

107TH CONGRESS
2^D SESSION

H. R. 5257

To provide private school parity with public schools in obtaining criminal background checks of employees, volunteers, and applicants, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2002

Mr. FLETCHER (for himself and Mr. CAPUANO) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To provide private school parity with public schools in obtaining criminal background checks of employees, volunteers, and applicants, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Keeping All Children
5 Safe in Schools Act of 2002”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) In order to protect schoolchildren in the
9 United States, the Congress facilitated national

1 criminal history background checks of America's ele-
2 mentary and secondary school employees, volunteers,
3 and applicants.

4 (2) All children enrolled in elementary and sec-
5 ondary schools deserve the same level of protection
6 from sexual predators and other dangerous persons.

7 (3) Some States, in providing national criminal
8 history background checks for elementary and sec-
9 ondary schools in the State, do not provide to pri-
10 vate schools in the State the same access to such
11 background checks of employees, volunteers, and ap-
12 plicants.

13 (4) Legislation is necessary to ensure that all
14 private elementary and secondary schools have effec-
15 tive access to the same protections currently af-
16 forded to public elementary and secondary schools in
17 such States.

18 **SEC. 3. PRIVATE SCHOOL ACCESS TO CRIMINAL BACK-**
19 **GROUND CHECKS.**

20 (a) **EQUITABLE TREATMENT.**—A private elementary
21 school or secondary school that pays all applicable costs
22 shall have the same access and responsibilities as a public
23 elementary school or secondary school for purposes of ob-
24 taining a national criminal history background check of

1 a school employee or volunteer (or an applicant for such
2 a position).

3 (b) RULEMAKING.—The Secretary of Education, in
4 consultation with the Attorney General, may prescribe reg-
5 ulations to carry out this section.

6 (c) DEFINITIONS.—In this section, the terms “ele-
7 mentary school” and “secondary school” have the mean-
8 ings given those terms in section 9101 of the Elementary
9 and Secondary Education Act of 1965 (20 U.S.C. 7801).

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