

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Require Background Checks for All School Employees**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 20-A MRSA §6104** is enacted to read:

### **§ 6104. Employee criminal background checks**

Prior to hiring or placing an individual not subject to a background check under section 6103 who will be employed by a school administrative unit or school within the school administrative unit, the school administrative unit shall obtain a comprehensive background check on the individual in accordance with applicable federal and state laws. The comprehensive background check must include, at a minimum, criminal history record information from the Department of Public Safety, State Bureau of Identification and other state and national criminal history record information from the Federal Bureau of Investigation. Information obtained pursuant to this section is confidential and may be used only for the purpose of screening the suitability of an individual for employment by the school administrative unit. The Department of Public Safety, State Bureau of Identification shall send the results of a background check requested under this section to the school administrative unit within 7 days of the completion of the background check.

**Sec. 2. School administrative units to conduct audit.** By January 1, 2018, every school administrative unit shall conduct an audit to determine whether the school administrative unit possesses a criminal history background check that complies with the requirements of the Maine Revised Statutes, Title 20-A, section 6104 for every employee of the school administrative unit, including every employee of a school within the school administrative unit. For an employee subject to Title 20-A, section 6103, a school administrative unit may satisfy the audit requirement of this section by receiving confirmation from the Commissioner of Education that the employee has complied with the provisions of section 6103. If the audit determines that the school administrative unit does not have a criminal history background check on an existing employee, the school administrative unit shall obtain a criminal history background check for that employee pursuant to the requirements of Title 20-A, section 6104.

## **SUMMARY**

This bill requires every school administrative unit to obtain a criminal history background check of an individual before hiring or placing that individual within the school administrative unit except for educational personnel currently required to undergo a criminal history background check. This bill also requires every school administrative unit to conduct an audit to determine if the school administrative unit possesses a criminal history background check for all current employees of the school administrative unit and to obtain criminal history background checks for those employees for whom the school administrative unit does not have a criminal history background check.