SENATE BILL 15

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

Gloria Howes

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOLS; REQUIRING LOCAL SCHOOL BOARDS TO OBTAIN BACKGROUND CHECKS ON APPLICANTS WHO HAVE BEEN OFFERED EMPLOYMENT AND CONTRACTORS; LIMITING THE TIME IN WHICH RECORDS CAN BE RELEASED TO LOCAL SCHOOL BOARDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-10-3.3 NMSA 1978 (being Laws 1997, Chapter 238, Section 1) is amended to read:

"22-10-3.3. BACKGROUND CHECKS.--

A. An applicant for initial certification shall be fingerprinted and shall provide two fingerprint cards or the equivalent electronic fingerprints to the department of education to obtain the applicant's federal bureau of investigation record. Convictions of felonies or misdemeanors contained in the federal bureau of investigation record shall

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1   be used in accordance with [Sections 28-2-1 through 28-2-6

2   NMSA 1978] the Criminal Offender Employment Act.   Other

3   information contained in the federal bureau of investigation

4   record, if supported by independent evidence, [can] may form

5   the basis for the denial, suspension or revocation of a

6   certificate for good and just cause.   [Such] Records and any

7   related information shall be privileged and shall not be

8   disclosed to [individuals] a person not directly involved in

9   the certification [or employment decisions] decision affecting

10   the specific [applicants or employees] applicant.   The

11   applicant for initial certification shall pay for the cost of

12   obtaining the federal bureau of investigation record.   [The

13   department of education shall implement the provisions of this

14   section on or before July 1, 1998.]

15   B.   Local school boards shall develop policies and

16   procedures to require [employment background checks.   Such

17   policies and procedures may include requiring applicants who

18   have been offered employment by the local school board to

19   provide the applicant's federal bureau of investigation

20   record] background checks on an applicant who has been offered

21   employment, a contractor or a contractor's employee with

22   unsupervised access to students.   An applicant for employment

23   who has been initially certified within twelve months of

24   applying for employment with a local school board shall not be

25   required to submit to another background check if the

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1 department of education has copies of his federal bureau of

2 investigation records on file. An applicant who has been

3 offered employment, a contractor or a contractor's employee

4 with unsupervised access to students shall provide two

5 fingerprint cards or the equivalent electronic fingerprints to

6 the local school board to obtain his federal bureau of

7 investigation record. The applicant who has been offered

8 employment, contractor or contractor's employee may be

9 required to pay for the cost of obtaining a background check.

10 [Local school boards may require that contractors whose

11 employees are in direct contact with students ensure that the

12 employees of such contractors be fingerprinted and provide two

13 fingerprint cards to the local school board.] At the request

14 of a local school board, the department of education is

15 authorized to release copies of federal bureau of

16 investigation records that are on file with the department of

17 education [to a local school board that requires that

18 applicants who have been offered employment provide such

19 records] and that are not more than twelve months old.

20 Convictions of felonies or misdemeanors contained in the

21 federal bureau of investigation record shall be used in

22 accordance with [Sections 28-2-1 through 28-2-6 NMSA 1978] the

23 Criminal Offender Employment Act; provided that other

24 information contained in the federal bureau of investigation

25 record, if supported by independent evidence, [can] may form

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the basis for the employment decisions for good and just cause. [Such] Records and any related information [related thereto] shall be privileged and shall not be disclosed to [individuals] a person not directly involved in the [certification or] employment [decisions] decision affecting the specific [applicants or employees] applicant who has been offered employment, contractor or contractor's employee with unsupervised access to students.

    C. The department of education shall implement the provisions of Subsection A of this section on or before July 1, 1998."

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FORTY-THIRD LEGISLATURE

SECOND SESSION, 1998

January 30, 1998

Mr. President:

Your **COMMITTEES' COMMITTEE**, to whom has been referred

SENATE BILL 15

has had it under consideration and finds same to be **NOT GERMANE**.

Respectfully submitted,

_____

Manny M Aragon, Chairman

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Adopted_____ Not Adopted_____

(Chief Clerk)   (Chief Clerk)

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Underscored material = new
[bracketed material] = delete

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FORTY-THIRD LEGISLATURE

SECOND SESSION, 1998

February 6, 1998

Mr. President:

Your **COMMITTEES' COMMITTEE**, to whom has been referred

SENATE BILL 15

has had it under consideration and finds same to be **GERMANE**,

pursuant to Senate Executive Message No. 39, and thence referred to

the **EDUCATION COMMITTEE**.

Respectfully submitted,

_____

Manny M Aragon, Chairman

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Adopted_____ Not Adopted_____

(Chief Clerk)   (Chief Clerk)

Date _____

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FORTY-THIRD LEGISLATURE   **SB 15/a**

SECOND SESSION, 1998

February 11, 1998

Mr. President:

Your **EDUCATION COMMITTEE**, to whom has been referred

SENATE BILL 15

has had it under consideration and reports same with recommendation

that it **DO PASS**, amended as follows:

1.   On page 2, line 9, strike the brackets and line through "or

employment decisions" and strike "<u>decision</u>".,

and thence referred to the **JUDICIARY COMMITTEE.**

Respectfully submitted,

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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

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Cynthia Nava, Chairman

Adopted_____ Not Adopted_____

    (Chief Clerk)   (Chief Clerk)

      Date _____

The roll call vote was __7__ For __0__ Against

Yes: 7

No: 0

Excused: Duran, Garcia, Gorham

Absent: None

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FORTY-THIRD LEGISLATURE

SECOND SESSION, 1998

February 16, 1998

Mr. President:

Your **JUDICIARY COMMITTEE**, to whom has been referred

SENATE BILL 15, as amended

has had it under consideration and reports same with recommendation
that it **DO PASS**.

Respectfully submitted,

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8   **Fernando R. Macias, Chairman**

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12 Adopted_____ Not Adopted_____

13   (Chief Clerk)   (Chief Clerk)

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17   Date _____

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20 The roll call vote was 7 For 0 Against

21 Yes: 7

22 No: 0

23 Excused: Sanchez

24 Absent: None

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Underscored material = new
[bracketed material] = delete

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FORTY-THIRD LEGISLATURE

SECOND SESSION, 1998

February 18, 1998

Mr. Speaker:

Your **JUDICIARY COMMITTEE,** to whom has been referred

SENATE BILL 15, as amended

has had it under consideration and reports same with
recommendation that it **DO PASS.**

Respectfully submitted,

_____

Thomas P. Foy, Chairman

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Adopted _____   Not Adopted _____
            (Chief Clerk)   (Chief Clerk)

Date _____

The roll call vote was _7_ For _0_ Against

Yes: 7

Excused: Alwin, Carpenter, Mallory, Rios, Sanchez, Stewart

Absent: None

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Underscored material = new
[bracketed material] = delete

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