



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1286

S.P. 438

In Senate, April 4, 2017

An Act To Require Background Checks for All School Employees

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in black ink, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator MILLETT of Cumberland.
Cosponsored by Representative MAREAN of Hollis and
Senators: BREEN of Cumberland, DIAMOND of Cumberland, DION of Cumberland,
MAKER of Washington, Representative: FARNSWORTH of Portland.

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

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

3 **§6104. Employee criminal background checks**

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

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

28 **SUMMARY**

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