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ACLU OF RI POSITION: OPPOSE

TESTIMONY ON 26-H 7356, RELATING TO EDUCATION – SCHOOL EMPLOYEE BACKGROUND CHECKS February 5, 2026

Presently, all school employees are required to undergo a thorough state and nationwide criminal background check. This bill would impose additional onerous requirements on those employees that we believe are unfairly burdensome and intrusive and that therefore should be rejected.

Among other things, this bill would require school job applicants to provide information about any employment they have had over the past *twenty years* that involved direct contact with children. Just as burdensome, past employers would have twenty days to find the personnel records of these former employees going back two decades. The school hiring authority would then be required to verify all of the information provided by the applicant and their previous employers. And if those past employers failed to provide the necessary information, the bill would give school hiring officials extraordinarily broad snooping authority, including even being able to examine the job applicant's tax returns. We believe each of these aspects of the legislation is problematic, and only compounded when considered as a whole.

The twenty-year lookback period provided by this bill is especially troubling considering the actions the General Assembly has taken to address the adverse impact of a job applicant's past criminal record on their ability to obtain professional state licensing. In considering the effect of a relevant criminal record, the state's fair chance licensing law takes into consideration "[c]ompletion of a period of at least *two (2) years* after release from imprisonment, or at least *two (2) years* after the sentencing date for a probation sentence not accompanied by incarceration, without subsequent conviction or pending criminal charge." R.I.G.L. 28-5.1-14(g)(1) (emphasis added). Going back two *decades*, as this bill does, to examine a job applicant's past conduct seems quite incongruous in comparison.

For these reasons, the ACLU of RI opposes this legislation. Thank you for considering our views.