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HOUSE BILL NO. 1537

Offered January 9, 2013

Prefiled January 4, 2013

A *BILL to amend and reenact § 19.2-389 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 22.1-290.2 through 22.1-290.5, relating to student teachers and student teacher supervisors; fingerprinting, criminal history records check, and child abuse and neglect registry data.*

Patron—Yost

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-389 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding sections numbered 22.1-290.2 through 22.1-290.5 as follows:

§ 19.2-389. Dissemination of criminal history record information.

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, and 5 of § 53.1-136 shall include collective dissemination by electronic means every 30 days;

2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;

3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data;

4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5. Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;

6. Individuals and agencies where authorized by court order or court rule;

7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;

7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 15.2-4500 et seq.) and their contractors, for the conduct of investigations of individuals who have been offered a position of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration;

8. Public or private agencies when authorized or required by federal or state law or interstate compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of that individual's household, with whom the agency is considering placing a child or from whom the agency is considering removing a child due to abuse or neglect, on an emergency,

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59 temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that
60 the data shall not be further disseminated to any party other than a federal or state authority or court as
61 may be required to comply with an express requirement of law;

62 9. To the extent permitted by federal law or regulation, public service companies as defined in
63 § 56-1, for the conduct of investigations of applicants for employment when such employment involves
64 personal contact with the public or when past criminal conduct of an applicant would be incompatible
65 with the nature of the employment under consideration;

66 10. The appropriate authority for purposes of granting citizenship and for purposes of international
67 travel, including, but not limited to, issuing visas and passports;

68 11. A person requesting a copy of his own criminal history record information as defined in
69 § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a
70 person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of
71 America; (ii) a volunteer fire company or volunteer rescue squad; (iii) the Volunteer Emergency
72 Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of
73 Compeer; or (vi) any board member or any individual who has been offered membership on the board
74 of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

75 12. Administrators and board presidents of and applicants for licensure or registration as a child
76 welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services'
77 representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and
78 volunteers at such facilities, caretakers, and other adults living in family day-care homes or homes
79 approved by family day-care systems, and foster and adoptive parent applicants of private child-placing
80 agencies, pursuant to §§ 63.2-1719, 63.2-1720, and 63.2-1721, subject to the restriction that the data
81 shall not be further disseminated by the facility or agency to any party other than the data subject, the
82 Commissioner of Social Services' representative or a federal or state authority or court as may be
83 required to comply with an express requirement of law for such further dissemination;

84 13. The school boards of the Commonwealth for the purpose of screening individuals who are
85 offered or who accept public school employment and those current school board employees for whom a
86 report of arrest has been made pursuant to § 19.2-83.1;

87 14. The State Lottery Department for the conduct of investigations as set forth in the State Lottery
88 Law (§ 58.1-4000 et seq.), and the Department of Agriculture and Consumer Services for the conduct of
89 investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

90 15. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations
91 of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital
92 pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to
93 the limitations set out in subsection E;

94 16. Licensed homes for adults, licensed district homes for adults, and licensed adult day-care centers
95 for the conduct of investigations of applicants for compensated employment in licensed homes for adults
96 pursuant to § 63.2-1720, in licensed district homes for adults pursuant to § 63.1-189.1, and in licensed
97 adult day-care centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

98 17. The Alcoholic Beverage Control Board for the conduct of investigations as set forth in
99 § 4.1-103.1;

100 18. The State Board of Elections and authorized officers and employees thereof in the course of
101 conducting necessary investigations with respect to registered voters, limited to any record of felony
102 convictions;

103 19. The Commissioner of Behavioral Health and Developmental Services for those individuals who
104 are committed to the custody of the Commissioner pursuant to §§ 19.2-169.2, 19.2-169.6, 19.2-182.2,
105 19.2-182.3, 19.2-182.8, and 19.2-182.9 for the purpose of placement, evaluation, and treatment planning;

106 20. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety
107 Action Program for (i) assessments of habitual offenders under § 46.2-360, (ii) interventions with first
108 offenders under § 18.2-251, or (iii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;

109 21. Residential facilities for juveniles regulated or operated by the Department of Social Services, the
110 Department of Education, or the Department of Behavioral Health and Developmental Services for the
111 purpose of determining applicants' fitness for employment or for providing volunteer or contractual
112 services;

113 22. The Department of Behavioral Health and Developmental Services and facilities operated by the
114 Department for the purpose of determining an individual's fitness for employment pursuant to
115 departmental instructions;

116 23. Pursuant to § 22.1-296.3, the governing boards or administrators of private or religious
117 elementary or secondary schools which are accredited by a statewide accrediting organization
118 recognized, prior to January 1, 1996, by the State Board of Education or a private organization
119 coordinating such records information on behalf of such governing boards or administrators pursuant to
120 a written agreement with the Department of State Police;

121 24. Public and nonprofit private colleges and universities for the purpose of screening individuals
122 who are offered or accept employment;

123 25. Members of a threat assessment team established by a public institution of higher education
124 pursuant to § 23-9.2:10 or by a private nonprofit institution of higher education, for the purpose of
125 assessing or intervening with an individual whose behavior may present a threat to safety; however, no
126 member of a threat assessment team shall redisclose any criminal history record information obtained
127 pursuant to this section or otherwise use any record of an individual beyond the purpose that such
128 disclosure was made to the threat assessment team;

129 26. Executive directors of community services boards or the personnel director serving the
130 community services board for the purpose of determining an individual's fitness for employment
131 pursuant to §§ 37.2-506 and 37.2-607;

132 27. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of
133 determining an individual's fitness for employment pursuant to §§ 37.2-506 and 37.2-607;

134 28. The Commissioner of Social Services for the purpose of locating persons who owe child support
135 or who are alleged in a pending paternity proceeding to be a putative father, provided that only the
136 name, address, demographics and social security number of the data subject shall be released;

137 29. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of
138 Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the
139 purpose of determining if any applicant who accepts employment in any direct care position has been
140 convicted of a crime that affects his fitness to have responsibility for the safety and well-being of
141 individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416,
142 37.2-506, and 37.2-607;

143 30. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants
144 for a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.)
145 and 21 (§ 46.2-2100 et seq.) of Title 46.2;

146 31. The chairmen of the Committees for Courts of Justice of the Senate or the House of Delegates
147 for the purpose of determining if any person being considered for election to any judgeship has been
148 convicted of a crime;

149 32. Heads of state agencies in which positions have been identified as sensitive for the purpose of
150 determining an individual's fitness for employment in positions designated as sensitive under Department
151 of Human Resource Management policies developed pursuant to § 2.2-1201.1. Dissemination of criminal
152 history record information to the agencies shall be limited to those positions generally described as
153 directly responsible for the health, safety and welfare of the general populace or protection of critical
154 infrastructures;

155 33. The Office of the Attorney General, for all criminal justice activities otherwise permitted under
156 subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually
157 Violent Predators Act (§ 37.2-900 et seq.);

158 34. Shipyards, to the extent permitted by federal law or regulation, engaged in the design,
159 construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary
160 companies, for the conduct of investigations of applications for employment or for access to facilities,
161 by contractors, leased laborers, and other visitors;

162 35. Any employer of individuals whose employment requires that they enter the homes of others, for
163 the purpose of screening individuals who apply for, are offered, or have accepted such employment;

164 36. Public agencies when and as required by federal or state law to investigate (i) applicants as
165 providers of adult foster care and home-based services or (ii) any individual with whom the agency is
166 considering placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1,
167 subject to the restriction that the data shall not be further disseminated by the agency to any party other
168 than a federal or state authority or court as may be required to comply with an express requirement of
169 law for such further dissemination, subject to limitations set out in subsection G;

170 37. The Department of Medical Assistance Services, or its designee, for the purpose of screening
171 individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered,
172 or have accepted a position related to the provision of transportation services to enrollees in the
173 Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other
174 program administered by the Department of Medical Assistance Services;

175 38. The State Corporation Commission for the purpose of investigating individuals who are current
176 or proposed members, senior officers, directors, and principals of an applicant or person licensed under
177 Chapter 16 (§ 6.2-1600 et seq.) of Title 6.2. Notwithstanding any other provision of law, if an
178 application is denied based in whole or in part on information obtained from the Central Criminal
179 Records Exchange pursuant to § 6.2-1605, the Commissioner of Financial Institutions or his designee
180 may disclose such information to the applicant or its designee;

181 39. The Department of Professional and Occupational Regulation for the purpose of investigating

182 individuals for initial licensure pursuant to § 54.1-2106.1;

183 40. The Department for Aging and Rehabilitative Services and the Department for the Blind and
184 Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment
185 and for the purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11
186 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

187 41. Bail bondsmen, in accordance with the provisions of § 19.2-120;

188 42. The State Treasurer for the purpose of determining whether a person receiving compensation for
189 wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12; ~~and~~

190 43. *Student teachers and student teacher supervisors for the purpose of screening such student*
191 *teachers and student teacher supervisors for placement in private and public elementary or secondary*
192 *schools pursuant to §§ 22.1-290.2 through 22.1-290.5; and*

193 43- 44. Other entities as otherwise provided by law.

194 Upon an ex parte motion of a defendant in a felony case and upon the showing that the records
195 requested may be relevant to such case, the court shall enter an order requiring the Central Criminal
196 Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons
197 designated in the order on whom a report has been made under the provisions of this chapter.

198 Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to
199 before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the
200 criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a
201 copy of conviction data covering the person named in the request to the person making the request;
202 however, such person on whom the data is being obtained shall consent in writing, under oath, to the
203 making of such request. A person receiving a copy of his own conviction data may utilize or further
204 disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data
205 subject, the person making the request shall be furnished at his cost a certification to that effect.

206 B. Use of criminal history record information disseminated to noncriminal justice agencies under this
207 section shall be limited to the purposes for which it was given and may not be disseminated further.

208 C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal
209 history record information for employment or licensing inquiries except as provided by law.

210 D. Criminal justice agencies shall establish procedures to query the Central Criminal Records
211 Exchange prior to dissemination of any criminal history record information on offenses required to be
212 reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is
213 being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases
214 where time is of the essence and the normal response time of the Exchange would exceed the necessary
215 time period. A criminal justice agency to whom a request has been made for the dissemination of
216 criminal history record information that is required to be reported to the Central Criminal Records
217 Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination.
218 Dissemination of information regarding offenses not required to be reported to the Exchange shall be
219 made by the criminal justice agency maintaining the record as required by § 15.2-1722.

220 E. Criminal history information provided to licensed nursing homes, hospitals and to home care
221 organizations pursuant to subdivision A 15 shall be limited to the convictions on file with the Exchange
222 for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

223 F. Criminal history information provided to licensed assisted living facilities, licensed district homes
224 for adults, and licensed adult day-care centers pursuant to subdivision A 16 shall be limited to the
225 convictions on file with the Exchange for any offense specified in § 63.1-189.1 or 63.2-1720.

226 G. Criminal history information provided to public agencies pursuant to subdivision A 36 shall be
227 limited to the convictions on file with the Exchange for any offense specified in § 63.2-1719.

228 H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal
229 Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the
230 Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in
231 the request to the employer or prospective employer making the request, provided that the person on
232 whom the data is being obtained has consented in writing to the making of such request and has
233 presented a photo-identification to the employer or prospective employer. In the event no conviction data
234 is maintained on the person named in the request, the requesting employer or prospective employer shall
235 be furnished at his cost a certification to that effect. The criminal history record search shall be
236 conducted on forms provided by the Exchange.

237 **§ 22.1-290.2. Student teachers; fingerprinting and criminal history records check.**

238 A. For purposes of this section, "student teacher" means any student enrolled at a regionally
239 accredited public or private institution of higher education who has applied or been accepted to
240 participate in a classroom teaching, internship, clinical, or field experience in the Commonwealth in
241 which the student would perform classroom teaching or assist in education programs, under the
242 supervision of education preparation program faculty, as part of a program for the initial or advanced
243 preparation of professional educators, in a public elementary or secondary school or a private

elementary or secondary school accredited by the Virginia Council for Private Education.

B. Each student teacher shall submit to fingerprinting and provide personal identifying information to be forwarded along with the student teacher's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding the student teacher. The student teacher shall pay the full cost of the fingerprinting or criminal history records check.

The Central Criminal Records Exchange, upon receipt of a student teacher's record or notification that no record exists, shall report to the student teacher whether he has ever been convicted of a felony or a Class 1 misdemeanor in the Commonwealth or an equivalent offense in another state. The Central Criminal Records Exchange shall not disclose information to the student teacher regarding charges or convictions of any crimes not specified in this subsection.

C. Each student teacher shall forward the information that he received from the Central Criminal Records Exchange to (i) the governing board of the institution of higher education at which he is enrolled and (ii) the school board of the respective local school division or the governing board of the private school in which the student teacher seeks to participate in a classroom teaching, internship, clinical, or field experience. The information provided to each respective board shall not be disseminated except as provided in this subsection.

D. The Board of Education shall develop guidelines for each respective governing board and local school board to use to decide whether to deny each student teacher's placement in a classroom teaching, internship, clinical, or field experience based on the information provided by the student teacher pursuant to subsection C. The guidelines shall set forth (i) the conditions, developed by the Board pursuant to regulation, under which the Board may revoke a license that it has issued to a teacher and (ii) the conditions under which a school board may dismiss or place on probation a teacher pursuant to § 22.1-307.

E. During the course of a student teacher's participation in an education preparation program, the student teacher shall maintain a copy of the criminal history record information provided by the Central Criminal Records Exchange.

If a student teacher is continuously enrolled in an education preparation program, the student teacher is not required to request another criminal history records check during that period of enrollment. If a student teacher's enrollment in an education preparation program is interrupted, the student teacher shall resubmit to fingerprinting and provide personal identifying information to be forwarded along with the student teacher's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation pursuant to subsection B.

§ 22.1-290.3. Student teachers; child abuse and neglect data.

A. For purposes of this section, "student teacher" means any student enrolled at a regionally accredited public or private institution of higher education who has applied or been accepted to participate in a classroom teaching, internship, clinical, or field experience in the Commonwealth in which the student would perform classroom teaching or assist in education programs, under the supervision of education preparation program faculty, as part of a program for the initial or advanced preparation of professional educators, in a public elementary or secondary school or a private elementary or secondary school accredited by the Virginia Council for Private Education.

B. Each student teacher shall compile the necessary personal identifying information for the board to conduct a search of the registry of founded complaints of child abuse and neglect maintained by the Department of Social Services pursuant to § 63.2-1515 in conformance with the regulations of the State Board of Social Services. In addition, any student teacher who has resided in another state within the last five years shall determine whether he was the subject of a founded complaint of child abuse or neglect in another state and shall compile the necessary personal identifying information to obtain information from each relevant state as to whether the student teacher was the subject of a founded complaint of child abuse or neglect in such state. The student teacher shall pay the full cost of any search conducted pursuant to this subsection.

C. Each student teacher shall forward the information that he received from any registry of founded complaints of child abuse and neglect maintained pursuant to subsection B to (i) the governing board of the institution of higher education at which he is enrolled and (ii) the school board of the respective local school division or the governing board of the private school in which the student teacher seeks to participate in a classroom teaching, internship, clinical, or field experience. The information provided to each respective board shall not be disseminated except as provided in this subsection. The information provided to the student teacher by the Department of Social Services or the equivalent agency in another state shall be confidential and shall not be disseminated by the board except as provided in this subsection.

D. The Board of Education shall develop guidelines for each respective governing board and local school board to use to decide whether to deny each student teacher's placement in a classroom

305 *teaching, internship, clinical, or field experience based on the information provided by the student*
306 *teacher pursuant to subsection C.*

307 **§ 22.1-290.4. Student teacher supervisors; fingerprinting and criminal history records check.**

308 *A. For purposes of this section, "student teacher supervisor" means any graduate student or faculty*
309 *member of a public or private institution of higher education who observes a student teacher*
310 *participating in a classroom teaching, internship, clinical, or field experience in a public elementary or*
311 *secondary school or a private elementary or secondary school accredited by the Virginia Council for*
312 *Private Education in the Commonwealth.*

313 *B. Each student teacher supervisor shall submit to fingerprinting and provide personal identifying*
314 *information to be forwarded along with the student teacher supervisor's fingerprints through the Central*
315 *Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal*
316 *history record information regarding the student teacher supervisor. The student teacher supervisor shall*
317 *pay the full cost of the fingerprinting or criminal history records check.*

318 *The Central Criminal Records Exchange, upon receipt of a student teacher supervisor's record or*
319 *notification that no record exists, shall report to the student teacher supervisor whether he has ever*
320 *been convicted of a felony or a Class 1 misdemeanor in the Commonwealth or an equivalent offense in*
321 *another state. The Central Criminal Records Exchange shall not disclose information to the student*
322 *teacher supervisor regarding charges or convictions of any crimes not specified in this subsection.*

323 *C. Each student teacher supervisor shall forward the information that he received from the Central*
324 *Criminal Records Exchange to (i) the governing board of the institution of higher education at which he*
325 *is enrolled or employed and (ii) the school board of the respective local school division or the*
326 *governing board of the private school in which the student teacher supervisor seeks to observe a student*
327 *teacher participating in a classroom teaching, internship, clinical, or field experience. The information*
328 *provided to each respective board shall not be disseminated except as provided in this subsection.*

329 *D. The Board of Education shall develop guidelines for each respective governing board and local*
330 *school board to use to decide whether to deny each student teacher supervisor's placement in an*
331 *observational role in an elementary or secondary school based on the information provided by the*
332 *student teacher supervisor pursuant to subsection C. The guidelines shall set forth (i) the conditions,*
333 *developed by the Board pursuant to regulation, under which the Board may revoke a license that it has*
334 *issued to a teacher and (ii) the conditions under which a school board may dismiss or place on*
335 *probation a teacher pursuant to § 22.1-307.*

336 *E. During the course of a student teacher supervisor's observation of a student teacher participating*
337 *in a classroom teaching, internship, clinical, or field experience, the student teacher supervisor shall*
338 *maintain a copy of the criminal history record information provided by the Central Criminal Records*
339 *Exchange.*

340 *The Board shall develop guidelines to set forth the frequency with which the student teacher*
341 *supervisor shall resubmit to fingerprinting and provide personal identifying information to be forwarded*
342 *along with the student teacher's fingerprints through the Central Criminal Records Exchange to the*
343 *Federal Bureau of Investigation pursuant to subsection B.*

344 **§ 22.1-290.5. Student teacher supervisors; child abuse and neglect data.**

345 *A. For purposes of this section, "student teacher supervisor" means any graduate student or faculty*
346 *member of a public or private institution of higher education who observes a student teacher*
347 *participating in a classroom teaching, internship, clinical, or field experience in a public elementary or*
348 *secondary school or a private elementary or secondary school accredited by the Virginia Council for*
349 *Private Education in the Commonwealth.*

350 *B. Each student teacher supervisor shall compile the necessary personal identifying information for*
351 *the board to conduct a search of the registry of founded complaints of child abuse and neglect*
352 *maintained by the Department of Social Services pursuant to § 63.2-1515 in conformance with the*
353 *regulations of the State Board of Social Services. In addition, any student teacher supervisor who has*
354 *resided in another state within the last five years shall determine whether he was the subject of a*
355 *founded complaint of child abuse or neglect in another state and shall compile the necessary personal*
356 *identifying information to obtain information from each relevant state as to whether the student teacher*
357 *supervisor was the subject of a founded complaint of child abuse or neglect in such state. The student*
358 *teacher supervisor shall pay the full cost of any search conducted pursuant to this subsection.*

359 *C. Each student teacher supervisor shall forward the information that he received from any registry*
360 *of founded complaints of child abuse and neglect maintained pursuant to subsection B to (i) the*
361 *governing board of the institution of higher education at which he is enrolled or employed and (ii) the*
362 *school board of the respective local school division or the governing board of the private school in*
363 *which the student teacher supervisor seeks to observe a student teacher participating in a classroom*
364 *teaching, internship, clinical, or field experience. The information provided to each respective board*
365 *shall not be disseminated except as provided in this subsection. The information provided to the student*
366 *teacher supervisor by the Department of Social Services or the equivalent agency in another state shall*

367 *be confidential and shall not be disseminated by the board except as provided in this subsection.*
368 *D. The Board of Education shall develop guidelines for each respective governing board and local*
369 *school board to use to decide whether to deny each student teacher supervisor's placement in an*
370 *observational role in an elementary or secondary school based on the information provided by the*
371 *student teacher supervisor pursuant to subsection C.*

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