

SENATE NO. 295

AN ACT RELATIVE TO ENSURING THE SAFETY OF CHILDREN

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

1 SECTION 1. Chapter 71 of the General Laws is hereby amended by striking out section 38R
2 and inserting the following;
3 Section 38R. The school committee and superintendent of any city, town or regional school
4 district and the principal, by whatever title the position be known, of a public, charter or
5 accredited private school of any city, town or regional school district shall have access to and
6 shall obtain all available criminal offender record information as well as a fingerprint national
7 criminal history background check from the criminal history systems board of any current or
8 prospective employee or volunteer of the school department, who may have direct and
9 unmonitored contact with children, including any individual who regularly provides school
10 related transportation to children. The national criminal background check will include but not
11 be limited to information obtained through the National Crime Information Center 2000. The
12 cost of the national criminal background check may be provided by the school district or
13 otherwise is the sole responsibility of the employee. National Criminal Background checks
14 shall be conducted by the Massachusetts State Police and then administered to the Criminal
15 History Systems Board in Massachusetts. Such school committee, superintendent or principal
16 shall periodically, but not less than every 3 years, obtain all available criminal offender record
17 information and fingerprint national criminal history background check from the criminal
18 history systems board on all such employees and volunteers during their term of employment or

19 volunteer service. Said school committee, superintendent or principal shall also have access to
20 all criminal offender record information and fingerprint national criminal history background
21 check of any subcontractor or laborer commissioned by the school committee of any city, town
22 or regional school district to perform work on school grounds, and who may have direct and
23 unmonitored contact with children.

24 Access to such information shall be obtained in accordance with sections 167 to 168, inclusive,
25 of chapter 6. A school committee, superintendent or principal obtaining information under this
26 section shall prohibit the dissemination of such information for any purpose other than to further
27 the protection of school children.