

SENATE BILL No. 298

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-26-5-10.

Synopsis: Preemployment background checks for school employees. Requires an individual to have a completed expanded criminal history check and expanded child protection index check before beginning employment with a school corporation, charter school, or nonpublic school that employs one or more employees if the individual is likely to have direct, ongoing contact with children. (Under current law, an individual may be employed for up to three months before the checks are completed.)

Effective: July 1, 2017.

**Alting, Kruse, Leising, Bassler,
Mrvan**

January 9, 2017, read first time and referred to Committee on Education and Career Development.



First Regular Session 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

SENATE BILL No. 298

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 20-26-5-10, AS AMENDED BY P.L.106-2016,
- 2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2017]: Sec. 10. (a) This section applies to a:
- 4 (1) school corporation;
- 5 (2) charter school; or
- 6 (3) a nonpublic school that employs one (1) or more employees.
- 7 (b) A school corporation, including a charter school and a nonpublic
- 8 school, shall adopt a policy concerning criminal history information for
- 9 individuals who:
- 10 (1) apply for:
- 11 (A) employment with the school corporation, charter school,
- 12 or nonpublic school; or
- 13 (B) employment with an entity with which the school
- 14 corporation, charter school, or nonpublic school contracts for
- 15 services;
- 16 (2) seek to enter into a contract to provide services to the school
- 17 corporation, charter school, or nonpublic school; or



1 (3) are employed by an entity that seeks to enter into a contract to
2 provide services to the school corporation, charter school, or
3 nonpublic school;
4 if the individuals are likely to have direct, ongoing contact with
5 children within the scope of the individuals' employment.
6 (c) A school corporation, including a charter school and a nonpublic
7 school, shall administer a policy adopted under this section uniformly
8 for all individuals to whom the policy applies. A policy adopted under
9 this section must require that the school corporation, charter school, or
10 nonpublic school conduct an expanded criminal history check and an
11 expanded child protection index check concerning each applicant for
12 noncertificated employment or certificated employment before ~~or not~~
13 ~~later than three (3) months after~~ the applicant's employment by the
14 school corporation, charter school, or nonpublic school. Each
15 individual hired for noncertificated employment or certificated
16 employment may be required to provide a written consent for the
17 school corporation, charter school, or nonpublic school to request an
18 expanded criminal history check and an expanded child protection
19 index check concerning the individual before ~~or not later than three (3)~~
20 ~~months after~~ the individual's employment by the school corporation or
21 school. The school corporation, charter school, or nonpublic school
22 may require the individual to provide a set of fingerprints and pay any
23 fees required for the expanded criminal history check and expanded
24 child protection index check. Each applicant for noncertificated
25 employment or certificated employment may be required at the time the
26 individual applies to answer questions concerning the individual's
27 expanded criminal history check and expanded child protection index
28 check. The failure to answer honestly questions asked under this
29 subsection is grounds for termination of the employee's employment.
30 The applicant is responsible for all costs associated with obtaining the
31 expanded criminal history check and expanded child protection index
32 check. An applicant may not be required by a school corporation,
33 charter school, or nonpublic school to obtain an expanded criminal
34 history check or an expanded child protection index check more than
35 one (1) time during a five (5) year period.
36 (d) Information obtained under this section must be used in
37 accordance with law.

