



January 13, 2015

HOUSE BILL No. 1068

DIGEST OF HB 1068 (Updated January 13, 2015 10:59 am - DI 116)

Citations Affected: IC 20-26.

Synopsis: Background checks. Makes changes to the definition of an "expanded criminal history check", which is required for employment at a school. Provides that an employee of a school corporation, charter school, or an accredited nonpublic school must receive an expanded criminal history check every five years.

Effective: July 1, 2015.

Thompson

January 6, 2015, read first time and referred to Committee on Education.
January 13, 2015, amended, reported — Do Pass.

HB 1068—LS 6116/DI 116



January 13, 2015

First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1068

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 20-26-2-1.5, AS ADDED BY P.L.121-2009,
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 1.5. "Expanded criminal history check" means a
4 criminal history background check of an individual that includes:
5 (1) a **background check by a consumer reporting agency**
6 **regulated under 15 U.S.C. 1681 et seq. that includes a:**
7 **(A) verification of the applicant's identity;**
8 **(B) search of all names associated with the applicant;**
9 ~~(A)~~ **(C) search of the records maintained by all counties in**
10 **Indiana in which the individual who is the subject of the**
11 **background check resided;**
12 ~~(B)~~ **(D) search of the records maintained by all counties or**
13 **similar governmental units in another state, if the individual**
14 **who is the subject of the background check resided in another**
15 **state; and**

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- 1 ~~(C)~~ check of:
- 2 (i) sex offender registries in all fifty (50) states; or
- 3 (ii) the national sex offender registry maintained by the
- 4 United States Department of Justice; or
- 5 **(E) search of United States district court records from the**
- 6 **districts in which the applicant resided;**
- 7 **(F) check of sex offender registries in every state or the**
- 8 **national sex offender registry maintained by the United**
- 9 **States Department of Justice; and**
- 10 **(G) multistate criminal data base search; or**
- 11 (2) a:
- 12 (A) national criminal history background check (as defined in
- 13 IC 10-13-3-12); and
- 14 (B) check of:
- 15 (i) sex offender registries in all fifty (50) states; or
- 16 (ii) the national sex offender registry maintained by the
- 17 United States Department of Justice.
- 18 SECTION 2. IC 20-26-5-10, AS AMENDED BY P.L.121-2009,
- 19 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 20 JULY 1, 2015]: Sec. 10. (a) A school corporation, including a charter
- 21 school and an accredited nonpublic school, shall adopt a policy
- 22 concerning criminal history information for individuals who:
- 23 (1) apply for:
- 24 (A) employment with the school corporation; or
- 25 (B) employment with an entity with which the school
- 26 corporation contracts for services;
- 27 (2) seek to enter into a contract to provide services to the school
- 28 corporation; or
- 29 (3) are employed by an entity that seeks to enter into a contract to
- 30 provide services to the school corporation;
- 31 if the individuals are likely to have direct, ongoing contact with
- 32 children within the scope of the individuals' employment.
- 33 **(b) Beginning after June 30, 2015, a school corporation,**
- 34 **including a charter school and an accredited nonpublic school,**
- 35 **shall adopt a policy requiring employees of the school corporation**
- 36 **who are likely to have direct, ongoing contact with children to**
- 37 **obtain an expanded criminal history check every five (5) years.**
- 38 ~~(b)~~ (c) A school corporation, including a charter school and an
- 39 accredited nonpublic school, shall administer a policy adopted under
- 40 this section uniformly for all individuals to whom the policy applies. A
- 41 policy adopted under ~~this section~~ **subsection (a)** must require that the
- 42 school corporation, charter school, or accredited nonpublic school



1 conduct an expanded criminal history check concerning each applicant
2 for noncertificated employment or certificated employment before or
3 not later than three (3) months after the applicant's employment by the
4 school corporation, charter school, or accredited nonpublic school.
5 Each individual hired for noncertificated employment or certificated
6 employment may be required to provide a written consent for the
7 school corporation, charter school, or accredited nonpublic school to
8 request an expanded criminal history check concerning the individual
9 before or not later than three (3) months after the individual's
10 employment by the school corporation.

11 (d) The school corporation, charter school, or accredited nonpublic
12 school may require the individual to provide a set of fingerprints and
13 pay any fees required for the expanded criminal history check. Each
14 applicant for noncertificated employment or certificated employment
15 **described in subsection (a) or an employee described in subsection**
16 **(b)** may be required at the time the individual applies **under**
17 **subsection (a) or renews an expanded criminal history check under**
18 **subsection (b)** to answer questions concerning the individual's
19 expanded criminal history check. The failure to answer honestly
20 questions asked under this subsection is grounds for termination of the
21 employee's employment.

22 (e) The applicant **described in subsection (a)** is responsible for all
23 costs associated with obtaining the expanded criminal history check.

24 (f) An applicant **or employee** may not be required by a school
25 corporation, charter school, or accredited nonpublic school to obtain an
26 expanded criminal history check more than one (1) time during a five
27 (5) year period.

28 (g) Information obtained under this section must be used in
29 accordance with law.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1068, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, after line 17, begin a new paragraph and insert:

"SECTION 2. IC 20-26-5-10, AS AMENDED BY P.L.121-2009, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) A school corporation, including a charter school and an accredited nonpublic school, shall adopt a policy concerning criminal history information for individuals who:

- (1) apply for:
 - (A) employment with the school corporation; or
 - (B) employment with an entity with which the school corporation contracts for services;
- (2) seek to enter into a contract to provide services to the school corporation; or
- (3) are employed by an entity that seeks to enter into a contract to provide services to the school corporation;

if the individuals are likely to have direct, ongoing contact with children within the scope of the individuals' employment.

(b) Beginning after June 30, 2015, a school corporation, including a charter school and an accredited nonpublic school, shall adopt a policy requiring employees of the school corporation who are likely to have direct, ongoing contact with children to obtain an expanded criminal history check every five (5) years.

~~(b)~~ (c) A school corporation, including a charter school and an accredited nonpublic school, shall administer a policy adopted under this section uniformly for all individuals to whom the policy applies. A policy adopted under ~~this section~~ **subsection (a)** must require that the school corporation, charter school, or accredited nonpublic school conduct an expanded criminal history check concerning each applicant for noncertificated employment or certificated employment before or not later than three (3) months after the applicant's employment by the school corporation, charter school, or accredited nonpublic school. Each individual hired for noncertificated employment or certificated employment may be required to provide a written consent for the school corporation, charter school, or accredited nonpublic school to request an expanded criminal history check concerning the individual before or not later than three (3) months after the individual's employment by the school corporation.



(d) The school corporation, charter school, or accredited nonpublic school may require the individual to provide a set of fingerprints and pay any fees required for the expanded criminal history check. Each applicant for noncertificated employment or certificated employment **described in subsection (a) or an employee described in subsection (b)** may be required at the time the individual applies **under subsection (a) or renews an expanded criminal history check under subsection (b)** to answer questions concerning the individual's expanded criminal history check. The failure to answer honestly questions asked under this subsection is grounds for termination of the employee's employment.

(e) The applicant **described in subsection (a)** is responsible for all costs associated with obtaining the expanded criminal history check.

(f) An applicant **or employee** may not be required by a school corporation, charter school, or accredited nonpublic school to obtain an expanded criminal history check more than one (1) time during a five (5) year period.

(g) Information obtained under this section must be used in accordance with law."

and when so amended that said bill do pass.

(Reference is to HB 1068 as introduced.)

BEHNING

Committee Vote: yeas 12, nays 0.

