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By the EdLaw Group at Lindabury

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URGENT

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New Jersey Department of Education Sets December 31, 2011, Deadline for Board Member Background Checks

**By Anthony P. Sciarrillo, Esq.
and Joshua S. Sklarin, Esq.**

The law requiring school board members to undergo criminal background checks was effective immediately upon passage on May 26, 2011. Initially there was some confusion regarding the deadline for board members to comply with the law (codified at *N.J.S.A. 18A:12-1, et seq.*). The New Jersey Department of Education (“NJDOE”) has now clarified the deadline, issuing a mandate that all board members comply with the new law’s requirements by December 31, 2011.

The NJDOE has begun sending notifications to non-compliant school districts and board members, providing as follows:

As of the date of this letter, you have not undergone the mandatory criminal history background investigation. Accordingly, if you have not completed the process by December 31, 2011, your membership on the board must immediately cease.

According to the latest information from the NJDOE, approximately 1,600 out of approximately 5,000 board members have not complied. According to the NJDOE, Board members who do not comply must immediately cease their membership on the board.

Board members can follow these easy steps to register for the background check and schedule a fingerprinting appointment:

1. Obtain the “MorphoTrak Universal Form, Version 4.0” from the business administrator.
2. Go to the NJDOE Criminal History Review page at www.state.nj.us/education/educators/crimhist/. Note, proceed to this step only if you have obtained the document referred to in Step 1.
 - a. Select “ePayment Criminal History Record Check.”

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- b. Choose “New Administrative Fee Request,” which should be the first link.
- c. Select the option “All Job Positions, except School Bus Drivers and Bus Aides, for Public Schools, Private Schools for Children with Disabilities and Charter Schools.” After making this selection, you will be brought to the Electronic Registration Form.
- d. Complete the Online Registration Form. In the Job Category drop-down menu, select “Board Member/Trustee.”
- e. Upon completion of the Online Registration Form, submit the \$10.00 registration fee, exclusive of the \$1.00 convenience fee, via credit card to Officials Payment Corp.
- f. Schedule your fingerprinting appointment with MorphoTrak. The fee is \$70.25. The NJDOE will consider a board member to be in initial compliance if an appointment is scheduled.

If a current board member had previously submitted to a criminal background check

for employment in the New Jersey Public School System after February 21, 2003, those fingerprints will be on file. However, that board member will need to complete the following abbreviated process:

1. Obtain the “MorphoTrak Universal Form, Version 4.0” from your business administrator.
2. Go to the NJDOE Criminal History Review page.
3. Select the “ePayment Criminal History Record Check.”
4. Use the second link, entitled “Archive Application Request (Applicants Previously Fingerprinted for the Department of Education and Approved Subsequent to February 2003).” Provide the requested information.

Any board member having difficulty with the process may contact the NJDOE Criminal History Review Unit at (609) 292-0507.

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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.



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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.