

**SENATE . . . . . No. 210**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act relative to ensuring the safety of children..

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 71 of the General Laws is hereby amended by striking out section  
2 38R and inserting the following:-

3 Section 38R. The superintendent of any city, town or regional school district and leader,  
4 by whatever title the position is known, of a public, charter or accredited private school of any  
5 city, town or regional school district shall have access to and shall obtain all available criminal  
6 offender record information as well as a fingerprint national criminal history background check  
7 from the criminal history systems board of any current or prospective employee of the school  
8 department, who may have direct and unmonitored contact with children, including any  
9 individual who regularly provides school related transportation to children. The national criminal  
10 background check will include but not be limited to information obtained through the National  
11 Crime Information Center 2000. The cost of the national criminal background check is the sole  
12 responsibility of the current or prospective employee. National Criminal Background checks  
13 shall be conducted by the Massachusetts State Police and then administered through the Criminal  
14 History Systems Board in Massachusetts. Such superintendent or leader shall periodically, but

15 not less than every 3 years, obtain all available criminal offender record information and  
16 fingerprint national criminal history background check from the criminal history systems board  
17 on all such employees during their term of employment. Said superintendent or leader shall also  
18 have access to all criminal offender record information and fingerprint national criminal history  
19 background check of any subcontractor or laborer commissioned by the school committee of any  
20 city, town or regional school district to perform work on school grounds, and who may have  
21 direct and unmonitored contact with children.

22           Access to such information shall be obtained in accordance with sections 167 to 168,  
23 inclusive, of chapter 6. A superintendent or leader obtaining information under this section shall  
24 prohibit the dissemination of such information for any purpose other than to further the  
25 protection of school children.