



LINDABURY

McCORMICK, ESTABROOK & COOPER, P.C.

Attorneys at Law

EdLawAlert

By the EdLaw Group at Lindabury

August 1, 2011

UPDATE

The EDUCATION LAW GROUP at Lindabury has extensive experience in the area of school law. We serve as general counsel, special education counsel, and labor counsel for boards of education throughout the State.

ANTHONY P. SCIARRILLO
ATHINA LEKAS CORNELL
JEFFREY R. MERLINO
DENNIS MCKEEVER
JENNIFER A. OSBORNE
PAUL E. GRIGGS
JOSHUA S. SKLARIN
SCOTT D. ZUCKER

edlawgroup@lindabury.com

Westfield Office
P. O. Box 2369
53 Cardinal Drive
Westfield, NJ 07091
(TEL) 908-233-6800
(FAX) 908-518-2967

Summit Office
480 Morris Avenue
Summit, NJ 07901
(TEL) 908-273-1212
(FAX) 908-273-8922

Red Bank Office
331 Newman Springs Road
Suite 133
Red Bank, NJ 07701-6766
(TEL) 732-741-7777
(FAX) 732-758-1879

www.lindabury.com

Criminal Background Checks for Board of Education Members Need to be Conducted as Soon as Possible

By Scott D. Zucker

As you may know, the law requiring criminal history background checks for board of education members (“board members”) was passed in May and became effective immediately, on May 26, 2011. The law (codified at *N.J.S.A. 18A:12-1, et seq.*) expressly requires current board members to submit to a criminal history background check, including fingerprinting, within 30 days of the law’s effective date, June 25, 2011.

However, on or about June 9, 2011, the deadline was extended by the New Jersey Department of Education (“the Department”) because it was waiting for approval to access the federal criminal history record database and for the private fingerprint vendor and the Department to implement changes to the system.

On or about July 14, 2011, the Department advised chief school administrators that it had received approval from the United States Justice Department to use the federal criminal history record files for the criminal history background searches. Additionally, the Department, State Police, and MorphoTrak, the private fingerprinting vendor, have made the required changes to process the criminal history background checks of board members.

The Department has further advised that the criminal history background checks should be conducted as soon as possible.

Districts must complete fields one (1) through seven (7) of the MorphoTrak Universal Form version 4.0, in accordance with the July 14, 2011 memorandum, as follows:

- | | |
|-------------------------------------|------------------------------------|
| 1. Originating Agency Number (ORI#) | NJ930100Z |
| 2. Category | EDK |
| 3. Statute Number | 18A:12-1.2 |
| 4. Reason for Fingerprinting | School Board Member/Trustee |
| 5. Document Type | RB1 |
| 6. Payment Information | Applicant Pays Fee, \$70.25 |
| 7. Contributor’s Case Number | (Use District Code) |

(cont’d ➔)

The MorphoTrak Universal Form must be provided to board members before they are fingerprinted.

Board members should be directed to https://homeroom3.state.nj.us/chr/chr_start.jsp and follow the directions. After clicking on the “New Administration Fee Request (Initial Applicants),” and then “1. All Job Positions, except School Bus Drivers and Bus Aides, for Public Schools, Private Schools for Children with Disabilities and Charter Schools,” board members fill out an online form, complete a certification, pay a fee, and schedule an appointment for fingerprinting.

If a board member has already had his or her fingerprints taken by the Department

of Education since February 2003 for a non-school aide or non-bus driver position, he or she is eligible for the Archive Submission Process.

Board members will receive approval letters at their home address. Boards shall receive a weekly computer printout listing the board members who have submitted to the criminal history record check and received approval.



The information provided here is necessarily general and is not intended as legal advice or a substitute for legal advice. If you have any questions regarding this Alert, please contact Anthony P. Sciarrillo of the EdLaw Group at edlawgroup@lindabury.com.



www.lindabury.com

Before making your choice of attorney, you should give this matter careful thought. The selection of an attorney is an important decision.

You may, if this letter is inaccurate or misleading, report same to the Committee on Attorney Advertising, Hughes Justice Complex, P.O. Box 037, Trenton, NJ 08625.