

## **Public Notice**

### **Education**

#### **State Board of Education**

#### **Notice of Receipt of Petition for Rulemaking**

#### **Implementation of Thermal Imaging Interviews for Applicants for Positions Working with Children**

Petitioner: Caleb L. McGillvary.

**Take notice** that on August 6, 2024, the New Jersey State Board of Education (State Board) received a petition for rulemaking from the above petitioner, requesting the State Board adopt new rules to require applicants for positions involving work with children to undergo thermal imaging interviews to assess sexual arousal responses.

N.J.A.C. 1:30-4.1(b) and 6A:6-4.1(b) require a petition for rulemaking to state the substance or nature of the rulemaking that is requested, the reasons for the request and the petitioner's interest in the request, and references to the authority of the agency to take the requested action.

The petitioner seeks to require thermal imaging interviews of applicants to enhance the safety and well-being of children in educational and childcare settings. The petitioner's request also states that child safety in all educational and childcare environments is of paramount importance, but current methods for screening applicants are insufficient in detecting individuals who may pose a risk to children. The request further states that thermal imaging offers a promising solution for more effective screening because it is a non-invasive and efficient method that is effective in accurately detecting sexual arousal in both men and women, minimizes discomfort for applicants, and can be seamlessly integrated into the existing hiring process. The petitioner also states that the request represents a significant step forward in protecting children from potential harm.

The request does not identify whether the petitioner seeks to add the requested regulations to an existing chapter of Title 6A of the New Jersey Administrative Code and, if so, which one, or if a new chapter should be created. The requested regulations are as follows:

(a) Requirement for Thermal Imaging Interviews

1. All applicants for positions involving work with children must undergo thermal imaging interviews as part of the hiring process.
2. The thermal imaging interview will assess the applicant's sexual arousal response to videos of children engaged in innocuous activities.

(b) Assessment Outcomes

1. Applicants demonstrating a lack of sexual arousal response will proceed with the standard hiring process.
2. Applicants exhibiting a sexual arousal response will be required, prior to proceeding with the hiring process, to:
  - i. Voluntarily take a polygraph examination regarding their sexual activity and whether it involves children;
  - ii. Undergo therapy as deemed necessary based on the polygraph results and professional evaluation;
  - iii. If the polygraph reveals that criminal activity has occurred, the hiring process will be terminated and the matter will be referred to law enforcement.

The petitioner's request referenced five research studies about thermal imaging conducted in the United States or abroad.

The request does not indicate the petitioner's interest in it or reference the agency's authority.

In accordance with N.J.A.C. 1:30-4.2, the Department shall subsequently mail to the petitioner, and file with the Office of Administrative Law, a notice of action on the petition.