

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact §§ 22.1-296.4 and 63.2-1515 of the Code of Virginia, relating to Department of Social Services; central registry; electronic requests and responses.

[S 678]

Approved

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-296.4 and 63.2-1515 of the Code of Virginia are amended and reenacted as follows:

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

A. Every school board and every governing board or administrator of a private school accredited pursuant to § 22.1-19 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, governing board, or administrator to obtain a search of the registry of founded complaints of child abuse and neglect maintained by the Department of Social Services pursuant to § 63.2-1515. The school board, governing board, or administrator shall ensure that all such searches are requested in conformance with the regulations of the Board of Social Services. In addition, where the applicant has resided in another state within the last five years, the school board, governing board, or administrator shall require as a condition of employment that such applicant provide written consent and the necessary personal information for the school board, governing board, or administrator to obtain information from each relevant state as to whether the applicant was the subject of a founded complaint of child abuse and neglect in such state. The school board, governing board or administrator shall take reasonable steps to determine whether the applicant was the subject of a founded complaint of child abuse and neglect in the relevant state. The Department of Social Services shall maintain a database of central child abuse and neglect registries in other states that provide access to out-of-state school boards, for use by local school boards, governing boards, and administrators. The applicant may be required to pay the cost of any search conducted pursuant to this subsection at the discretion of the school board, governing board, or administrator. From such funds as may be available for this purpose, however, the school board or the governing board or administrator may pay for the search.

The Department of Social Services shall respond to such request by the school board, governing board, or administrator in cases where there is no match within the central registry regarding applicants for employment within 10 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, governing board, or administrator within 30 business days of receipt of such request. The *request and response may be sent electronically or by first-class mail or facsimile transmission.*

B. If the response obtained pursuant to subsection A indicates that the applicant is the subject of a founded case of child abuse and neglect, such applicant shall be denied employment or the employment shall be rescinded.

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

§ 63.2-1515. Central registry; disclosure of information.

The central registry shall contain such information as shall be prescribed by Board regulation; however, when the founded case of abuse or neglect does not name the parents or guardians of the child as the abuser or neglecter, and the abuse or neglect occurred in a licensed or unlicensed child day center, a licensed, registered or approved family day home, a private or public school, or a children's residential facility, the child's name shall not be entered on the registry without consultation with and permission of the parents or guardians. If a child's name currently appears on the registry without consultation with and permission of the parents or guardians for a founded case of abuse and neglect that does not name the parents or guardians of the child as the abuser or neglecter, such parents or guardians may have the child's name removed by written request to the Department. 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 Board regulations.

The Department shall respond to requests for a search of the central registry made by (i) local

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57 departments, (ii) local school boards, and (iii) governing boards or administrators of private schools
58 accredited pursuant to § 22.1-19 regarding applicants for employment, pursuant to § 22.1-296.4, in cases
59 where there is no match within the central registry within 10 business days of receipt of such requests.
60 In cases where there is a match within the central registry regarding applicants for employment, the
61 Department shall respond to requests made by local departments, local school boards, and governing
62 boards or administrators within 30 business days of receipt of such requests. The *request and* response
63 may be *sent electronically or* by first-class mail or facsimile transmission.

64 The Department shall disclose information in the central registry to the Chairmen of the Committees
65 for the Courts of Justice of the Senate and House of Delegates for the purpose of determining if any
66 person being considered for election to any judgeship has been the subject of any founded complaint of
67 child abuse or neglect.

68 Any central registry check of a person who has applied to be a volunteer with a (a) Virginia affiliate
69 of Big Brothers/Big Sisters of America, (b) Virginia affiliate of Compeer, (c) Virginia affiliate of
70 Childhelp USA, (d) volunteer fire company or volunteer emergency medical services agency, or (e)
71 court-appointed special advocate program pursuant to § 9.1-153 shall be conducted at no charge.