

CHAPTER 373
FORMERLY
SENATE BILL NO. 245
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO
CRIMINAL BACKGROUND CHECKS FOR STUDENT TEACHERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend chapter 85, Title 11 of the Delaware Code by adding a new subchapter to read:

“Subchapter VIII

Criminal Background Check for Student Teachers

§ 8590 Definitions

The following words, terms and phrases, when used in this subchapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) “Administrator of Educator Preparation Program” means the individual identified by the Higher Education Institution responsible for any duty so designated under this subchapter.

(2) “Higher Education Institution” means a Delaware college or university that has a teacher preparation program that places candidates into student teaching placements in a Delaware public school district or charter school.

(3) “Student teacher” means an individual participating in a classroom teaching, internship, clinical or field experience who, as part of the a program for the initial or advanced preparation of professional educators, performs classroom teaching or assists in the education program in a public school under the supervision of teacher education program faculty.

(4) “Student teaching placement” means a structured, supervised classroom teaching, internship, clinical or field experience in a teacher education program in which the student teacher practices the skills being learned in the teacher education program and gradually assumes increased responsibility for instruction, classroom management, and other related duties for a class of students in a local school district or charter school. These skills are practiced under the direct supervision of the certified teacher who has official responsibility for the class. Successful completion of a student teaching placement may be used to meet the requirements for an initial license set forth in § 1210 of Title 14.

(5) “Public school” means any public school and includes any board of education, school district, reorganized school district, special school district, charter school and any person acting as an agent thereof.

§8591 Screening Procedures

(a) Any person seeking a Student Teaching Placement shall be required to submit fingerprints and other necessary information in order to obtain the following:

(1) Report of the individual's entire criminal history record from the State Bureau of Identification or a statement from the State Bureau of Identification that the State Bureau of Identification Central Repository contains no such information relating to that person.

(2) A report of the individual's entire federal criminal history record pursuant to the Federal Bureau of Investigation appropriation of Title II of Public Law 92-544 [28 U.S.C. § 534]. The State Bureau of Identification shall be the intermediary for the purposes of this section and the Higher Education Institution shall be the screening point for the receipt of said federal criminal history records.

(b) All information obtained pursuant to subsection (a) of this section shall be forwarded to the individual and to the Higher Education Institution identified by the individual. The Higher Education Institute shall make the initial determination of suitability for student teaching placement and shall send a copy of the complete criminal background check to the district superintendent or charter school director of the Delaware school district or charter school considering the person as a candidate for a Student Teaching Position. Each school district and charter school shall make the final determination of suitability for placement of a candidate in a Student Teaching Position in its school.

(c) A candidate for a Student Teaching Placement may not participate in any classroom teaching internship, clinical or field experience if:

(1) The public school’s policies and procedures would prohibit an employee or prospective employee from being employed under those circumstances; or

(2) The candidate is currently on the Child Protection Registry at Child Protection Level III or IV as provided in Section 923 of Title 16; or

(3) The candidate has been convicted of any offense contained in Child Protection Level IV as provided in Section 923 of Title 16; or

(4) The candidate was convicted within the last seven years of any Child Protection Level III offense in which a child was the victim.

(d) A student teacher or a person seeking a Student Teaching Placement has an affirmative duty to inform, and shall inform, the person's Higher Education Institution and public school placement of any criminal conviction or of any entry on the Child Protection Registry established pursuant to Chapter 9 of Title 16.

(e) Costs associated with obtaining criminal history information shall be paid by the person seeking a student teaching placement.

(f) The State Department of Education shall, in the manner provided by law, promulgate regulations necessary to implement this subchapter. The regulations shall provide for confidentiality of criminal history record information obtained pursuant to this subchapter.

§ 8592 Penalties.

(a) Any higher education institution, or administrator, or other person responsible for placing student teachers in a public school who places an individual in a student teaching placement without receiving the candidate's criminal record information, or who knowingly violates the provisions of § 8591 of this title shall be subject to a civil penalty of not less than \$1000 nor more than \$5,000 for each violation. The Justice of the Peace Courts shall have jurisdiction over this offense.

(b) Any person seeking a student teaching placement who knowingly provides false, incomplete or inaccurate criminal history information or who otherwise knowingly violates the provisions of § 8591 of this title shall be guilty of a class G felony and shall be punished according to Chapter 42 of this Title."

Section 2. This Act takes effect January 1, 2011, with the exception of §8591(f) of Title 14, which shall take effect immediately upon enactment.

Approved July 12, 2010