



PRELIMINARY DRAFT
No. 3094

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2014 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 20-26-5-10.

Synopsis: Criminal history checks for school volunteers. Applies the requirements concerning criminal history checks of school employees to school volunteers.

Effective: July 1, 2014.



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 20-26-5-10, AS AMENDED BY P.L.121-2009,
2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]: Sec. 10. (a) A school corporation, including a charter
4 school and an accredited nonpublic school, shall adopt a policy
5 concerning criminal history information for individuals who:

6 (1) apply for:

7 (A) employment with the school corporation; or

8 (B) employment with an entity with which the school
9 corporation contracts for services;

10 (2) seek to enter into a contract to provide services to the school
11 corporation; ~~or~~

12 (3) are employed by an entity that seeks to enter into a contract to
13 provide services to the school corporation; **or**

14 **(4) volunteer to provide services to the school corporation;**

15 if the individuals are likely to have direct, ongoing contact with
16 children within the scope of the individuals' employment **or volunteer**
17 **service.**

18 (b) A school corporation, including a charter school and an
19 accredited nonpublic school, shall administer a policy adopted under
20 this section uniformly for all individuals to whom the policy applies. A
21 policy adopted under this section must require that the school
22 corporation, charter school, or accredited nonpublic school conduct an
23 expanded criminal history check concerning each applicant for
24 noncertificated employment or certificated employment before or not
25 later than three (3) months after the applicant's:

26 **(1) employment by; or**

27 **(2) beginning of volunteer service for;**

28 the school corporation, charter school, or accredited nonpublic school.
29 Each individual **who is** hired for noncertificated employment or
30 certificated employment **or volunteers** may be required to provide a
31 written consent for the school corporation, charter school, or accredited



1 nonpublic school to request an expanded criminal history check
2 concerning the individual before or not later than three (3) months after
3 the individual's employment by **or beginning of volunteer service for**
4 the school corporation. The school corporation, charter school, or
5 accredited nonpublic school may require the individual to provide a set
6 of fingerprints and pay any fees required for the expanded criminal
7 history check. Each applicant for noncertificated employment or
8 certificated employment **or volunteer service** may be required at the
9 time the individual applies to answer questions concerning the
10 individual's expanded criminal history check. The failure to answer
11 honestly questions asked under this subsection is grounds for
12 termination of the employee's employment **or volunteer service**. The
13 applicant is responsible for all costs associated with obtaining the
14 expanded criminal history check. An applicant may not be required by
15 a school corporation, charter school, or accredited nonpublic school to
16 obtain an expanded criminal history check more than one (1) time
17 during a five (5) year period.

18 (c) Information obtained under this section must be used in
19 accordance with law.

