

12/10/8

18A: 6-7.1b and 18A: 6-7.1c  
LEGISLATIVE HISTORY CHECKLIST

**NJSA:** 18A:6-7.1b and 18A:6-7.1c (Schools-- candidates for employment-- criminal history checks-- various amendments)

**CHAPTER 164**

**Laws Of:** 1987

**Bill No:** S2893

**Sponsor(s):** Feldman

**Date Introduced:** December 18, 1986

**Committee:** **Assembly:** -----  
**Senate:** Education

**Amended during passage:** No

**Date of Passage:** **Assembly:** May 18, 1987  
**Senate:** February 23, 1987

**Date of Approval:** July 7, 1987

**Following statements are attached if available:**

**Sponsor statement:** Yes  
**Committee statement:** **Assembly** No  
**Senate** Yes

**Fiscal Note:** No

**Veto Message:** No

**Message on Signing:** No

**Following were printed:**

**Reports:** No

**Hearings:** No

**SENATE, No. 2893**  
**STATE OF NEW JERSEY**

INTRODUCED DECEMBER 18, 1986

By Senator FELDMAN

Referred to Committee on Education

AN ACT concerning education and amending and supplementing  
P. L. 1986, c. 116.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. (New section) A board of education may employ a candidate  
2 provisionally for a period not to exceed six months, pending com-  
3 pletion of a criminal history records check required pursuant to  
4 P. L. 1986, c. 116 (C. 18A:6-7.1 et seq.) provided that the candidate  
5 submits to the commissioner a sworn statement attesting that the  
6 candidate has not been convicted of any crime or disorderly persons  
7 offense as described by that act.

1 2. (New section) An individual employed by a board of educa-  
2 tion in any substitute capacity or position, who is rehired annually  
3 by that board, shall only be required to undergo a criminal history  
4 record check as required pursuant to P. L. 1986, c. 116 (C.  
5 18A:6-7.1) upon initial employment.

1 3. Section 4 of P. L. 1986, c. 116 (C. 18A:6-7.4) is amended to  
2 read as follows:

3 4. The Commissioner of Education may maintain the records on  
4 a candidate for no longer than **[six months]** *one year* from the  
5 date of determination as to the candidate's qualification or dis-  
6 qualification for employment with an employer.

1 4. This act shall take effect immediately.

**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 printed in italics *thus* is new matter.**

**STATEMENT**

In October, 1986, legislation was passed (P. L. 1986, c. 116), which prohibits a board of education from employing any individual in a position which involves regular contact with children without first determining that no criminal history record information exists in the files of the Federal Bureau of Investigation, Identification Division or the State Bureau of Identification regarding a crime of sexual offense, child molestation or endangering the welfare of children.

Given the delay attendant upon obtaining the federal records, this requirement has made it difficult for boards of education to fill positions in a timely manner. This bill would allow a board of education to hire an individual on a provisional basis, provided that the individual submits a sworn statement that he or she has not been convicted of such a crime. It also provides that an individual hired as a substitute on an annual basis would only have to undergo the criminal records check at the time of initial employment by the board.

The bill would also allow the commissioner of education to retain the records of the criminal background check for a period of one year rather than six months originally provided for.

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**EDUCATION—GENERAL**

**Makes sundry changes to law requiring criminal history records checks on candidates for employment in the public schools.**

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SENATE EDUCATION COMMITTEE  
STATEMENT TO  
**SENATE, No. 2893**  

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**STATE OF NEW JERSEY**  

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DATED: FEBRUARY 19, 1987

The Senate Education Committee favorably reports Senate Bill No. 2893 without Senate Committee amendments.

This bill amends and supplements P. L. 1986, c. 116 (C. 18A:6-7.1 et seq.) to facilitate the operation of the criminal history records check of board of education employees mandated by that October, 1986 act. The act prohibits a board of education from employing an individual in a position which involves regular contact with children without first determining that no criminal history record information exists in the files of the Federal Bureau of Investigation or the State Bureau of Identification regarding a crime of sexual offense, child molestation or endangering the welfare of a child.

Early experience with the law indicates that delays in obtaining the federal records have made it difficult for local boards to fill positions in a timely fashion. This bill would permit a board to hire an individual on a provisional basis, while awaiting the completion of the records check. The employee would be required to submit a sworn statement that he or she had not been convicted of a crime covered by P. L. 1986, c. 116.

To facilitate the implementation of the program, this bill provides that a substitute teacher hired on an annual basis by a board would only have to undergo the check upon initial employment, and authorizes the commissioner of education to retain the records of the criminal history record check for one year rather than six months.

This bill is identical to Assembly Bill No. 3588 which was released by the Assembly Education Committee on February 2, 1987 and is currently on second reading in the General Assembly.