SPONSOR: Rep. Shupe & Rep. Dukes & Sen. Pettyjohn
Rep. Yearick; Sens. Lawson, Wilson

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE BILL NO. 178

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF EDUCATION AND CRIMINAL BACKGROUND CHECKS.

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

Section 1. Amend Chapter , Title 14 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 136. Criminal background checks.

(a) The following individuals must submit to a criminal background check:

1. Current Department of Education employees.

2. Individuals conditionally offered employment with the Department of Education.

(b) Any current or prospective contractor or third party that may require access to student records may be required by the Secretary to submit to a criminal background check.

(c) Individuals required to obtain a background check under this section must submit fingerprints and other necessary information to the State Bureau of Identification in order to obtain the following:

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

(2) A report of the individual's entire federal criminal history record information from the Federal Bureau of Investigation or a statement that the Federal Bureau of Investigation's records contain no such information relating to that individual.

(d) The State Bureau of Identification must forward all information obtained under paragraphs (c)(1) and (c)(2) of this section to the Department.

(e) If a current employee, contractor, or third party obtains a background check under this section, the State Bureau of Identification must provide all of the following to the Department:

(1) Any subsequent state criminal history record information of the individual.

(2)Any subsequent criminal history record information of the individual available through the Rap Back System as defined under Section 8502 of Title 11, if the Rap Back System is available.

(f) The Department of Education has the right to review and use criminal background information obtained under this section to the extent permitted by applicable law, including in determining an individual's qualification for employment or continued access to Department systems, facilities, or data.

(g) Current Department employees and contractors must submit the information required by subsection (c) of this section to the State Bureau of Identification no later than 30 days after receipt of the Department's written request to submit to a background check.

SYNOPSIS

This Act requires that Department of Education employees submit to criminal background checks and are subject to continuous criminal history monitoring. It also authorizes the Department to submit contractors or third parties, that require or may require access to student records, to a criminal background check and continuous criminal history monitoring.