

2011 -- S 0691

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO EDUCATION - CERTIFICATION OF PERSONNEL

Introduced By: Senator P Fogarty

Date Introduced: March 10, 2011

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 16-48.1-4 and 16-48.1-5 of the General Laws in Chapter 16-48.1
2 entitled "Certification of Personnel Providing Educational Services to Very Young Children" are
3 hereby amended to read as follows:

4 **16-48.1-4. Criminal records checks -- Operations.** -- Any person seeking to operate a
5 facility covered under section 16-48-1 shall apply to the [Rhode Island](#) bureau of criminal
6 identification ~~of the state police or the local police department~~ for a nationwide criminal records
7 check. The check will conform to the applicable federal standards including the taking of
8 fingerprints to identify the applicant [and any expense associated with providing the criminal](#)
9 [record check shall be paid by the applicant and/or requesting agency.](#) The commissioner will
10 determine by rule those items of information appearing on a criminal records check which
11 constitute disqualifying information because the information would indicate that the operation or,
12 in the case of an employee, the employment could endanger the health or welfare of a child or
13 children. Upon the discovery of any disqualifying information with respect to a proposed
14 operator, the bureau of criminal identification ~~of the state police or the local police department~~
15 will inform the commissioner in writing of the nature of the disqualifying information.

16 **16-48.1-5. Criminal records check -- Employee.** -- Any person seeking employment, if
17 the employment involves supervisory or disciplinary power over a child or children or involves
18 routine contact with a child or children without the presence of other employees, in any facility
19 covered under section 16-48-1 shall, after acceptance by the employer of the affidavit required by

1 section 16-48.1-3, apply to the [Rhode Island](#) bureau of criminal identification ~~of the state police~~
2 ~~or the local police department~~ for a nationwide criminal records check. The check will conform to
3 applicable federal standards including the taking of fingerprints to identify the applicant [and any](#)
4 [expenses associated with providing the criminal records check shall be paid by the applicant](#)
5 [and/or requesting agency](#). Upon the discovery of any disqualifying information as defined in
6 accordance with the rule promulgated by the commissioner, the [Rhode Island](#) bureau of criminal
7 identification ~~of the state police or the local police department~~ will inform the applicant, in
8 writing, of the nature of the disqualifying information. In addition, the [Rhode Island](#) bureau of
9 criminal identification ~~of the state police or the local police department~~ will inform the employer,
10 in writing, without disclosing the nature of the disqualifying information, that an item of
11 disqualifying information has been discovered. In those situations in which no disqualifying
12 information has been found, the [Rhode Island](#) bureau of criminal identification ~~of the state police~~
13 ~~or the local police department~~ will inform both the applicant and the employer, in writing, of this
14 fact. The employer will maintain on file, subject to inspection by the commissioner, evidence that
15 the criminal records checks have been initiated on all employees seeking employment after
16 August 1, 1985, and the results of the checks. Failure to maintain that evidence on file will be
17 prima facie grounds to revoke the license or registration of the operator of the facility. It will be
18 the responsibility of the [Rhode Island](#) bureau of criminal identification ~~of the state police or the~~
19 ~~local police department~~ to conduct the nationwide criminal records check pursuant to this section.
20 The nationwide criminal records check will be provided to the applicant for employment without
21 charge to the applicant and without charge to the prospective employer if the employer is a tax
22 exempt corporation or an unincorporated nonprofit organization qualified under section 501(c) of
23 the United States Internal Revenue Code, 26 U.S.C. section 501(c).

24 SECTION 2. Section 40-13.2-4 of the General Laws in Chapter 40-13.2 entitled
25 "Certification of Child Care and Youth Serving Agency Workers" is hereby amended to read as
26 follows:

27 **40-13.2-4. Criminal records check -- Operators of child care facilities which must be**
28 **licensed or registered with the department.** -- Any person seeking to operate a facility, which
29 is, or is required to be, licensed or registered with the department shall apply to the [Rhode Island](#)
30 bureau of criminal identification ~~of the state police or the local police department~~ for a
31 nationwide criminal records check. The check will conform to the applicable federal standards,
32 including the taking of fingerprints to identify the applicant [and any expense associated with](#)
33 [providing the criminal records check shall be paid by the applicant and/or requesting agency](#). The
34 director will determine by rule those items of information appearing on a criminal records check,

1 which constitute disqualifying information because that information would indicate that the
2 employment could endanger the health or welfare of a child or children. Upon the discovery of
3 any disqualifying information with respect to a proposed operator, the [Rhode Island](#) bureau of
4 criminal identification ~~of the state police or the local police department~~ will inform the director,
5 in writing, of the nature of the disqualifying information.

6 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would require certain people who work in child or youth services to apply and
- 2 pay for a criminal records check from the Rhode Island bureau of criminal identification.
- 3 This act would take effect upon passage.

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