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Indicates New Matter

COMMITTEE REPORT

March 25, 2010

**S. 953**

Introduced by Senator Jackson

S. Printed 3/25/10--S.

Read the first time January 12, 2010.

**THE COMMITTEE ON EDUCATION**

To whom was referred a Bill (S. 953) to amend the Code of Laws of South Carolina, 1976, by adding Section 59‑19‑117 so as to require an individual hired by a school district to serve, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Chapter 19, Title 59 of the 1976 Code is amended by adding:

“Section 59‑19‑117. (A) An individual hired by a local school district board of trustees to serve in any capacity in a public school in this State shall undergo a criminal record search by the State Law Enforcement Division pursuant to regulations contained in Subarticle 1, Article 3, Chapter 73 of the Code of Regulations. By August 1, 2010, a school district board of trustees shall adopt a written policy that specifies the required criminal record search as well as how the information received from the search impacts hiring decisions. The district policy must stipulate whether the district assumes the cost of the criminal record search or that the applicant assumes the cost. The policy must include, at a minimum, a prohibition of hiring individuals convicted of violent crimes as defined in Section 16‑1‑60 and hiring recommendations relative to felony convictions and relevant just‑cause examples provided in Section 59‑25‑160. The South Carolina Law Enforcement Division, working with the Department of Education, shall provide training to appropriate school district personnel on the understanding and appropriate uses of the information provided in criminal record searches.

(B) Each school district of this State shall perform a National Sex Offender Registry check on all district employees hired to serve in any capacity in a public school and all volunteers who work in a school on an interim or regular basis as mentors, coaches, or any other capacity, or volunteers who serve as student chaperones or any other capacity having direct interaction with students. The South Carolina Law Enforcement Division, working with the Department of Education, shall provide training to appropriate district personnel on the appropriate uses of the database. By August 1, 2010, the district board of trustees shall adopt a written policy that specifies the sex offender registry check as well as how information received from the search impacts hiring decisions. The policy must include, at a minimum, a prohibition of hiring individuals required to register as sex offenders pursuant to Section 23‑3‑430.”

SECTION 2. Section 23‑3‑115 of the 1976 Code, as last amended by Act 353 of 2008, is further amended by adding:

“(C) The fee allowed in subsection (A) is waived if the criminal record search is conducted on a substitute teacher on behalf of a school district”

SECTION 3. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

JOHN E. COURSON for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

See Below

**EXPLANATION OF IMPACT:**

State Department of Education (SDE)

SDE estimates there will be no fiscal impact for that agency.

State Law Enforcement Division (SLED)

This bill would impact other funds expenditures to the extent other funds revenue decreases upon enactment. SLED estimates that there will be 23,340 criminal background checks annually for non-teaching personal with a cost of $583,500 (20 checks per school). Currently, SLED charges $25 per criminal background check. If the fee is reduced by $17 (From $25 to $8), then SLED would lose $396,780 in revenues.

**SPECIAL NOTES:**

In accordance with Section 23-3-115 (A) of the Code of Laws of South Carolina, 1976, SLED remits the first $4,461,000 of criminal records search revenue to the General Fund of the State and retains the balance to assist in covering agency operating expenses. The Board of Economic Advisors is the appropriate entity to address any general fund revenue impact associated with this or any other bill.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑19‑117 SO AS TO REQUIRE AN INDIVIDUAL HIRED BY A SCHOOL DISTRICT TO SERVE IN ANY CAPACITY IN A PUBLIC SCHOOL WHICH REQUIRES DIRECT INTERACTION WITH STUDENTS TO UNDERGO A CRIMINAL RECORD SEARCH, TO REQUIRE EACH SCHOOL DISTRICT TO DEVELOP A WRITTEN POLICY ON THE CRIMINAL RECORD SEARCH, TO PROVIDE WHAT THE POLICY MUST INCLUDE, AND TO REQUIRE THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION TO PROVIDE TRAINING TO APPROPRIATE SCHOOL DISTRICT PERSONNEL; AND TO AMEND SECTION 23‑3‑115, RELATING TO FEES FOR CRIMINAL RECORD SEARCHES, SO AS TO FIX THE FEE AT EIGHT DOLLARS FOR CERTAIN SCHOOL DISTRICT EMPLOYEES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 19, Title 59 of the 1976 Code is amended by adding:

“Section 59‑19‑117. An individual hired by a local school district board of trustees to serve in any capacity in a public school in this State which requires direct interaction with students shall undergo a criminal record search by the State Law Enforcement Division pursuant to regulations contained in Subarticle 1, Article 3, Chapter 73 of the Code of Regulations. By August 1, 2010, a school district board of trustees shall adopt a written policy that specifies the required criminal record search as well as how the information received from the search impacts hiring decisions. The district policy may stipulate that the district assumes the cost of the criminal record search or that the applicant assumes the cost. The policy must include, at a minimum, a prohibition of hiring individuals convicted of violent crimes as defined in Section 16‑1‑60 and hiring recommendations relative to felony convictions and relevant just-cause examples provided in Section 59‑25‑160. The South Carolina Law Enforcement Division, working with the Department of Education, shall provide training to appropriate school district personnel on the understanding and appropriate uses of the information provided in criminal record searches.”

SECTION 2. Section 23‑3‑115(B) of the 1976 Code, as last amended by Act 353 of 2008, is further amended to read:

“(B) The fee allowed in subsection (A) is fixed at eight dollars if the criminal record search is conducted for a charitable organization, a bona fide mentor, a school district for individuals hired in any capacity which requires direct interaction with children, or for the use of a charitable organization. The division shall develop forms on which a mentor, school district, or charitable organization shall certify that the criminal record search is conducted for the use and benefit of the charitable organization, school district, or mentor. For purposes of this subsection, the phrase ‘charitable organization’ means:

(1) an organization which has been determined to be exempt from taxation under Section 501(c)(3) of the United States Internal Revenue Code of 1986, as amended;

(2) a bona fide church, including an institution such as a synagogue or mosque;

(3) an organization which has filed a statement of registration or exemption under the Solicitation of Charitable Funds Act, Chapter 56, Title 33; or

(4) local recreation commission volunteers.”

SECTION 3. This act takes effect upon approval by the Governor.

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