enumerated in section 1 of P.L.1986, c.116 (C.18A:6-7.1), the
5 commissioner shall notify the chief administrator of the nonpublic
6 school.

7 (cf: P.L.2002, c.119, s.2)

8
9 3. Section 5 of P.L.1989, c.229 (C.18A:6-4.17) is amended to
10 read as follows:

11 5. An individual employed in any substitute capacity or
12 position by a nonpublic school [which requires a criminal history
13 record check, and] who is rehired annually by that school [.] shall
14 only be required to undergo a criminal history record check as
15 authorized pursuant to this act upon initial employment.

16 (cf: P.L.1989, c.229, s.5)

17
18 4. This act shall take effect immediately and shall first apply to
19 persons who are final candidates for employment by a nonpublic
20 school or service under contract with the school on and after the
21 effective date of this act.

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23
24 STATEMENT

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26 This bill makes it mandatory that a final candidate for
27 employment in a nonpublic school or for service under contract
28 with the school, who will have regular contact with students,
29 undergo a criminal history record check. Under current law, a
30 nonpublic school has the discretion to require such employees to
31 have the check. The applicant will continue to bear the cost of the
32 check, which is now the practice. The requirement for the criminal
33 history record check would first apply to persons who are final
34 candidates for employment on and after the bill's effective date.