



P.L. 2018, CHAPTER 5, *approved April 11, 2018*  
Senate, No. 414 (*Second Reprint*)

1 AN ACT concerning <sup>1</sup>**[public]**<sup>1</sup> school employees and  
2 supplementing chapter 6 of Title 18A of the New Jersey Statutes.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 <sup>1</sup>1. As used in this act:

8 “Child abuse” means any conduct that falls under the purview  
9 and reporting requirements of P.L.1971, c.437 (C.9:6-8.8 et seq.)  
10 and is directed toward or against a child or student, regardless of the  
11 age of the child or student.

12 “Sexual misconduct” means any verbal, nonverbal, written, or  
13 electronic communication, or any other act directed toward or with  
14 a student that is designed to establish a sexual relationship with the  
15 student, including a sexual invitation, dating or soliciting a date,  
16 engaging in sexual dialogue, making sexually suggestive comments,  
17 self-disclosure or physical exposure of a sexual or erotic nature, and  
18 any other sexual, indecent or erotic contact with a student.<sup>1</sup>

19  
20 <sup>1</sup>**[1.]** 2.<sup>1</sup> A school district, charter school, <sup>1</sup>nonpublic school,<sup>1</sup>  
21 or contracted service provider holding a contract with a school  
22 district <sup>1</sup>**[or]** <sup>1</sup>,<sup>1</sup> charter school <sup>1</sup>, or nonpublic school<sup>1</sup> shall not  
23 employ for pay or contract for the paid services of any person  
24 serving in a position which involves regular contact with students  
25 unless the school district, charter school, <sup>1</sup>nonpublic school,<sup>1</sup> or  
26 contracted service provider:

27 a. Requires the applicant to provide:

28 (1) A list, including name, address, telephone number and other  
29 relevant contact information of the applicant’s:

30 (a) current employer;

31 (b) all former employers <sup>2</sup>within the last 20 years<sup>2</sup> that were  
32 schools; and

33 (c) all former employers <sup>2</sup>within the last 20 years<sup>2</sup> where the  
34 applicant was employed in a position that involved direct contact  
35 with children; and

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SED committee amendments adopted January 25, 2018.

<sup>2</sup>Assembly AED committee amendments adopted February 12, 2018.

1 (2) A written authorization that consents to and authorizes  
2 disclosure of the information requested under subsection b. of this  
3 section and the release of related records by the applicant's  
4 employers listed under paragraph (1) of this subsection, and that  
5 releases those employers from liability that may arise from the  
6 disclosure or release of records;

7 (3) A written statement as to whether the applicant:

8 (a) has been the subject of any child abuse or sexual misconduct  
9 investigation by any employer, State licensing agency, law  
10 enforcement agency, or the <sup>2</sup>【Division of Child Protection and  
11 Permanency in the】<sup>2</sup> Department of Children and Families, unless  
12 the investigation resulted in a finding that the allegations were false  
13 or the <sup>2</sup>alleged<sup>2</sup> incident of child abuse <sup>2</sup>or sexual misconduct<sup>2</sup> was  
14 not substantiated;

15 (b) has ever been disciplined, discharged, nonrenewed, asked to  
16 resign from employment, resigned from or otherwise separated from  
17 any employment while allegations of child abuse or sexual  
18 misconduct were pending or under investigation, or due to an  
19 adjudication or finding of child abuse or sexual misconduct; or

20 (c) has ever had a license, professional license, or certificate  
21 suspended, surrendered, or revoked while allegations of child abuse  
22 or sexual misconduct were pending or under investigation, or due to  
23 an adjudication or finding of child abuse or sexual misconduct;  
24 and

25 b. Conducts a review of the employment history of the  
26 applicant by contacting those employers listed by the applicant  
27 under the provisions of paragraph (1) of subsection a. of this section  
28 and requesting the following information:

29 (1) The dates of employment of the applicant; and

30 (2) A statement as to whether the applicant:

31 (a) was the subject of any child abuse or sexual misconduct  
32 investigation by any employer, State licensing agency, law  
33 enforcement agency, or the <sup>2</sup>【Division of Child Protection and  
34 Permanency in the】<sup>2</sup> Department of Children and Families, unless  
35 the investigation resulted in a finding that the allegations were false  
36 or the <sup>2</sup>alleged<sup>2</sup> incident of child abuse <sup>2</sup>or sexual misconduct<sup>2</sup> was  
37 not substantiated;

38 (b) was disciplined, discharged, nonrenewed, asked to resign  
39 from employment, resigned from or otherwise separated from any  
40 employment while allegations of child abuse or sexual misconduct  
41 were pending or under investigation, or due to an adjudication or  
42 finding of child abuse or sexual misconduct; or

43 (c) has ever had a license, professional license, or certificate  
44 suspended, surrendered, or revoked while allegations of child abuse  
45 or sexual misconduct were pending or under investigation, or due to  
46 an adjudication or finding of child abuse or sexual misconduct.

1 <sup>1</sup>The review of the employment history may be conducted  
2 through telephonic, electronic, or written communications. If the  
3 review is conducted by telephone, the results of the review shall be  
4 documented in writing by the prospective employer.<sup>1</sup>

5  
6 <sup>1</sup>~~[2.]~~ 3.<sup>1</sup> a. An applicant who <sup>1</sup>willfully<sup>1</sup> provides false  
7 information or willfully fails to disclose information required in  
8 subsection a. of section <sup>1</sup>~~[1]~~ 2<sup>1</sup> of this act:

9 (1) shall be subject to discipline up to, and including,  
10 termination or denial of employment;

11 (2) may be deemed in violation of <sup>2</sup>subsection a. of<sup>2</sup>  
12 N.J.S.2C:28-3; <sup>2</sup>and<sup>2</sup>

13 (3) may be subject to a civil penalty of not more than \$500  
14 which shall be collected in proceedings in accordance with the  
15 “Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10  
16 et seq.).

17 b. A school district, charter school, <sup>1</sup>nonpublic school,<sup>1</sup> or  
18 contracted service provider holding a contract with a school district  
19 <sup>1</sup>~~[or],~~<sup>1</sup> charter school <sup>1</sup>, or nonpublic school<sup>1</sup> shall include a  
20 notification of the penalties set forth in this section on all  
21 applications for employment for positions which involve regular  
22 contact with students.

23  
24 <sup>1</sup>~~[3.]~~ 4. a.<sup>1</sup> No later than 20 days after receiving a request for  
25 information under subsection b. of section <sup>1</sup>~~[1]~~ 2<sup>1</sup> of this act, an  
26 employer that has or had an employment relationship <sup>2</sup>within the  
27 last 20 years<sup>2</sup> with the applicant shall disclose the information  
28 requested <sup>1</sup>~~[on a standardized form developed by the Department of~~  
29 ~~Education]~~<sup>1</sup>.

30 <sup>1</sup>b. The prospective employer, in conducting the review of the  
31 employment history of an out-of-State applicant, shall make, and  
32 document with specificity, diligent efforts to:

33 (1) verify the information provided by the applicant pursuant to  
34 subsection a. of section 2 of this act; and

35 (2) obtain from any out-of-State employers listed by the  
36 applicant the information requested pursuant to subsection b. of  
37 section 2 of this act.

38 c. The failure of an employer to provide the information  
39 requested pursuant to subsection b. of section 2 of this act within  
40 the 20 day timeframe established under subsection a. of this section  
41 may be grounds for the automatic disqualification of an applicant  
42 from employment with a school district, charter school, nonpublic  
43 school, or contracted service provider. A school district, charter  
44 school, nonpublic school, or contracted service provider shall not be  
45 liable for any claims brought by an applicant who is not offered  
46 employment or whose employment is terminated:

1 (1) because of any information received by the school district,  
2 charter school, nonpublic school, or contracted service provider  
3 from an employer pursuant to section 2 of this act; or

4 (2) due to the inability of the school district, charter school,  
5 nonpublic school, or contracted service provider to conduct a full  
6 review of the applicant's employment history pursuant to subsection  
7 b. of section 2 of this act.

8 d. A school district, charter school, nonpublic school, or  
9 contracted service provider shall have the right to immediately  
10 terminate an individual's employment or rescind an offer of  
11 employment if:

12 (1) the applicant is offered employment or commences  
13 employment with the school district, charter school, nonpublic  
14 school, or contracted service provider following the effective date  
15 of this act; and

16 (2) information regarding the applicant's history of sexual  
17 misconduct or child abuse is subsequently discovered or obtained  
18 by the employer that the employer determines disqualifies the  
19 applicant or employee from employment with the school district,  
20 charter school, nonpublic school, or contracted service provider.

21 The termination of employment pursuant to this subsection shall  
22 not be subject to any grievance or appeals procedures or tenure  
23 proceedings pursuant to any <sup>2</sup>[collective bargaining] collectively  
24 bargained or negotiated<sup>2</sup> agreement or any law, rule, or regulation.<sup>1</sup>  
25

26 <sup>1</sup>[4.] 5. a.<sup>1</sup> After reviewing the information disclosed under  
27 subsection b. of section <sup>1</sup>[1] 2<sup>1</sup> of this act and finding an  
28 affirmative response to any of the inquiries in paragraph (2) of  
29 subsection b. of section <sup>1</sup>[1] 2<sup>1</sup> of this act, the prospective  
30 employer, prior to determining to continue with the applicant's job  
31 application process, shall make further inquiries of the applicant's  
32 current or former employer to ascertain additional details regarding  
33 the matter disclosed.

34 <sup>1</sup>b. A school district, charter school, nonpublic school, or  
35 contracted service provider may employ or contract with an  
36 applicant on a provisional basis for a period not to exceed 90 days  
37 pending review by the school district, charter school, nonpublic  
38 school, or contracted service provider of information received  
39 pursuant to section 2 of this act, provided that all of the following  
40 conditions are satisfied:

41 (1) the applicant has complied with subsection a. of section 2 of  
42 this act;

43 (2) the school district, charter school, nonpublic school, or  
44 contracted service provider has no knowledge or information  
45 pertaining to the applicant that the applicant is required to disclose  
46 pursuant to paragraph (3) of subsection a. of section 2 of this act;  
47 and

1       (3) the school district, charter school, nonpublic school, or  
2 contracted service provider determines that special or emergent  
3 circumstances exist that justify the temporary employment of the  
4 applicant.<sup>1</sup>

5  
6       <sup>1</sup>**[5.]** 6.<sup>1</sup> a. Information received by an employer under this act  
7 shall not be deemed a public record under P.L.1963, c.73 (C.47:1A-

8 1 et seq.) or the common law concerning access to public records.  
9       b. An employer, school district, charter school, <sup>1</sup>nonpublic  
10 school,<sup>1</sup> school administrator, or contracted service provider that  
11 provides information or records about a current or former employee  
12 or applicant shall be immune from criminal and civil liability for  
13 the disclosure of the information, unless the information or records  
14 provided were knowingly false. The immunity shall be in addition  
15 to and not in limitation of any other immunity provided by law.

16  
17       <sup>1</sup>**[6.]** 7.<sup>1</sup> a. On or after the effective date of this act, a school  
18 district, charter school, <sup>1</sup>nonpublic school,<sup>1</sup> or contracted service  
19 provider may not enter into a <sup>2</sup>**[collective negotiations]** collectively  
20 bargained or negotiated<sup>2</sup> agreement, an employment contract, an  
21 agreement for resignation or termination, a severance agreement, or  
22 any other contract or agreement or take any action that:

23       (1) has the effect of suppressing or destroying information  
24 relating to an investigation related to a report of suspected child  
25 abuse or sexual misconduct by a current or former employee;

26       (2) affects the ability of the school district, charter school,  
27 <sup>1</sup>nonpublic school,<sup>1</sup> or contracted service provider to report  
28 suspected child abuse or sexual misconduct to the appropriate  
29 authorities; or

30       (3) requires the school district, charter school, <sup>1</sup>nonpublic  
31 school,<sup>1</sup> or contracted service provider to expunge information  
32 about allegations or finding of suspected child abuse or sexual  
33 misconduct from any documents maintained by the school district,  
34 charter school, <sup>1</sup>nonpublic school,<sup>1</sup> or contracted service provider,  
35 unless after investigation the allegations are found to be false or the  
36 <sup>2</sup>alleged<sup>2</sup> incident of child abuse <sup>2</sup>or sexual misconduct<sup>2</sup> has not  
37 been substantiated.

38       b. Any provision of an employment contract or agreement for  
39 resignation or termination or a severance agreement that is  
40 executed, amended, or entered into after the effective date of this  
41 act and that is contrary to this section shall be void and  
42 unenforceable.

43  
44       <sup>1</sup>8. a. The Department of Education shall establish a public  
45 awareness campaign to publicize the provisions of this act and to  
46 ensure applicants and employers are aware of their respective rights  
47 and responsibilities under this act. The department shall post on its

1 website guidance documents and any other informational materials  
2 that may assist applicants and employers in the implementation of  
3 and compliance with this act.

4 b. The department shall develop forms for applicants and  
5 employers that may be used to comply with the requirements of  
6 subsections a. and b. of section 2 of this act, as well as any other  
7 forms necessary to carry out the provisions of this act.<sup>1</sup>

8  
9 <sup>1</sup>**[7.]** 9.<sup>1</sup> This act shall take effect <sup>1</sup>**[immediately]** on the first  
10 day of the second month following enactment, but the Department  
11 of Education may take any anticipatory administrative action in  
12 advance as may be necessary for the implementation of this act<sup>1</sup>.

13  
14  
15  
16

17 \_\_\_\_\_  
18 Requires school districts, charter schools, nonpublic schools, and  
19 contracted service providers to review employment history of  
20 prospective employees who will have regular contact with students  
to ascertain allegations of child abuse or sexual misconduct.

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

"Governor signs bill to keep alleged abusers out of schools," Associated Press State Wire: New Jersey, April 11, 2018  
"Murphy signs bill to prevent 'passing trash' - Law aims to keep schools from hiring teachers accused of sexual misconduct," The Star Ledger, April 12, 2018  
"Gov signs law to keep schools from hiring accused sex abusers," The Jersey Journal, April 13, 2018  
"New law designed to keep child predators out of schools - Murphy signs new law to help keep child predators out of NJ schools," The Press of Atlantic City, April 13, 2018  
"Governor signs bill to screen teacher history," The Record, April 13, 2018

RWH/JA



# SENATE, No. 414

## STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Senator JOSEPH PENNACCHIO**

**District 26 (Essex, Morris and Passaic)**

**Senator ANTHONY R. BUCCO**

**District 25 (Morris and Somerset)**

**SYNOPSIS**

Requires school districts, charter schools, and contracted service providers to review employment history of prospective employees to ascertain allegations of child abuse or sexual misconduct and includes penalties for certain willful violations.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning public school employees and supplementing  
2 chapter 6 of Title 18A of the New Jersey Statutes.

3

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

6

7 1. A school district, charter school, or contracted service  
8 provider holding a contract with a school district or charter school  
9 shall not employ for pay or contract for the paid services of any  
10 person serving in a position which involves regular contact with  
11 students unless the school district, charter school, or contracted  
12 service provider:

13 a. Requires the applicant to provide:

14 (1) A list, including name, address, telephone number and other  
15 relevant contact information of the applicant's:

16 (a) current employer;

17 (b) all former employers that were schools; and

18 (c) all former employers where the applicant was employed in a  
19 position that involved direct contact with children; and

20 (2) A written authorization that consents to and authorizes  
21 disclosure of the information requested under subsection b. of this  
22 section and the release of related records by the applicant's  
23 employers listed under paragraph (1) of this subsection, and that  
24 releases those employers from liability that may arise from the  
25 disclosure or release of records;

26 (3) A written statement as to whether the applicant:

27 (a) has been the subject of any child abuse or sexual misconduct  
28 investigation by any employer, State licensing agency, law  
29 enforcement agency, or the Division of Child Protection and  
30 Permanency in the Department of Children and Families, unless the  
31 investigation resulted in a finding that the allegations were false or  
32 the incident of child abuse was not substantiated;

33 (b) has ever been disciplined, discharged, nonrenewed, asked to  
34 resign from employment, resigned from or otherwise separated from  
35 any employment while allegations of child abuse or sexual  
36 misconduct were pending or under investigation, or due to an  
37 adjudication or finding of child abuse or sexual misconduct; or

38 (c) has ever had a license, professional license, or certificate  
39 suspended, surrendered, or revoked while allegations of child abuse  
40 or sexual misconduct were pending or under investigation, or due to  
41 an adjudication or finding of child abuse or sexual misconduct;

42 and

43 b. Conducts a review of the employment history of the applicant  
44 by contacting those employers listed by the applicant under the  
45 provisions of paragraph (1) of subsection a. of this section and  
46 requesting the following information:

47 (1) The dates of employment of the applicant; and

48 (2) A statement as to whether the applicant:

1 (a) was the subject of any child abuse or sexual misconduct  
2 investigation by any employer, State licensing agency, law  
3 enforcement agency, or the Division of Child Protection and  
4 Permanency in the Department of Children and Families, unless the  
5 investigation resulted in a finding that the allegations were false or  
6 the incident of child abuse was not substantiated;

7 (b) was disciplined, discharged, nonrenewed, asked to resign  
8 from employment, resigned from or otherwise separated from any  
9 employment while allegations of child abuse or sexual misconduct  
10 were pending or under investigation, or due to an adjudication or  
11 finding of child abuse or sexual misconduct; or

12 (c) has ever had a license, professional license, or certificate  
13 suspended, surrendered, or revoked while allegations of child abuse  
14 or sexual misconduct were pending or under investigation, or due to  
15 an adjudication or finding of child abuse or sexual misconduct.

16

17 2. a. An applicant who provides false information or willfully  
18 fails to disclose information required in subsection a. of section 1 of  
19 this act:

20 (1) shall be subject to discipline up to, and including, termination  
21 or denial of employment;

22 (2) may be deemed in violation of N.J.S.2C:28-3;

23 (3) may be subject to a civil penalty of not more than \$500 which  
24 shall be collected in proceedings in accordance with the "Penalty  
25 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

26 b. A school district, charter school, or contracted service  
27 provider holding a contract with a school district or charter school  
28 shall include a notification of the penalties set forth in this section  
29 on all applications for employment for positions which involve  
30 regular contact with students.

31

32 3. No later than 20 days after receiving a request for  
33 information under subsection b. of section 1 of this act, an employer  
34 that has or had an employment relationship with the applicant shall  
35 disclose the information requested on a standardized form  
36 developed by the Department of Education.

37

38 4. After reviewing the information disclosed under subsection  
39 b. of section 1 of this act and finding an affirmative response to any  
40 of the inquiries in paragraph (2) of subsection b. of section 1 of this  
41 act, the prospective employer, prior to determining to continue with  
42 the applicant's job application process, shall make further inquiries  
43 of the applicant's current or former employer to ascertain additional  
44 details regarding the matter disclosed.

45

46 5. a. Information received by an employer under this act shall  
47 not be deemed a public record under P.L.1963, c.73 (C.47:1A-1 et  
48 seq.) or the common law concerning access to public records.

1       b. An employer, school district, charter school, school  
2 administrator, or contracted service provider that provides  
3 information or records about a current or former employee or  
4 applicant shall be immune from criminal and civil liability for the  
5 disclosure of the information, unless the information or records  
6 provided were knowingly false. The immunity shall be in addition  
7 to and not in limitation of any other immunity provided by law.

8  
9       6. a. On or after the effective date of this act, a school district,  
10 charter school, or contracted service provider may not enter into a  
11 collective negotiations agreement, an employment contract, an  
12 agreement for resignation or termination, a severance agreement, or  
13 any other contract or agreement or take any action that:

14       (1) has the effect of suppressing or destroying information  
15 relating to an investigation related to a report of suspected child  
16 abuse or sexual misconduct by a current or former employee;

17       (2) affects the ability of the school district, charter school, or  
18 contracted service provider to report suspected child abuse or  
19 sexual misconduct to the appropriate authorities; or

20       (3) requires the school district, charter school, or contracted  
21 service provider to expunge information about allegations or  
22 finding of suspected child abuse or sexual misconduct from any  
23 documents maintained by the school district, charter school, or  
24 contracted service provider, unless after investigation the  
25 allegations are found to be false or the incident of child abuse has  
26 not been substantiated.

27       b. Any provision of an employment contract or agreement for  
28 resignation or termination or a severance agreement that is  
29 executed, amended, or entered into after the effective date of this  
30 act and that is contrary to this section shall be void and  
31 unenforceable.

32  
33       7. This act shall take effect immediately.  
34  
35

36   STATEMENT  
37

38       This bill prohibits a school district, charter school, or contracted  
39 service provider holding a contract with a school district or charter  
40 school from employing a person serving in a position which  
41 involves regular contact with students unless the school district,  
42 charter school, or contracted service provider conducts a review of  
43 the employment history of the applicant by contacting former and  
44 current employers and requesting information regarding child abuse  
45 and sexual misconduct allegations. The school district, charter  
46 school, or contracted service provider must ask those employers for  
47 a statement as to whether the applicant:

- 1       • was the subject of any child abuse or sexual misconduct  
2       investigation by any employer, State licensing agency, law  
3       enforcement agency, or the Division of Child Protection and  
4       Permanency in the Department of Children and Families;  
5       • was disciplined, discharged, nonrenewed, asked to resign  
6       from employment, resigned from or otherwise separated  
7       from any employment while allegations of child abuse or  
8       sexual misconduct were pending or under investigation, or  
9       due to an adjudication or finding of child abuse or sexual  
10      misconduct; or  
11      • has ever had a license, professional license or certificate  
12      suspended, surrendered, or revoked while allegations of  
13      child abuse or sexual misconduct were pending or under  
14      investigation, or due to an adjudication or finding of child  
15      abuse or sexual misconduct.

16      The applicant must also provide his own written statement  
17      disclosing any of the same matters.

18      The applicant must provide a written authorization that consents  
19      to and authorizes disclosure of the information requested by the  
20      prospective employer and releases the applicant's former and  
21      current employers from any liability arising from the disclosure.

22      The information received by a prospective employer under the  
23      provisions of this bill is deemed not to be a public record. In  
24      addition, the bill provides that the entity providing information or  
25      records to the prospective employer will be immune from criminal  
26      and civil liability for the disclosure of the information, unless the  
27      information or records provided were knowingly false.

28      On or after the effective date of this bill, a school district, charter  
29      school, or contracted service provider may not enter into a  
30      collective negotiations agreement, an employment contract, an  
31      agreement for resignation or termination, a severance agreement, or  
32      any other contract or agreement or take any action that:

- 33      • has the effect of suppressing or destroying information  
34      relating to an investigation related to a report of suspected  
35      child abuse or sexual misconduct by a current or former  
36      employee;  
37      • affects the ability of the school district, charter school, or  
38      contracted service provider to report suspected child  
39      abuse or sexual misconduct to the appropriate authorities;  
40      or  
41      • requires the school district, charter school, or contracted  
42      service provider to expunge information about allegations  
43      or finding of suspected child abuse or sexual misconduct  
44      from any documents maintained by the school district,  
45      charter school, or contracted service provider, unless after  
46      investigation the allegations are found to be false or the  
47      incident of child abuse has not been substantiated.

1 Any provision of an employment contract or agreement for  
2 resignation or termination or a severance agreement that is  
3 executed, amended, or entered into after the effective date of the  
4 bill and that is contrary to these requirements will be void and  
5 unenforceable.

6 An applicant who gives false information or willfully fails to  
7 disclose information required to be provided under the bill will be  
8 subject to discipline, including termination or denial of  
9 employment. The applicant also may be deemed in violation of  
10 N.J.S.2C:28-3 which concerns false statements to authorities, and  
11 may be subject to certain civil penalties. The prospective employer  
12 is required to provide notification of these possible penalties to  
13 prospective employees in the employment application.

# ASSEMBLY EDUCATION COMMITTEE

## STATEMENT TO

[First Reprint]

## SENATE, No. 414

with committee amendments

# STATE OF NEW JERSEY

DATED: FEBRUARY 13, 2018

The Assembly Education Committee reports favorably Senate Bill No. 414 (1R) with committee amendments.

As amended, this bill prohibits a school district, charter school, nonpublic school, or contracted service provider holding a contract with a school district, nonpublic school, or charter school from employing a person serving in a position which involves regular contact with students unless the school district, charter school, nonpublic school, or contracted service provider conducts a review of the employment history of the applicant by contacting former and current employers and requesting information regarding child abuse and sexual misconduct allegations. The applicant will only be required to list employers from the prior twenty years that were schools or where the employment involved direct contact with children. The school district, charter school, nonpublic school, or contracted service provider must ask those employers for a statement as to whether the applicant:

- was the subject of any child abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement agency, or the Department of Children and Families;
- was disciplined, discharged, nonrenewed, asked to resign from employment, resigned from or otherwise separated from any employment while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct; or
- has ever had a license, professional license or certificate suspended, surrendered, or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct.

The applicant must also provide his own written statement disclosing any of the same matters.

The applicant must provide a written authorization that consents to and authorizes disclosure of the information requested by the prospective employer and releases the applicant's former and current employers from any liability arising from the disclosure.

On or after the effective date of this bill, a school district, charter school, nonpublic school, or contracted service provider may not enter into a collectively bargained or negotiated agreement, an employment contract, an agreement for resignation or termination, a severance agreement, or any other contract or agreement or take any action that:

- has the effect of suppressing or destroying information relating to an investigation related to a report of suspected child abuse or sexual misconduct by a current or former employee;
- affects the ability of the school district, charter school, nonpublic school, or contracted service provider to report suspected child abuse or sexual misconduct to the appropriate authorities; or
- requires the school district, charter school, nonpublic school, or contracted service provider to expunge information about allegations or findings of suspected child abuse or sexual misconduct from any documents maintained by the school district, charter school, nonpublic school, or contracted service provider, unless after investigation the allegations are found to be false or the alleged incident of child abuse or sexual misconduct has not been substantiated.

An applicant who gives false information or willfully fails to disclose information required to be provided under the bill will be subject to discipline, including termination or denial of employment. The applicant also may be deemed in violation of subsection a. of N.J.S.2C:28-3, and may be subject to certain civil penalties. The prospective employer is required to provide notification of these possible penalties to prospective employees in the employment application.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 3381 which also was reported by the committee on this same date.

#### COMMITTEE AMENDMENTS:

The committee amended the bill to:

- Require the applicant to provide a list of only those former employers from the prior 20 years. The amendments also include this time limitation in the provision that requires former employers to disclose the information requested by the prospective employer. The bill as introduced required the applicant to list all former employers that were schools or



where the applicant had regular contact with children, regardless of when that employment took place; and

- Make technical clarifications.

# SENATE EDUCATION COMMITTEE

## STATEMENT TO

### **SENATE, No. 414**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JANUARY 25, 2018

The Senate Education Committee favorably reports Senate Bill No. 414 with committee amendments.

This bill prohibits a school district, charter school, nonpublic school, or contracted service provider holding a contract with a school district, charter school, or nonpublic school from employing a person serving in a position which involves regular contact with students unless the school district, charter school, nonpublic school, or contracted service provider conducts a review of the employment history of the applicant by contacting former and current employers and requesting information regarding child abuse and sexual misconduct allegations. The school district, charter school, nonpublic school, or contracted service provider must ask those employers for a statement as to whether the applicant:

- was the subject of any child abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement agency, or the Division of Child Protection and Permanency in the Department of Children and Families;
- was disciplined, discharged, nonrenewed, asked to resign from employment, resigned from or otherwise separated from any employment while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct; or
- has ever had a license, professional license or certificate suspended, surrendered, or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct.

The applicant must also provide his own written statement disclosing any of the same matters.

The applicant must provide a written authorization that consents to and authorizes disclosure of the information requested by the prospective employer and releases the applicant's former and current employers from any liability arising from the disclosure.

The information received by a prospective employer under the provisions of this bill is deemed not to be a public record. In addition,

the bill provides that the entity providing information or records to the prospective employer will be immune from criminal and civil liability for the disclosure of the information, unless the information or records provided were knowingly false.

On or after the effective date of this bill, a school district, charter school, nonpublic school, or contracted service provider may not enter into a collective negotiations agreement, an employment contract, an agreement for resignation or termination, a severance agreement, or any other contract or agreement or take any action that:

- has the effect of suppressing or destroying information relating to an investigation related to a report of suspected child abuse or sexual misconduct by a current or former employee;
- affects the ability of the school district, charter school, nonpublic school, or contracted service provider to report suspected child abuse or sexual misconduct to the appropriate authorities; or
- requires the school district, charter school, nonpublic school, or contracted service provider to expunge information about allegations or findings of suspected child abuse or sexual misconduct from any documents maintained by the school district, charter school, nonpublic school, or contracted service provider, unless after investigation the allegations are found to be false or the incident of child abuse has not been substantiated.

Any provision of an employment contract or agreement for resignation or termination or a severance agreement that is executed, amended, or entered into after the effective date of the bill and that is contrary to these requirements will be void and unenforceable.

An applicant who willfully gives false information or willfully fails to disclose information required to be provided under the bill will be subject to discipline, including termination or denial of employment. The applicant also may be deemed in violation of N.J.S.2C:28-3 which concerns false statements to authorities, and may be subject to certain civil penalties. The prospective employer is required to provide notification of these possible penalties to prospective employees in the employment application.

The committee amended the bill to:

- Include a definition of “child abuse” and “sexual misconduct”;
- require nonpublic schools to adhere to the requirements of the bill;
- provide that the prospective employer, in conducting the review of the employment history of an out-of-State applicant, will make and document efforts to verify the information provided by the applicant and obtain from any out-of-State employers the requested information;

- Clarify that the review of the employment history may be conducted through telephonic, electronic, or written communications;
- Provide that if employment history information is requested and that information is not provided in the 20-day timeframe, it may be grounds for the disqualification of an applicant;
- Provide that an employer will not be liable for any claims brought by an applicant or employee who is not offered employment or whose employment is terminated because of information received regarding sexual misconduct or child abuse, or due to the inability of an employer to conduct a full review of the applicant's employment history;
- Provide that an employer has the right to terminate a person's employment or rescind an offer of employment if the person is offered employment or commences employment after the effective date of the bill and the information regarding sexual misconduct or child abuse is subsequently discovered or obtained;
- Provide procedures for employing a person on a provisional basis pending review of an applicant's employment history;
- Require the Department of Education to establish a public awareness campaign regarding provisions of the act and to develop forms which may be used to comply with the bill's requirements; and
- Revise the effective date to have the bill be effective on the first day of the second month following enactment, rather than immediately.

This bill was pre-filed for introduction in the 2018-2019 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

# ASSEMBLY, No. 3381

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 12, 2018

**Sponsored by:**

**Assemblywoman JOANN DOWNEY**

**District 11 (Monmouth)**

**Assemblyman JAY WEBBER**

**District 26 (Essex, Morris and Passaic)**

**Assemblywoman PAMELA R. LAMPITT**

**District 6 (Burlington and Camden)**

**Assemblyman JOSEPH A. LAGANA**

**District 38 (Bergen and Passaic)**

**Co-Sponsored by:**

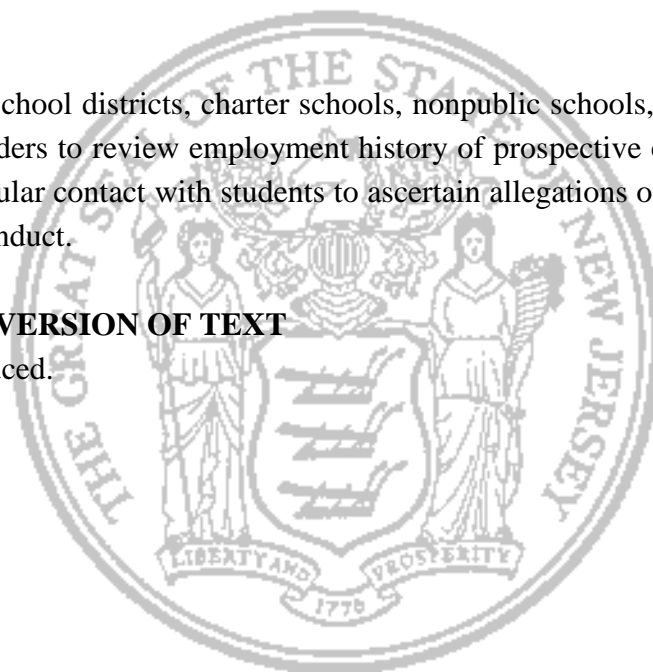
**Assemblywoman N.Munoz, Assemblymen Danielsen, A.M.Bucco, Space, Wimberly, Assemblywoman Mosquera, Assemblyman Harold J. Wirths, Assemblywomen McKnight, DiMaso, Assemblymen Benson, Thomson, Assemblywoman Murphy, Assemblyman Houghtaling, Assemblywomen Vainieri Huttie and Schepisi**

**SYNOPSIS**

Requires school districts, charter schools, nonpublic schools, and contracted service providers to review employment history of prospective employees who will have regular contact with students to ascertain allegations of child abuse or sexual misconduct.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/16/2018)**

1 AN ACT concerning school employees and supplementing chapter 6  
2 of Title 18A of the New Jersey Statutes.

3

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

6

7 1. As used in this act:

8 “Child abuse” means any conduct that falls under the purview  
9 and reporting requirements of P.L.1971, c.437 (C.9:6-8.8 et seq.)  
10 and is directed toward or against a child or student, regardless of the  
11 age of the child or student.

12 “Sexual misconduct” means any verbal, nonverbal, written, or  
13 electronic communication, or any other act directed toward or with  
14 a student that is designed to establish a sexual relationship with the  
15 student, including a sexual invitation, dating or soliciting a date,  
16 engaging in sexual dialogue, making sexually suggestive comments,  
17 self-disclosure or physical exposure of a sexual or erotic nature, and  
18 any other sexual, indecent or erotic contact with a student.

19

20 2. A school district, charter school, nonpublic school, or  
21 contracted service provider holding a contract with a school district,  
22 charter school, or nonpublic school shall not employ for pay or  
23 contract for the paid services of any person serving in a position  
24 which involves regular contact with students unless the school  
25 district, charter school, nonpublic school, or contracted service  
26 provider:

27 a. Requires the applicant to provide:

28 (1) A list, including name, address, telephone number and other  
29 relevant contact information of the applicant’s:

30 (a) current employer;

31 (b) all former employers within the last 20 years that were  
32 schools; and

33 (c) all former employers within the last 20 years where the  
34 applicant was employed in a position that involved direct contact  
35 with children; and

36 (2) A written authorization that consents to and authorizes  
37 disclosure of the information requested under subsection b. of this  
38 section and the release of related records by the applicant’s  
39 employers listed under paragraph (1) of this subsection, and that  
40 releases those employers from liability that may arise from the  
41 disclosure or release of records;

42 (3) A written statement as to whether the applicant:

43 (a) has been the subject of any child abuse or sexual misconduct  
44 investigation by any employer, State licensing agency, law  
45 enforcement agency, or the Department of Children and Families,  
46 unless the investigation resulted in a finding that the allegations  
47 were false or the alleged incident of child abuse or sexual  
48 misconduct was not substantiated;

1 (b) has ever been disciplined, discharged, nonrenewed, asked to  
2 resign from employment, resigned from or otherwise separated from  
3 any employment while allegations of child abuse or sexual  
4 misconduct were pending or under investigation, or due to an  
5 adjudication or finding of child abuse or sexual misconduct; or

6 (c) has ever had a license, professional license, or certificate  
7 suspended, surrendered, or revoked while allegations of child abuse  
8 or sexual misconduct were pending or under investigation, or due to  
9 an adjudication or finding of child abuse or sexual misconduct;  
10 and

11 b. Conducts a review of the employment history of the  
12 applicant by contacting those employers listed by the applicant  
13 under the provisions of paragraph (1) of subsection a. of this section  
14 and requesting the following information:

15 (1) The dates of employment of the applicant; and

16 (2) A statement as to whether the applicant:

17 (a) was the subject of any child abuse or sexual misconduct  
18 investigation by any employer, State licensing agency, law  
19 enforcement agency, or the Department of Children and Families,  
20 unless the investigation resulted in a finding that the allegations  
21 were false or the alleged incident of child abuse or sexual  
22 misconduct was not substantiated;

23 (b) was disciplined, discharged, nonrenewed, asked to resign  
24 from employment, resigned from or otherwise separated from any  
25 employment while allegations of child abuse or sexual misconduct  
26 were pending or under investigation, or due to an adjudication or  
27 finding of child abuse or sexual misconduct; or

28 (c) has ever had a license, professional license, or certificate  
29 suspended, surrendered, or revoked while allegations of child abuse  
30 or sexual misconduct were pending or under investigation, or due to  
31 an adjudication or finding of child abuse or sexual misconduct.

32 The review of the employment history may be conducted through  
33 telephonic, electronic, or written communications. If the review is  
34 conducted by telephone, the results of the review shall be  
35 documented in writing by the prospective employer.

36

37 3. a. An applicant who willfully provides false information or  
38 willfully fails to disclose information required in subsection a. of  
39 section 2 of this act:

40 (1) shall be subject to discipline up to, and including,  
41 termination or denial of employment;

42 (2) may be deemed in violation of subsection a. of N.J.S.2C:28-  
43 3; and

44 (3) may be subject to a civil penalty of not more than \$500  
45 which shall be collected in proceedings in accordance with the  
46 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10  
47 et seq.).

1       b. A school district, charter school, nonpublic school, or  
2 contracted service provider holding a contract with a school district,  
3 charter school, or nonpublic school shall include a notification of  
4 the penalties set forth in this section on all applications for  
5 employment for positions which involve regular contact with  
6 students.

7  
8       4. a. No later than 20 days after receiving a request for  
9 information under subsection b. of section 2 of this act, an employer  
10 that has or had an employment relationship within the last 20 years  
11 with the applicant shall disclose the information requested.

12       b. The prospective employer, in conducting the review of the  
13 employment history of an out-of-State applicant, shall make, and  
14 document with specificity, diligent efforts to:

15       (1) verify the information provided by the applicant pursuant to  
16 subsection a. of section 2 of this act; and

17       (2) obtain from any out-of-State employers listed by the  
18 applicant the information requested pursuant to subsection b. of  
19 section 2 of this act.

20       c. The failure of an employer to provide the information  
21 requested pursuant to subsection b. of section 2 of this act within  
22 the 20 day timeframe established under subsection a. of this section  
23 may be grounds for the automatic disqualification of an applicant  
24 from employment with a school district, charter school, nonpublic  
25 school, or contracted service provider. A school district, charter  
26 school, nonpublic school, or contracted service provider shall not be  
27 liable for any claims brought by an applicant who is not offered  
28 employment or whose employment is terminated:

29       (1) because of any information received by the school district,  
30 charter school, nonpublic school, or contracted service provider  
31 from an employer pursuant to section 2 of this act; or

32       (2) due to the inability of the school district, charter school,  
33 nonpublic school, or contracted service provider to conduct a full  
34 review of the applicant's employment history pursuant to subsection  
35 b. of section 2 of this act.

36       d. A school district, charter school, nonpublic school, or  
37 contracted service provider shall have the right to immediately  
38 terminate an individual's employment or rescind an offer of  
39 employment if:

40       (1) the applicant is offered employment or commences  
41 employment with the school district, charter school, nonpublic  
42 school, or contracted service provider following the effective date  
43 of this act; and

44       (2) information regarding the applicant's history of sexual  
45 misconduct or child abuse is subsequently discovered or obtained  
46 by the employer that the employer determines disqualifies the  
47 applicant or employee from employment with the school district,  
48 charter school, nonpublic school, or contracted service provider.



1 The termination of employment pursuant to this subsection shall  
2 not be subject to any grievance or appeals procedures or tenure  
3 proceedings pursuant to any collectively bargained or negotiated  
4 agreement or any law, rule, or regulation.

5

6 5. a. After reviewing the information disclosed under  
7 subsection b. of section 2 of this act and finding an affirmative  
8 response to any of the inquiries in paragraph (2) of subsection b. of  
9 section 2 of this act, the prospective employer, prior to determining  
10 to continue with the applicant's job application process, shall make  
11 further inquiries of the applicant's current or former employer to  
12 ascertain additional details regarding the matter disclosed.

13 b. A school district, charter school, nonpublic school, or  
14 contracted service provider may employ or contract with an  
15 applicant on a provisional basis for a period not to exceed 90 days  
16 pending review by the school district, charter school, nonpublic  
17 school, or contracted service provider of information received  
18 pursuant to section 2 of this act, provided that all of the following  
19 conditions are satisfied:

20 (1) the applicant has complied with subsection a. of section 2 of  
21 this act;

22 (2) the school district, charter school, nonpublic school, or  
23 contracted service provider has no knowledge or information  
24 pertaining to the applicant that the applicant is required to disclose  
25 pursuant to paragraph (3) of subsection a. of section 2 of this act;  
26 and

27 (3) the school district, charter school, nonpublic school, or  
28 contracted service provider determines that special or emergent  
29 circumstances exist that justify the temporary employment of the  
30 applicant.

31

32 6. a. Information received by an employer under this act shall  
33 not be deemed a public record under P.L.1963, c.73 (C.47:1A-1 et  
34 seq.) or the common law concerning access to public records.

35 b. An employer, school district, charter school, nonpublic  
36 school, school administrator, or contracted service provider that  
37 provides information or records about a current or former employee  
38 or applicant shall be immune from criminal and civil liability for  
39 the disclosure of the information, unless the information or records  
40 provided were knowingly false. The immunity shall be in addition  
41 to and not in limitation of any other immunity provided by law.

42

43 7. a. On or after the effective date of this act, a school district,  
44 charter school, nonpublic school, or contracted service provider  
45 may not enter into a collectively bargained or negotiated agreement,  
46 an employment contract, an agreement for resignation or  
47 termination, a severance agreement, or any other contract or  
48 agreement or take any action that:

1 (1) has the effect of suppressing or destroying information  
2 relating to an investigation related to a report of suspected child  
3 abuse or sexual misconduct by a current or former employee;

4 (2) affects the ability of the school district, charter school,  
5 nonpublic school, or contracted service provider to report suspected  
6 child abuse or sexual misconduct to the appropriate authorities; or

7 (3) requires the school district, charter school, nonpublic school,  
8 or contracted service provider to expunge information about  
9 allegations or findings of suspected child abuse or sexual  
10 misconduct from any documents maintained by the school district,  
11 charter school, nonpublic school, or contracted service provider,  
12 unless after investigation the allegations are found to be false or the  
13 alleged incident of child abuse or sexual misconduct has not been  
14 substantiated.

15 b. Any provision of an employment contract or agreement for  
16 resignation or termination or a severance agreement that is  
17 executed, amended, or entered into after the effective date of this  
18 act and that is contrary to this section shall be void and  
19 unenforceable.

20

21 8. a. The Department of Education shall establish a public  
22 awareness campaign to publicize the provisions of this act and to  
23 ensure applicants and employers are aware of their respective rights  
24 and responsibilities under this act. The department shall post on its  
25 website guidance documents and any other informational materials  
26 that may assist applicants and employers in the implementation of  
27 and compliance with this act.

28 b. The department shall develop forms for applicants and  
29 employers that may be used to comply with the requirements of  
30 subsections a. and b. of section 2 of this act, as well as any other  
31 forms necessary to carry out the provisions of this act.

32

33 9. This act shall take effect on the first day of the second month  
34 following enactment, but the Department of Education may take  
35 any anticipatory administrative action in advance as may be  
36 necessary for the implementation of this act.

37

38

39

STATEMENT

40

41 This bill prohibits a school district, charter school, nonpublic  
42 school, or contracted service provider holding a contract with a  
43 school district, nonpublic school, or charter school from employing  
44 a person serving in a position which involves regular contact with  
45 students unless the school district, charter school, nonpublic school,  
46 or contracted service provider conducts a review of the employment  
47 history of the applicant by contacting former and current employers  
48 and requesting information regarding child abuse and sexual

1 misconduct allegations. The applicant will only be required to list  
2 employers from the prior twenty years that were schools or where  
3 the employment involved direct contact with children. The school  
4 district, charter school, nonpublic school, or contracted service  
5 provider must ask those employers for a statement as to whether the  
6 applicant:

- 7 • was the subject of any child abuse or sexual misconduct  
8 investigation by any employer, State licensing agency, law  
9 enforcement agency, or the Department of Children and  
10 Families;
- 11 • was disciplined, discharged, nonrenewed, asked to resign  
12 from employment, resigned from or otherwise separated  
13 from any employment while allegations of child abuse or  
14 sexual misconduct were pending or under investigation, or  
15 due to an adjudication or finding of child abuse or sexual  
16 misconduct; or
- 17 • has ever had a license, professional license or certificate  
18 suspended, surrendered, or revoked while allegations of  
19 child abuse or sexual misconduct were pending or under  
20 investigation, or due to an adjudication or finding of child  
21 abuse or sexual misconduct.

22 The applicant must also provide his own written statement  
23 disclosing any of the same matters.

24 The applicant must provide a written authorization that consents  
25 to and authorizes disclosure of the information requested by the  
26 prospective employer and releases the applicant's former and  
27 current employers from any liability arising from the disclosure.

28 The information received by a prospective employer under the  
29 provisions of this bill is deemed not to be a public record. In  
30 addition, the bill provides that the entity providing information or  
31 records to the prospective employer will be immune from criminal  
32 and civil liability for the disclosure of the information, unless the  
33 information or records provided were knowingly false.

34 On or after the effective date of this bill, a school district, charter  
35 school, nonpublic school, or contracted service provider may not  
36 enter into a collectively bargained or negotiated agreement, an  
37 employment contract, an agreement for resignation or termination, a  
38 severance agreement, or any other contract or agreement or take any  
39 action that:

- 40 • has the effect of suppressing or destroying information  
41 relating to an investigation related to a report of suspected  
42 child abuse or sexual misconduct by a current or former  
43 employee;
- 44 • affects the ability of the school district, charter school,  
45 nonpublic school, or contracted service provider to report  
46 suspected child abuse or sexual misconduct to the  
47 appropriate authorities; or

- 1           • requires the school district, charter school, nonpublic  
2           school, or contracted service provider to expunge  
3           information about allegations or findings of suspected  
4           child abuse or sexual misconduct from any documents  
5           maintained by the school district, charter school,  
6           nonpublic school, or contracted service provider, unless  
7           after investigation the allegations are found to be false or  
8           the alleged incident of child abuse or sexual misconduct  
9           has not been substantiated.

10 Any provision of an employment contract or agreement for  
11 resignation or termination or a severance agreement that is  
12 executed, amended, or entered into after the effective date of the  
13 bill and that is contrary to these requirements will be void and  
14 unenforceable.

15 An applicant who gives false information or willfully fails to  
16 disclose information required to be provided under the bill will be  
17 subject to discipline, including termination or denial of  
18 employment. The applicant also may be deemed in violation of  
19 subsection a. of N.J.S.2C:28-3, and may be subject to certain civil  
20 penalties. The prospective employer is required to provide  
21 notification of these possible penalties to prospective employees in  
22 the employment application.

23 The bill also:

- 24           • Provides that an employer will not be liable for any claims  
25           brought by an applicant or employee who is not offered  
26           employment or whose employment is terminated because of  
27           information received regarding sexual misconduct or child  
28           abuse, or due to the inability of an employer to conduct a  
29           full review of the applicant's employment history;
- 30           • Provides that an employer has the right to terminate a  
31           person's employment or rescind an offer of employment if  
32           the person is offered employment or commences  
33           employment after the effective date of this bill and the  
34           information regarding sexual misconduct or child abuse is  
35           subsequently discovered or obtained; and
- 36           • Provides procedures for employing a person on a provisional  
37           basis pending review of an applicant's employment history.

# ASSEMBLY EDUCATION COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 3381

# STATE OF NEW JERSEY

DATED: FEBRUARY 13, 2018

The Assembly Education Committee reports favorably Assembly Bill No. 3381.

This bill prohibits a school district, charter school, nonpublic school, or contracted service provider holding a contract with a school district, nonpublic school, or charter school from employing a person serving in a position which involves regular contact with students unless the school district, charter school, nonpublic school, or contracted service provider conducts a review of the employment history of the applicant by contacting former and current employers and requesting information regarding child abuse and sexual misconduct allegations. The applicant will only be required to list employers from the prior twenty years that were schools or where the employment involved direct contact with children. The school district, charter school, nonpublic school, or contracted service provider must ask those employers for a statement as to whether the applicant:

- was the subject of any child abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement agency, or the Department of Children and Families;
- was disciplined, discharged, nonrenewed, asked to resign from employment, resigned from or otherwise separated from any employment while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct; or
- has ever had a license, professional license or certificate suspended, surrendered, or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct.

The applicant must also provide his own written statement disclosing any of the same matters.

The applicant must provide a written authorization that consents to and authorizes disclosure of the information requested by the prospective employer and releases the applicant's former and current employers from any liability arising from the disclosure.

On or after the effective date of this bill, a school district, charter school, nonpublic school, or contracted service provider may not enter into a collectively bargained or negotiated agreement, an employment contract, an agreement for resignation or termination, a severance agreement, or any other contract or agreement or take any action that:

- has the effect of suppressing or destroying information relating to an investigation related to a report of suspected child abuse or sexual misconduct by a current or former employee;
- affects the ability of the school district, charter school, nonpublic school, or contracted service provider to report suspected child abuse or sexual misconduct to the appropriate authorities; or
- requires the school district, charter school, nonpublic school, or contracted service provider to expunge information about allegations or findings of suspected child abuse or sexual misconduct from any documents maintained by the school district, charter school, nonpublic school, or contracted service provider, unless after investigation the allegations are found to be false or the alleged incident of child abuse or sexual misconduct has not been substantiated.

An applicant who gives false information or willfully fails to disclose information required to be provided under the bill will be subject to discipline, including termination or denial of employment. The applicant also may be deemed in violation of subsection a. of N.J.S.2C:28-3, and may be subject to certain civil penalties. The prospective employer is required to provide notification of these possible penalties to prospective employees in the employment application.

As reported by the committee, this bill is identical to Senate Bill No. 414 (1R), which was amended and also reported by the committee on this same date.

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# Newark, N.J.

## Governor Murphy Signs Legislation into Law to Strengthen Student Safety

04/11/2018

**Trenton-** Governor Phil Murphy today announced that he has signed the following bill into law:

**S-414/A-3381 (Pennacchio, Bucco, Ruiz /Downey, Webber, Lampitt, Lagana)** - Requires school districts, charter schools, nonpublic schools, and contracted service providers to review employment history of prospective employees who will have regular contact with students to ascertain allegations of child abuse or sexual misconduct.

“Ensuring our children are safe when they go to school every day is our number one priority,” **said Governor Murphy**. “By requiring public, charter, nonpublic schools and contracted service providers to perform a detailed investigation of prior employment histories of applicants who are applying for jobs entailing regular contact with students, this common-sense legislation will begin to fill a serious gap in our hiring system. Parents should have the peace of mind that their children attend school in an environment in which they can safely learn, grow, thrive and succeed.”

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### Governor Phil Murphy

### Statewide

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#### Key Initiatives

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#### Administration

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