

SENATE BILL NO. 2186

Introduced by

Senators Bakke, Patten

Representatives Hager, Roers Jones, Schauer

1 A BILL for an Act to amend and reenact subdivision y of subsection 2 of section 12-60-24,
2 subdivision f of subsection 1 of section 15.1-06-06, and subdivision e of subsection 1 of section
3 15.1-06-06.1 of the North Dakota Century Code, relating to verification of criminal history
4 background checks for public and nonpublic school employees.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Subdivision y of subsection 2 of section 12-60-24 of the North
7 Dakota Century Code is amended and reenacted as follows:

- 8 y. (1) The board of a school district, for a final applicant seeking employment with
9 the district or otherwise providing services to the district, ~~if that individual~~
10 ~~has unsupervised contact with students~~, provided the board is responsible
11 for paying the costs associated with obtaining a criminal history record
12 check;
- 13 (2) The board of a multidistrict special education unit, for a final applicant
14 seeking employment with the unit or otherwise providing services to the unit,
15 ~~if that individual has unsupervised contact with students~~, provided the board
16 is responsible for paying the costs associated with obtaining a criminal
17 history record check;
- 18 (3) The board of an area career and technology center, for a final applicant
19 seeking employment with the center or otherwise providing services to the
20 center, ~~if that individual has unsupervised contact with students~~, provided
21 the board is responsible for paying the costs associated with obtaining a
22 criminal history record check;
- 23 (4) The board of a regional education association, for a final applicant seeking
24 employment with the association or otherwise providing services to the

1 association if that individual has ~~unsupervised contact with students,~~
2 provided the board is responsible for paying the costs associated with
3 obtaining a criminal history record check; and

4 (5) The superintendent of public instruction in the case of a nonpublic school or
5 a state school with a superintendent appointed by or reporting to the
6 superintendent of public instruction, for a final applicant seeking
7 employment with the school or otherwise providing services to the school, if
8 ~~that individual has unsupervised contact with students,~~ provided the board is
9 responsible for paying the costs associated with obtaining a criminal history
10 record check.

11 (6) ~~For purposes of this subdivision, "unsupervised contact" with students~~
12 ~~means being in proximity to one or more students, on school grounds or at~~
13 ~~school functions, outside the presence of an individual who has been~~
14 ~~subject to a criminal history record check.~~

15 **SECTION 2. AMENDMENT.** Subdivision f of subsection 1 of section 15.1-06-06 of the North
16 Dakota Century Code is amended and reenacted as follows:

17 f. All individuals hired after June 30, 2011, ~~and having unsupervised contact with~~
18 ~~students~~ and employed at the school, have:

- 19 (1) Undergone a criminal history background check requested by the employing
20 school district; or
21 (2) Undergone a criminal history background check in order to be licensed by
22 the education standards and practices board or by any other state licensing
23 board; and

24 **SECTION 3. AMENDMENT.** Subdivision e of subsection 1 of section 15.1-06-06.1 of the
25 North Dakota Century Code is amended and reenacted as follows:

26 e. All individuals hired after June 30, 2011, ~~and having unsupervised contact with~~
27 ~~students~~ and employed at the school, have:

- 28 (1) Undergone a criminal history background check requested on behalf of the
29 employing school; or

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- 1 (2) Undergone a criminal history background check in order to be licensed by
- 2 the education standards and practices board or by any other state licensing
- 3 board.