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SENATE BILL NO. 928

Offered January 19, 2018

A *BILL to amend and reenact § 22.1-296.1 of the Code of Virginia, relating to school boards; employment of certain individuals; certain contracts.*

Patron—Obenshain

Referred to Committee on Education and Health

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. Employment; 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 No school board shall employ any individual who has been convicted of any felony or crime of moral turpitude unless such individual (i) was previously employed in good standing by any school board, has been granted a simple pardon by the Governor, and, in the case of a felon, has had his civil rights restored by the Governor or (ii) is employed in good standing by the school board on July 1, 2018. Notwithstanding the foregoing provisions of this subsection, in no case shall any school board employ any individual who has been convicted of any felony pursuant to § 18.2-255.2, any felony offense against a child, any act of violence as defined in § 19.2-297.1 or violent felony set forth in subsection C of § 17.1-805, or any offense for which registration is required pursuant to § 9.1-902.

B. Each school board shall require on its application each applicant for full-time, part-time, permanent, or temporary employment certification (i) that to certify whether the applicant has not been convicted of a any felony pursuant to § 18.2-255.2, any felony offense against a child, any act of violence as defined in § 19.2-297.1 or violent felony set forth in subsection C of § 17.1-805, any offense for which registration is required pursuant to § 9.1-902, any otherfelony 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, or any other 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. C. 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. Any person making a materially false statement regarding a finding of child abuse and neglect 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.

D. No school board shall award a contract for the provision of services that require the contractor or his employees to have direct contact with students on school property during regular school hours or during school-sponsored activities when any individual who provides such services has been convicted of any felony or crime of moral turpitude unless such individual has been granted a simple pardon by the Governor and, in the case of a felon, has had his civil rights restored by the Governor. Notwithstanding the foregoing provisions of this subsection, in no case shall any school board award such a contract when any individual who provides such services has been convicted of any felony pursuant to § 18.2-255.2, any felony offense against a child, any act of violence as defined in § 19.2-297.1 or violent felony set forth in subsection C of § 17.1-805, or any offense for which registration is required pursuant to § 9.1-902.

C. As a condition of awarding E. Each school board shall require each contractor who seeks to be awarded a contract for the provision of services that require the contractor or his employees to have direct contact with students on school property during regular school hours or during school-sponsored activities, the school board shall require the contractor to provide certification that all persons certify whether any individual who will provide such services have not has been convicted of a any felony pursuant to § 18.2-255.2, any felony offense against a child, any act of violence as defined in § 19.2-297.1 or violent felony set forth in subsection C of § 17.1-805, any offense for which registration is required pursuant to § 9.1-902, any other felony or any offense involving the sexual molestation or physical or sexual abuse or rape of a child, or any other 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 such conviction shall be grounds for the revocation of

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59 the contract to provide such services and, when relevant, the revocation of any license required to
60 provide such services. School boards shall not be liable for materially false statements regarding the
61 certifications required by this subsection.

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