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SENATE BILL NO. 691

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Joint Conference Committee
on March 10, 2000)

(Patron Prior to Substitute—Senator Schrock)

A BILL to amend and reenact §§ 22.1-296.4 and 63.1-248.8 of the Code of Virginia, relating to records of founded complaints of child abuse and neglect.

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-296.4 and 63.1-248.8 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-296.4. Child abuse and neglect data required.

A. On and after July 1, 1997, every school board shall require, as a condition of employment, that any applicant who is offered or accepts employment requiring direct contact with students, whether full-time or part-time, permanent or temporary, provide written consent and the necessary personal information for the school board to obtain a search of the registry of founded complaints of child abuse and neglect maintained by the Department of Social Services pursuant to § 63.1-248.8. The school board shall ensure that all such searches are requested in conformance with the regulations of the Board of Social Services. The applicant may be required to pay the cost of the search at the discretion of the school board. From such funds as may be available for this purpose, however, the school board may pay for the search.

The Department of Social Services shall respond to such request by the school board in cases where there is no match within the central registry regarding applicants for employment within ten business days of receipt of such request. In cases where there is a match within the central registry regarding applicants for employment, the Department of Social Services shall respond to such request by the school board within thirty business days of receipt of such request. The response may be by first-class mail or facsimile transmission.

B. If an applicant is denied employment because of information appearing on his record in the registry, the school board shall provide a copy of the information obtained from the registry to the applicant. The information provided to the school board by the Department of Social Services shall be confidential and shall not be disseminated by the school board.

§ 63.1-248.8. Central registry; disclosure of information.

The central registry shall contain such information as shall be prescribed by State Board regulation. The information contained in the central registry shall not be open to inspection by the public. However, appropriate disclosure may be made in accordance with State Board regulations.

The Department shall respond to requests made by local school boards, pursuant to § 22.1-296.4, in cases where there is no match within the central registry regarding applicants for employment within ten business days of receipt of such requests. In cases where there is a match within the central registry regarding applicants for employment, the Department of Social Services shall respond to requests made by local school boards within thirty business days of receipt of such requests. The response may be by first-class mail or facsimile transmission.

Any central registry check of a person who has applied to be a volunteer with a Virginia affiliate of Big Brothers/Big Sisters of America, volunteer fire company or volunteer rescue squad, or with a court-appointed special advocate program pursuant to § 9-173.8 shall be conducted at no charge.