

HOUSE BILL No. 1246

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-5-2-7; IC 20-6.1-3-7.1.

Synopsis: School corporation criminal history checks. Eliminates the requirement that school employees be fingerprinted.

Effective: July 1, 1998.

Dickinson

January 13, 1998, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

HOUSE BILL No. 1246

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 20-5-2-7, AS ADDED BY P.L.155-1997,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1998]: Sec. 7. (a) A school corporation shall adopt a policy
4 concerning criminal history information for individuals who:
5 (1) apply for:
6 (A) noncertificated employment with the school corporation;
7 or
8 (B) employment with an entity with which the school
9 corporation contracts for services; or
10 (2) seek to enter into a contract to provide services to the school
11 corporation;
12 if the individuals are likely to have direct, ongoing contact with
13 children within the scope of the individuals' employment.
14 (b) A school corporation shall administer a policy adopted under
15 this section uniformly for all individuals to whom the policy applies. A
16 policy adopted under this section may require any of the following:
17 (1) The school corporation may request limited criminal history



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1 information concerning each applicant for noncertificated
 2 employment from a local or state law enforcement agency before
 3 or not later than three (3) months after the applicant's employment
 4 by the school corporation.

5 (2) Each individual hired for noncertificated employment may be
 6 required at the time the individual is hired to submit a certified
 7 copy of the individual's limited criminal history (as defined in
 8 IC 5-2-5-1(1)) to the school corporation.

9 (3) Each individual hired for noncertificated employment may be
 10 required at the time the individual is hired to:

11 (A) submit ~~the individual's fingerprints~~ a request to the
 12 Indiana central repository for **limited** criminal history
 13 information under IC 5-2-5;

14 (B) obtain a copy of the individual's limited criminal history;
 15 and

16 (C) submit to the school corporation the individual's limited
 17 criminal history and a document verifying a disposition (as
 18 defined in IC 5-2-5-1(6)) that does not appear on the limited
 19 criminal history.

20 (4) Each applicant for noncertificated employment may be
 21 required at the time the individual applies to answer questions
 22 concerning the individual's limited criminal history. The failure
 23 to answer honestly questions asked under this subdivision is
 24 grounds for termination of the noncertificated employee's
 25 employment.

26 (c) If an individual is required to obtain a limited criminal history
 27 under this section, the individual is responsible for all costs associated
 28 with obtaining the limited criminal history.

29 (d) Information obtained under this section must be used in
 30 accordance with IC 5-2-5-6.

31 SECTION 2. IC 20-6.1-3-7.1, AS ADDED BY P.L.155-1997,
 32 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 1998]: Sec. 7.1. (a) As used in this section, "applicant" refers
 34 to an applicant for:

35 (1) a new license;

36 (2) a renewal license; or

37 (3) a substitute teacher certificate;

38 issued by the board.

39 (b) As used in this section, "limited criminal history" has the
 40 meaning set forth in IC 5-2-5-1(1).

41 (c) As used in this section, "disposition" has the meaning set forth
 42 in IC 5-2-5-1(6).

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- 1 (d) An applicant must do the following:
- 2 (1) Submit ~~the applicant's fingerprints~~ a request to the Indiana
- 3 central repository for **limited** criminal history information under
- 4 IC 5-2-5.
- 5 (2) Obtain a copy of the limited criminal history for the applicant
- 6 from the repository's records.
- 7 (3) Submit to the board the limited criminal history for the
- 8 applicant.
- 9 (4) Submit to the board a document verifying a disposition that
- 10 does not appear on the limited criminal history for the applicant.
- 11 (e) The board may deny the issuance of a license or certificate to an
- 12 applicant who is convicted of an offense for which the individual's
- 13 license may be revoked or suspended under this chapter.
- 14 (f) The board must use the information obtained under this section
- 15 in accordance with IC 5-2-5-6.
- 16 (g) An applicant is responsible for all costs associated with meeting
- 17 the requirements of this section.

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