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HOUSE BILL NO. 1707

Offered January 10, 2007

Prefiled December 15, 2006

A BILL to amend and reenact § 22.1-296.1 of the Code of Virginia, relating to data on convictions of certain crimes for contract employees of local school boards.

Patrons—Lingamfelter, Athey, Cole, Iaquinto, Jones, S.C., Lohr, Rust and Sherwood

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-296.1 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-296.1. Data on convictions for certain crimes and child abuse and neglect required; penalty.

A. As a condition of employment for all of its public school employees, whether full-time or part-time, permanent, or temporary, every school board shall require on its application for employment certification (i) that the applicant has not been convicted of a felony or any offense involving the sexual molestation, physical or sexual abuse or rape of a child; and (ii) whether the applicant has been convicted of a crime of moral turpitude. Any person making a materially false statement regarding any such offense shall be guilty of a Class 1 misdemeanor and upon conviction, the fact of said conviction shall be grounds for the Board of Education to revoke such person's license to teach.

B. Every school board shall also require on its application for employment, as a condition of employment requiring direct contact with students, whether full-time or part-time, permanent, or temporary, certification that the applicant has not been the subject of a founded case of child abuse and neglect.

C. Prior to awarding a contract for the provision of services that require the contractor or his employees to have direct *unsupervised* contact with students, the school board shall require the contractor and, when relevant, any employee who will have direct *unsupervised* contact with students, to provide certification that (i) he has not been convicted of a felony or any offense involving the sexual molestation or physical or sexual abuse or rape of a child; and (ii) whether he has been convicted of a ~~crime of moral turpitude~~ *misdemeanor involving actual or threatened harm to any person or property, or of any offense listed in subdivisions G 1 through G 13 of § 16.1-260.*

Any person making a materially false statement regarding any such offense shall be guilty of a Class 1 misdemeanor and, upon conviction, the fact of such conviction shall be grounds for the revocation of the contract to provide such services and, when relevant, the revocation of any license required to provide such services. School boards shall not be liable for materially false statements regarding the certifications required by this subsection.

For the purposes of this subsection, "direct *unsupervised* contact with students" means being in the presence of students during regular school hours or during school-sponsored activities *when no employee or other representative of the school division is physically present.*

This subsection shall not apply to a contractor or his employees providing services to a school division in an emergency or exceptional situation, such as when student health or safety is endangered or when repairs are needed on an urgent basis to ensure that school facilities are safe and habitable, when it is reasonably anticipated that the contractor or his employee will have no direct contact with students.