

18A: 6-4.13

LEGISLATIVE HISTORY CHECKLIST

NJSA: 18A: 6-4.13

(Non-public schools--allow criminal history checks for employees)

LAWS OF: 1989

CHAPTER: 229

Bill No: A3665

Sponsor(s): Palaia

Date Introduced: September 1, 1988

Committee: Assembly: Education

Senate: Education

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: Assembly: December 19, 1988

Senate: December 14, 1989

Date of Approval: December 29, 1989

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

See Legislative History of L 1986, c.116

[FIRST REPRINT]
ASSEMBLY, No. 3665
STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 1, 1988

By Assemblymen PALAIA

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Trenton, N. J.

1 AN ACT concerning criminal history records checks of certain
final candidates for employment in certain nonpublic schools
3 ¹[and making an appropriation]¹.

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

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

As used in this act, "nonpublic school" means an elementary or
21 secondary school within the State, other than a public school,
offering education in grades K-12 or any combination thereof,
23 wherein a child may legally fulfill compulsory school attendance
requirements.¹

25 2. An applicant for employment or service in any of the
positions covered by this act shall submit to the Commissioner of
27 Education his or her name, address and fingerprints taken on
standard fingerprint cards by a State or municipal law
29 enforcement agency. The commissioner is hereby authorized to
exchange fingerprint data with and to receive criminal history
31 record information from the Federal Bureau of Investigation 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:

¹ Assembly AED committee amendments adopted November 21, 1988.

1 the Division of State Police for use in making the determinations
2 required by this act. No criminal history record check shall be
3 performed pursuant to this act unless the applicant shall have
4 furnished his or her written consent to such a check. The
5 applicant shall bear the cost for the criminal history record check
6 1, including all costs for administering and processing the check¹.

7 3. The commissioner shall apply the same requirements,
8 procedures and standards and shall proceed in the same manner as
9 is prescribed in P.L.1986, c.116 (C.18A:6-7.1 et seq.) for
10 determining whether the applicant would be qualified or
11 disqualified for employment in the public schools and shall inform
12 the applicant of his determination in writing. It shall be the
13 applicant's responsibility to present a copy of the
14 commissioner's letter to the nonpublic school which requires the
15 criminal history records check as a condition of employment.

16 4. The commissioner may maintain the records on a candidate
17 for no longer than one year from the date of a determination as
18 to the candidate's qualification or disqualification for
19 employment with an employer.

20 5. An individual employed in any substitute capacity or
21 position by a nonpublic school which requires a criminal history
22 record check, and who is rehired annually by that school, shall
23 only be required to undergo a criminal history record check as
24 authorized pursuant to this act upon initial employment.

25 ¹[6. There is appropriated \$20,000.00 from the General Fund
26 to the Department of Education to effectuate the purposes of
27 this act.]¹

28 ¹[7.] 6.¹ This act shall take effect immediately.

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31 EDUCATION
32 Nonpublic Schools

33

34 Permits certain nonpublic schools to obtain criminal record
35 checks on final candidates for employment.

1 the applicant of his determination in writing. It shall be the
2 applicant's responsibility to present a copy of the
3 commissioner's letter to the nonpublic school which requires the
criminal history records check as a condition of employment.

5 4. The commissioner may maintain the records on a candidate
for no longer than one year from the date of a determination as
7 to the candidate's qualification or disqualification for
employment with an employer.

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

15 6. There is appropriated \$20,000.00 from the General Fund to
the Department of Education to effectuate the purposes of this
act.

17 7. This act shall take effect immediately.

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STATEMENT

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This bill would permit a nonpublic school, which educates
23 children under the age of 18, to require that candidates for
employment in certain positions submit to a criminal history
25 record check. The check would be conducted by the
Commissioner of Education, using information from the Federal
27 Bureau of Investigation and the Division of State Police. The
procedures and criteria for the investigation would be the same
29 as those provided for public school employees pursuant to
P.L.1986, c.116 (C.18A:6-7.1 et seq.).

31 The bill provides that a nonpublic school may require a criminal
history record check for a candidate for employment in any
33 position which involves regular contact with pupils. The job
candidate would have to furnish written consent before the check
35 could be conducted and the candidate must bear the cost of the
check.

37 The commissioner shall apply the same standards for
employment as contained in P.L.1986, c.116 to determine if the

1 applicant has a history of conviction for crimes or offenses
involving sexual offense, child molestation, or endangering the
3 welfare of children or incompetents. An applicant with a history
of such convictions may affirmatively demonstrate to the
5 commissioner that he or she has been rehabilitated. The
commissioner shall inform the applicant in writing whether the
7 applicant would be qualified or unqualified for employment in the
public schools pursuant to P.L.1986, c.116. The applicant would
9 be responsible for presenting the commissioner's letter to the
nonpublic employer.

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EDUCATION
Nonpublic Schools

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Permits certain nonpublic schools to obtain criminal record
17 checks on final candidates for employment and appropriates
\$20,000.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3665

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 3, 1988

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The Assembly Education Committee favorably reports Assembly Bill No. 3665 as amended.

As amended, this bill would permit a nonpublic elementary or secondary school to require criminal history record checks for candidates for employment in any position which involves regular contact with pupils. The check would be conducted by the Commissioner of Education, using information from the Federal Bureau of Investigation and the Division of State Police. The procedures and criteria for the investigation would be the same as those provided for public school employees pursuant to P.L.1986, c.116 (C.18A:6-7.1 et seq.).

The job candidate would have to furnish written consent before the check could be conducted and must bear the cost of the check. The commissioner shall apply the same standards for employment as contained in P.L.1986, c.116 to determine if the applicant has a history of conviction for crimes or offenses involving sexual offense, child molestation, or endangering the welfare of children or incompetents. An applicant with a history of such convictions may affirmatively demonstrate to the commissioner that he or she has been rehabilitated. The commissioner shall inform the applicant in writing whether the applicant would be qualified or unqualified for employment in the public schools pursuant to P.L.1986, c.116. The applicant would be responsible for presenting the commissioner's letter to the nonpublic employer.

The committee amendments remove from the bill a \$20,000.00 appropriation to the Department of Education and provide that the fee charged to the applicant shall cover all administrative and processing costs. The amendments also define a private school and clarify the sponsor's intent that checks shall be performed in a nondiscriminatory manner.

SENATE EDUCATION COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 3665

STATE OF NEW JERSEY

DATED: JANUARY 12, 1989

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The Senate Education Committee favorably reports this bill without committee amendments.

This bill would permit a nonpublic elementary or secondary school to require criminal history record checks for candidates for employment in any position which involves regular contact with pupils. The check would be conducted by the Commissioner of Education, using information from the Federal Bureau of Investigation and the Division of State Police. The procedures and criteria for the investigation would be the same as those provided for public school employees pursuant to P.L.1986, c.116 (C.18A:6-7.1 et seq.).

The job candidate would have to furnish written consent before the check could be conducted and must bear the cost of the check. The commissioner shall apply the same standards for employment as contained in P.L.1986, c.116 to determine if the applicant has a history of conviction for crimes or offenses involving sexual offense, child molestation, or endangering the welfare of children or incompetents. An applicant with a history of such convictions may affirmatively demonstrate to the commissioner that he or she has been rehabilitated. The commissioner shall inform the applicant in writing whether the applicant would be qualified or unqualified for employment in the public schools pursuant to P.L.1986, c.116. The applicant would be responsible for presenting the commissioner's letter to the nonpublic employer.

This bill is identical to Senate Bill No. 3174.