

18A:6-7.1

LEGISLATIVE HISTORY CHECKLIST

NJSA: 18A:6-7.1 (School employees-- background security checks)

CHAPTER 116

Laws Of: 1986

Sponsor(s): S223

Date Introduced: Pre-filed

Committee: Assembly: Education; Appropriations

Senate: Education

Amended during passage: Yes according to Governor's recommendation

Substituted for A1906 (not attached since identical to S223). Amendments denoted by asterisks.

Date of Passage:

Assembly:

May 8, 1986 Re-enacted 9-29-86

Senate:

February 8, 1986 Re-enacted 7-31-86

Date of Approval: October 8, 1986

Following statements are attached if available:

Sponsor statement:

Yes

Committee statement:

Assembly

Yes

2-27-86 & 3-6-86

Senate

Yes

Fiscal Note:

No

Veto Message:

Yes

Message on Signing:

Yes

Following were printed:

Reports:

No

Hearings:

No

(OVER)

APPROVED

See newspaper clippings--attached

"Legislature votes bill ordering background check of school job applicants," 5-9-86 Star Ledger.

"School job 'checkups' mandated," 10-25-86 Trenton Times.

"School background checks slowed," 11-25-86 Trenton Times.

A2583 during 1984-1985 Legislative session--bill and Assembly committee statement--attached.

Public hearing on background checks for day care facilities:

974.90 New Jersey. Legislature. Senate. Institutions. Health and Welfare Committee.
C536 Public hearing, held 10-3-84.
1984d Trenton, N.J. 1984.

10-8-86

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 223

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Senator CONNORS

AN ACT concerning education and supplementing chapter 16 of Title 18A of the New Jersey Statutes ***and making an appropriation***.

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

1 1. ****[Every]**** ***No*** *facility, center, school, school system*
2 *under the supervision of the Department of Education and* board
3 *of education which cares for, or is involved in the education of*
4 *children under the age of 18, other than on a voluntary basis,**
5 shall ****[require all final* candidates for [initial]*** employment
6 ****[as defined pursuant to N. J. S. 18A:1-1,]*** *whether for compen-*
7 *sation or as a regularly utilized volunteer, in any capacity or posi-*
8 *tion, including support staff, staff and administration,** to submit
9 to the ****[county superintendent of schools]*** *Attorney General of*
10 *New Jersey* their name, address, ****[photograph]*** and fingerprints
11 *and a list of any offenses or crimes bearing upon or involving sex-*
12 *ual offense of child molestation as defined pursuant to Title 2C of*
13 *the New Jersey Statutes. The Department of Education shall also*
14 *require all final candidates for employment as in-school monitors,*
15 *consultants, supervisors or auditors to submit to the Attorney*
16 *General their name, address and fingerprints and a list of any*
17 *offenses or crimes bearing upon or involving sexual or child moles-*
18 *tation*.* This information shall be forwarded to the State Bureau of
19 Identification with a request for a ****[State and federal report]***
20 *criminal history records check of the files of the State Bureau of*
21 *Identification and the Federal Bureau of Investigation, Identifica-*
22 *tion Division,** on each ****[individual]*** *candidate*.*

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.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendments adopted January 23, 1986.

**—Senate amendments adopted in accordance with Governor's recommendations July 17, 1986.

23 If it appears from the report that ***[an individual]*** *the candi-*
 24 *date has not been convicted of an offense or crime bearing upon*
 25 *or involving sexual offense or child molestation as defined pursu-*
 26 *ant to Title 2C of the New Jersey Statutes, the Attorney General*
 27 *shall then inform the employer that the candidate is qualified for*
 28 *employment. If it appears from the report that the candidate**
 29 *has been convicted of a crime* ***[and that the]*** **or an* offense*
 30 ***[is of such character]*** **bearing upon or involving sexual offense*
 31 *or child molestation as defined pursuant to Title 2C of the New*
 32 *Jersey Statutes so** as to make it undesirable that ***[the candi-**
 33 **date]*** **he** should be employed by ***[a board of education]*** **that*
 34 *employer**, the ***[county superintendent]*** **Attorney General**
 35 *shall notify the* ***[board of education that the individual]*** **candi-*
 36 *date in writing within 15 days after receiving the information that*
 37 *a decision may be made finding the candidate disqualified for that*
 38 *position, setting forth the convictions which form the basis for this*
 39 *decision. The candidate shall then have 15 days in which to re-*
 40 *spond in writing to the Attorney General, explaining any error*
 41 *in the list of convictions or to withdraw his application for employ-*
 42 *ment. The Attorney General may then request additional proof*
 43 *of identification from the candidate and may seek additional re-*
 44 *ports from the State Bureau of Identification. After considering*
 45 *the candidate's written response, if any, and any additional reports*
 46 *from the State Bureau of Identification, the Attorney General shall*
 47 *then notify the State Board of Examiners, and, if the candidate*
 48 *has not withdrawn his application for employment, notify the em-*
 49 *ployer whether that candidate is cleared for consideration for*
 50 *employment or* **is disqualified from employment.]*** *** employ or*
 51 *contract for the services of any teaching staff member or substitute*
 52 *teacher, teacher aide, child study team member, school physician,*
 53 *school nurse, custodian, school maintenance worker, cafeteria*
 54 *worker, bus driver, school law enforcement officer, school secretary*
 55 *or clerical worker or any other person serving in a position which*
 56 *involves regular contact with pupils unless the employer has first*
 57 *determined consistent with the requirements and standards of this*
 58 *act, that no criminal history record information exists on file in*
 59 *the Federal Bureau of Investigation, Identification Division, or*
 60 *the State Bureau of Identification which would disqualify that*
 61 *individual from being employed or utilized in such capacity or*
 62 *position. An individual shall be disqualified from employment or*
 63 *service under this act if the individual's criminal history record*
 64 *check reveals a record of conviction of any of the following crimes*
 65 *and offenses:*

- 66 *a. In New Jersey, any crime or disorderly persons offense:*
67 *(1) bearing upon or involving sexual offense or child moles-*
68 *tation as set forth in N. J. S. 2C:14-1 et seq.; or*
69 *(2) endangering the welfare of children or incompetents, as*
70 *set forth in N. J. S. 2C:24-4 and N. J. S. 2C:24-7; or*
- 71 *b. In any other state or jurisdiction, of conduct which, if com-*
72 *mitted in New Jersey, would constitute any of the crimes or dis-*
73 *orderly persons offenses described in this section of this act.*
- 74 *c. Notwithstanding the provisions of this subsection, no individual*
75 *shall be disqualified from employment or service under this act on*
76 *the basis of any conviction disclosed by a criminal record check*
77 *performed pursuant to this act if the individual has affirmatively*
78 *demonstrated to the Commissioner of Education clear and con-*
79 *vincing evidence of his or her rehabilitation. In determining*
80 *whether an individual has affirmatively demonstrated rehabilita-*
81 *tion, the following factors shall be considered:*
- 82 *(1) The nature and responsibility of the position which the*
83 *convicted individual would hold;*
84 *(2) The nature and seriousness of the offense;*
85 *(3) The circumstances under which the offense occurred;*
86 *(4) The date of the offense;*
87 *(5) The age of the individual when the offense was com-*
88 *mitted;*
89 *(6) Whether the offense was an isolated or repeated incident;*
90 *(7) Any social conditions which may have contributed to the*
91 *offense;*
92 *(8) Any evidence of rehabilitation, including good conduct*
93 *in prison or in the community, counseling or psychiatric treat-*
94 *ment received, acquisition of additional academic or vocational*
95 *schooling, successful participation in correctional work-release*
96 *programs, or the recommendation of persons who have had*
97 *the individual under their supervision.*
- 1 *2. An applicant for employment or service in any of the positions*
2 *covered by this act shall submit to the Commissioner of Education*
3 *his or her name, address and fingerprints taken on standard*
4 *fingerprint cards by a State or municipal law enforcement agency.*
5 *The Commissioner of Education is hereby authorized to exchange*
6 *fingerprint data with and receive criminal history record infor-*
7 *mation from the federal Bureau of Investigation and the Division*
8 *of State Police for use in making the determinations required by*
9 *this act. No criminal history record check shall be performed*
10 *pursuant to this act unless the applicant shall have furnished his*
11 *or her written consent to such a check. The applicant shall bear the*
12 *cost for the criminal history record check.*

1 3. Upon receipt of the criminal history record information for
 2 an applicant from the Federal Bureau of Investigation and the
 3 Division of State Police, the Commissioner of Education shall
 4 notify the applicant, in writing, of the applicant's qualification or
 5 disqualification for employment or service under this act. If the
 6 applicant is disqualified, the convictions which constitute the basis
 7 for the disqualification shall be identified in the written notice and
 8 a copy of the notice shall be forwarded to the State Board of
 9 Examiners. The applicant shall have 30 days from the date of the
 10 written notice of disqualification to petition the Commissioner of
 11 Education for a hearing on the accuracy of the criminal history
 12 record information or to establish his or her rehabilitation under
 13 subsection c. of section 1 of this act.**

1 **[*2.]* **4.** The **[Attorney General]** **Commissioner
 2 of Education** may maintain the records on a candidate for no
 3 longer than six months from the date of a determination as to the
 4 candidate's qualification or disqualification for employment with
 5 an employer.

1 **[3. The employer shall pay the costs for any criminal record
 2 check and no candidate shall be charged a fee.]**

1 **[4.]** **5.** Any employer who fails to comply with the pro-
 2 visions of this act shall be subject to a fine of not more than
 3 \$500.00.*

1 **6. There is appropriated \$75,000.00 from the General Fund to
 2 the Department of Education to effectuate the purposes of this
 3 act.**

1 *[*2.]* **[*5.]* **7.** This act shall take effect immediately.

EDUCATION—GENERAL

Educ. employ. security check

Requires all final candidates for employment in any capacity in
 any school to undergo a State and federal criminal background
 check prior to employment.

SENATE, No. 223

Introduced Pending Technical Review by Legislative Counsel
PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION
By Senator CONNORS

SENATE, No. 2239

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 20, 1984

By Senator CONNORS

Referred to Committee on Education

AN ACT concerning education and supplementing chapter 16 of
Title 18A of the New Jersey Statutes.

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

1 1. Every board of education shall require all candidates for
2 initial employment as defined pursuant to N. J. S. 18A :1-1, to sub-
3 mit to the county superintendent of schools their name, address,
4 photograph and fingerprints. This information shall be forwarded
5 to the State Bureau of Identification with a request for a State and
6 federal report on each individual.

7 If it appears from the report that an individual has been con-
8 victed of a crime and that the offense is of such character as to
9 make it undesirable that the candidate should be employed by a
10 board of education, the county superintendent shall notify the board
11 of education that the individual is disqualified from employment.

1 2. This act shall take effect immediately.

STATEMENT

This bill would require a security check for candidates for initial
employment in the public schools.

If, after a security check by the State Bureau of Identification,
the county superintendent determines that an individual has been
convicted of a crime, the nature of which makes him unsuitable for
employment by a public school, he would notify the board of educa-
tion that the individual is not qualified for employment.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

Senate Bill No. 223 (OCR)DATED: February 27, 1986

The Assembly Education Committee favorably reports Senate Bill No. 223 (OCR).

This bill requires all final candidates for employment by a board of education or a facility, center, or school under the supervision of the Department of Education to submit their name, address, fingerprints and a list of any offenses or crimes involving sexual offense or child molestation to the Attorney General. In addition to teachers, this requirement would apply to administrative staff, support staff and volunteers. The same report must be submitted by all final candidates for the position of in-school monitors, consultants, supervisors or auditors.

The information will be used for a criminal history record check by the State Bureau of Identification of its own files and those of the F.B.I.'s Identification Division. If the criminal history check does not disclose any convictions for sexual offenses or child molestation, the Attorney General will advise the prospective employer that the candidate is qualified for employment. If a conviction appears, the Attorney General must notify the candidate within 15 days. The candidate then has 15 days to respond. After consideration of the response and any additional reports and information, the Attorney General shall notify the State Board of Examiners and the prospective employer as to whether the candidate is qualified or disqualified for employment.

The Attorney General may keep these records for no longer than 6 months.

The employer is responsible for the payment of the costs for the criminal records check and is subject to a maximum fine of \$500 for failure to comply.

ASSEMBLY APPROPRIATIONS COMMITTEE
STATEMENT TO

SENATE, No. 223

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: MARCH 6, 1986

The committee reported this bill favorably.

Senate Bill No. 223 (OCR) requires all final candidates for employment by a board of education or a facility, center, or school under the supervision of the Department of Education to submit their name, address, fingerprints and a list of any offenses or crimes involving sexual offense or child molestation to the Attorney General. In addition to teachers, this requirement would apply to administrative staff, support staff and volunteers. The same report must be submitted by all final candidates for the position of in-school monitors, consultants, supervisors or auditors.

BACKGROUND:

The information will be used for a criminal history record check by the State Bureau of Identification of its own files and those of the F. B. I.'s Identification Division. If the criminal history check does not disclose any conviction for sexual offenses or child molestation, the Attorney General will advise the prospective employer that the candidate is qualified for employment. If a conviction appears, the Attorney General must notify the candidate within 15 days. The candidate then has 15 days to respond. After consideration of the response and any additional reports and information, the Attorney General shall notify the State Board of Examiners and the prospective employer as to whether the candidate is qualified or disqualified for employment. The Attorney General may keep these records for no longer than six months.

FISCAL IMPACT:

The employer is responsible for paying the costs for the criminal records check. This will incur a cost on local government in the case of school districts and on State Government in the case of State run programs.

Based on NJEA statistics, there are approximately 115,000 positions, currently filled, that would be affected by this bill. Assuming a 10% turnover rate each year, approximately 11,500 positions would be open

for employment and subject to a criminal record check. At an average cost of \$24.00 per record check, the total cost for State and local governments to check one candidate for each of the open positions would be approximately \$275,000.00. This amount would increase as the cost for each candidate check increases, and will vary depending on the actual number of candidate checks.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 223

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 23, 1986

The committee favorably reports this bill as amended.

As amended this bill requires all final candidates for employment by a board of education or a facility, center, or school under the supervision of the Department of Education to submit their name, address, fingerprints and a list of any offenses or crimes involving sexual offense or child molestation to the Attorney General. This would include administrative staff, support staff and volunteers. The same report must be submitted by all final candidates for the position of in-school monitors, consultants, supervisors or auditors.

The information will be used for a criminal background check by the State Bureau of Identification and the F. B. I. If the criminal history check is negative, the Attorney General will advise the prospective employer that the candidate is qualified for employment. If a conviction appears, the Attorney General must notify the candidate within 15 days. The candidate then has 15 days to respond. After consideration of the response and any additional reports and information, the Attorney General shall notify the State Board of Examiners and the prospective employer as to whether the candidate is qualified or disqualified for employment.

The Attorney General may keep these records for no longer than six months.

The employer is responsible for the payment of the costs for the criminal records check and is subject to a maximum fine of \$500.00 for failure to comply.

COMMITTEE AMENDMENTS:

At the request of the sponsor, the committee amended this bill to expand the security check requirements to include any final candidate for employment by a board of education or by any educational facility under the supervision of the Department of Education. The amendments also provide for a due process review by the Attorney General; limit the time in which the records may be maintained; provide that the employer shall pay the costs of the security checks; and provide for a fine up to \$500.00 for failure to comply.

This bill was pre-filed for introduction in the 1986 session pending technical review. As amended, the bill includes the changes required by technical review which has been performed.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

June 23, 1986

SENATE BILL NO. 223 (OCR)

To the Senate:

Pursuant to Article V, Section 1, Paragraph 14 of the Constitution, I am herewith returning Senate Bill No. 223 (OCR) with my objections and recommendations for amendment.

Senate Bill No. 223 (OCR) would require criminal history record checks on all final candidates for employment, including regularly utilized volunteers, in the public schools or in educational institutions under the supervision of the Department of Education. The bill requires disqualification from service if the candidate's criminal history record reveals conviction of an offense or crime involving sexual offense or child molestation. A fine of \$500.00 would be imposed upon any employer who failed to comply with the act.

I support the requirement of a criminal history record check on individuals who seek employment or service in our schools in positions which require regular contact with children. I believe that such a requirement will curtail access to children by individuals who have a history of conviction for sexual offense or child molestation.

While I support the concept expressed in Senate Bill No. 223 (OCR), I cannot sign the bill due to technical problems with the bill's form as well as substantive concerns with the legislation's content. Therefore, I must return Senate Bill No. 223 (OCR) and recommend that it be amended as set forth herein.

Under federal law, in order to have access to criminal history records maintained by the Federal Bureau of Investigation, a State agency or officer must be authorized by statute to request and receive criminal history record information. Since the bill contemplates receipt of criminal history record information maintained by both the State and the Federal Bureau of Investigation, specific authorization to request and receive such information must be expressly made in the bill.

Similar disqualification acts have been subjected to judicial scrutiny in New Jersey. Because such acts have been upheld, in part, due to the fact that the individual was allowed the opportunity to establish his or her rehabilitation before the disqualification becomes final, I believe that the bill will be

strengthened by allowing individuals the opportunity to demonstrate evidence of rehabilitation which evidence would be factored into the determination of whether or not disqualification would be triggered. I also believe the bill should specify those crimes which under New Jersey law would require disqualification unless the applicant has persuasively demonstrated rehabilitation. At present, the bill only refers to certain crimes generically. The crimes should be specifically identified.

I also believe that the administration of the bill's implementation is more appropriately assigned to the Department of Education. The Commissioner of Education should be the State officer authorized to request and receive the criminal record information and to notify the applicant of his or her qualification or disqualification. Because the Department of Education is not currently equipped with the resources to accommodate this added responsibility, I recommend an appropriation of \$75,000.00 from the General Fund to the Department of Education to effectuate the purposes of this act.

Lastly, the salutary purpose of this bill is amply met by having the bill's requirement for a criminal record check apply to any individual employed or contracted for service in the schools, who has regular contact with children. I would define the bill's reach in that fashion. I do not believe that the bill should reach volunteers in our schools which could include Parent Teacher Association representatives assisting in extracurricular activities in our schools or class mothers assisting in the classrooms. I believe such a requirement would be a serious deterrent to the interest in volunteerism which our citizens have long demonstrated and I would rely upon local officials' knowledge of the volunteers in their community to effectively protect our children from individuals whose characters render them unsuitable for contact with our children.

The requirement of a criminal record check, I expect, will act as a deterrent to individuals with records of conviction of sexual offenses or child molestation. This bill will add a new and welcome criteria which candidates for employment must demonstrate in order to be employable in our schools. I believe that it should be the prospective employee's obligation to initiate the request for the criminal record check. The prospective employee should also bear the cost of any fees for record checks.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

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Therefore, I return Senate Bill No. 223 (OCR) and recommend that it be amended as follows:

Page 1, Title, Line 2: After "Statutes" insert "and making an appropriation"

Page 1, Section 1, Line 1: Delete "Every" insert "No"

Page 1, Section 1, Line 4: After "shall" delete "require all"

Pages 1-2, Section 1, Lines 5-50: Delete in its entirety

Page 2, Section 1, Line 50: After "employment" insert new material as follows:

"employ or contract for the services of any teaching staff member or substitute teacher, teacher aide, child study team member, school physician, school nurse, custodian, school maintenance worker, cafeteria worker, bus driver, school law enforcement officer, school secretary or clerical worker or any other person serving in a position which involves regular contact with pupils unless the employer has first determined consistent with the requirements and standards of this act, that no criminal history record information exists on file in the Federal Bureau of Investigation, Identification Division, or the State Bureau of Identification which would disqualify that individual from being employed or utilized in such capacity or position. An individual shall be disqualified from employment or service under this act if the individual's criminal history record check reveals a record of conviction of any of the following crimes and offenses:

a. In New Jersey, any crime or disorderly persons offense:

- (1) bearing upon or involving sexual offense or child molestation as set forth in N.J.S. 2C:14-1 et seq.; or
- (2) endangering the welfare of children or incompetents, as set forth in N.J.S. 2C:24-4 and N.J.S. 2C:24-7; or

b. In any other state or jurisdiction, of conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in this section of this act.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

4

c. Notwithstanding the provisions of this subsection, no individual shall be disqualified from employment or service under this act on the basis of any conviction disclosed by a criminal record check performed pursuant to this act if the individual has affirmatively demonstrated to the Commissioner of Education clear and convincing evidence of his or her rehabilitation. In determining whether an individual has affirmatively demonstrated rehabilitation, the following factors shall be considered:

- (1) The nature and responsibility of the position which the convicted individual would hold;
- (2) The nature and seriousness of the offense;
- (3) The circumstances under which the offense occurred;
- (4) The date of the offense;
- (5) The age of the individual when the offense was committed;
- (6) Whether the offense was an isolated or repeated incident;
- (7) Any social conditions which may have contributed to the offense;
- (8) Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of persons who have had the individual under their supervision.

2. An applicant for employment or service in any of the positions covered by this act shall submit to the Commissioner of Education his or her name, address and fingerprints taken on standard fingerprint cards by a State or municipal law enforcement agency. The Commissioner of Education is hereby authorized to exchange fingerprint data with and receive criminal history record information from the Federal Bureau of Investigation and the Division of State Police for use in making the determinations required by this act. No criminal history record check shall be performed pursuant to this act unless the applicant shall have furnished his or her written consent to such a check. The applicant shall bear the cost for the criminal history record check.

3. Upon receipt of the criminal history record information for an applicant from the Federal Bureau of Investigation and the Division of State Police, the Commissioner of Education shall notify the applicant, in writing, of the applicant's qualification or disqualification for employment or service under this act. If the applicant is disqualified, the convictions which constitute the basis for the disqualification shall be identified in the written notice and a copy of the notice shall be forwarded to the State Board of Examiners. The applicant shall have thirty days from the date of the written notice of disqualification to petition the Commissioner of Education for a hearing on the accuracy of the criminal history record information or to establish his or her rehabilitation under subsection c. of Section 1 of this act."

Page 2, Section 2, Line 1: Delete "2" insert "4"

Page 2, Section 2, Line 1: Delete "Attorney General" insert

"Commissioner of Education"

Page 2, Section 3, Lines 1-2: Delete in its entirety

Page 2, Section 4, Line 1: Delete 4" insert "5"

Page 2, Section 4, After Line 2: Insert new section as follows:

"6. There is appropriated \$75,000.00 from the General Fund to the Department of Education to effectuate the purposes of this act."

Page 2, Section 5, Line 1: Delete "5" insert "7"

Respectfully,

/s/ Thomas H. Kean

GOVERNOR

[seal]

Attest:

/s/ Michael R. Cole

Chief Counsel



OFFICE OF THE GOVERNOR

NEWS RELEASE

7/14/40
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Contact:

CARL GOLDEN
609-292-8956 OR 609-292-6000 EXT. 207

Release: WED., OCTOBER 8, 198

Governor Thomas H. Kean today signed legislation to require background record checks to be conducted on all potential employees in the public schools and in educational institutions operated by the State Department of Education.

The legislation, S-223, was sponsored by Senator Leonard Connors, R-Ocean. An identical bill, A-1906, was sponsored in the Assembly by Assemblyman John Hendrickson, R-Ocean.

"The legislation is yet another step in our ongoing efforts to extend the greatest protection possible to our youngsters in school," Kean said. "It is tragically unfortunate that children have been subjected to abuses by school district employees who, upon investigation after the fact, have been found to have records of such abuse in the past."

"The goal of this legislation is to provide the ounce of protection which will offset the pound of cure," Kean said. "It is a method by which individuals with records of abuse can be identified before a tragedy, rather than after."

The legislation provides for disqualification of a person from employment in the schools if a record check reveals a conviction for an offense involving sexual abuse or child molestation.

The legislation, effective immediately, will be administered by the State Department of Education. The cost associated with conducting the background check will be met by the potential employer.

The legislation also extends to a potential employee the opportunity to demonstrate rehabilitation as evidence in a disqualification proceeding.

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