

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 739, Page 3, Section 162.203, Line 25, by
2 inserting after all of said line the following:

3
4 "168.133. 1. As used in this section, "screened volunteer" shall mean any person who
5 assists a school by providing uncompensated service and who may periodically be left alone with
6 students. The school district shall ensure that a criminal background check is conducted for all
7 screened volunteers, who shall complete the criminal background check prior to being left alone
8 with a student. Screened volunteers include, but are not limited to, persons who regularly assist in
9 the office or library, mentor or tutor students, coach or supervise a school-sponsored activity before
10 or after school, or chaperone students on an overnight trip. Screened volunteers may only access
11 student education records when necessary to assist the district and while supervised by staff
12 members. Volunteers that are not screened shall not be left alone with a student or have access to
13 student records.

14 2. The school district shall ensure that a criminal background check is conducted on any
15 person employed after January 1, 2005, authorized to have contact with pupils and prior to the
16 individual having contact with any pupil. Such persons include, but are not limited to,
17 administrators, teachers, aides, paraprofessionals, assistants, secretaries, custodians, cooks, screened
18 volunteers, and nurses. The school district shall also ensure that a criminal background check is
19 conducted for school bus drivers. The district may allow such drivers to operate buses pending the
20 result of the criminal background check. For bus drivers, the school district shall be responsible for
21 conducting the criminal background check on drivers employed by the school district. For drivers
22 employed by a pupil transportation company under contract with the school district, the criminal
23 background check shall be conducted pursuant to section 43.540 and conform to the requirements
24 established in the National Child Protection Act of 1993, as amended by the Volunteers for Children
25 Act. Personnel who have successfully undergone a criminal background check and a check of the
26 family care safety registry as part of the professional license application process under section
27 168.021 and who have received clearance on the checks within one prior year of employment shall
28 be considered to have completed the background check requirement. A criminal background check
29 under this section shall include a search of any information publicly available in an electronic
30 format through a public index or single case display.

31 [2-] 3. In order to facilitate the criminal history background check, the applicant shall
32 submit a set of fingerprints collected pursuant to standards determined by the Missouri highway
33 patrol. The fingerprints shall be used by the highway patrol to search the criminal history repository
34 and shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal
35 history files.

36 [3-] 4. The applicant shall pay the fee for the state criminal history record information

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1 pursuant to section 43.530 and sections 210.900 to 210.936 and pay the appropriate fee determined
 2 by the Federal Bureau of Investigation for the federal criminal history record when he or she applies
 3 for a position authorized to have contact with pupils pursuant to this section. The department shall
 4 distribute the fees collected for the state and federal criminal histories to the Missouri highway
 5 patrol.

6 ~~[4.]~~ 5. The department of elementary and secondary education shall facilitate an annual
 7 check of employed persons holding current active certificates under section 168.021 against
 8 criminal history records in the central repository under section 43.530, the sexual offender registry
 9 under sections 589.400 to ~~[589.475]~~ 589.426, and child abuse central registry under sections
 10 210.109 to 210.183. The department of elementary and secondary education shall facilitate
 11 procedures for school districts to submit personnel information annually for persons employed by
 12 the school districts who do not hold a current valid certificate who are required by subsection 1 of
 13 this section to undergo a criminal background check, sexual offender registry check, and child abuse
 14 central registry check. The Missouri state highway patrol shall provide ongoing electronic updates
 15 to criminal history background checks of those persons previously submitted, both those who have
 16 an active certificate and those who do not have an active certificate, by the department of
 17 elementary and secondary education. This shall fulfill the annual check against the criminal history
 18 records in the central repository under section 43.530.

19 ~~[5.]~~ 6. The school district may adopt a policy to provide for reimbursement of expenses
 20 incurred by an employee for state and federal criminal history information pursuant to section
 21 43.530.

22 ~~[6.]~~ 7. If, as a result of the criminal history background check mandated by this section, it is
 23 determined that the holder of a certificate issued pursuant to section 168.021 has pled guilty or nolo
 24 contendere to, or been found guilty of a crime or offense listed in section 168.071, or a similar crime
 25 or offense committed in another state, the United States, or any other country, regardless of
 26 imposition of sentence, such information shall be reported to the department of elementary and
 27 secondary education.

28 ~~[7.]~~ 8. Any school official making a report to the department of elementary and secondary
 29 education in conformity with this section shall not be subject to civil liability for such action.

30 ~~[8.]~~ 9. For any teacher who is employed by a school district on a substitute or part-time
 31 basis within one year of such teacher's retirement from a Missouri school, the state of Missouri shall
 32 not require such teacher to be subject to any additional background checks prior to having contact
 33 with pupils. Nothing in this subsection shall be construed as prohibiting or otherwise restricting a
 34 school district from requiring additional background checks for such teachers employed by the
 35 school district.

36 ~~[9.]~~ 10. A criminal background check and fingerprint collection conducted under
 37 subsections 1 ~~[and 2]~~ to 3 of this section shall be valid for at least a period of one year and
 38 transferrable from one school district to another district. A school district may, in its discretion,
 39 conduct a new criminal background check and fingerprint collection under subsections 1 ~~[and 2]~~ to
 40 3 for a newly hired employee at the district's expense. A teacher's change in type of certification
 41 shall have no effect on the transferability or validity of such records.

42 ~~[10.]~~ 11. Nothing in this section shall be construed to alter the standards for suspension,
 43 denial, or revocation of a certificate issued pursuant to this chapter.

44 ~~[11.]~~ 12. The state board of education may promulgate rules for criminal history
 45 background checks made pursuant to this section. Any rule or portion of a rule, as that term is
 46 defined in section 536.010, that is created under the authority delegated in this section shall become
 47 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
 48 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers
 49 vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to

1 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
2 authority and any rule proposed or adopted after January 1, 2005, shall be invalid and void."; and
3
4 Further amend said bill by amending the title, enacting clause, and intersectional references
5 accordingly.