

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 333, Page 7, Section 94.902, Line 113, by
2 inserting after said section and line the following:

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4 "168.133. 1. (1) The school district shall ensure that a criminal background check is
5 conducted on any person employed after January 1, 2005, authorized to have contact with pupils and
6 prior to the individual having contact with any pupil. Such persons include, but are not limited to,
7 administrators, teachers, aides, paraprofessionals, assistants, secretaries, custodians, cooks, and
8 nurses.

9 (2) The school district shall also ensure that a criminal background check is conducted for
10 school bus drivers. The district may allow such drivers to operate buses pending the result of the
11 criminal background check. For bus drivers, the school district shall be responsible for conducting
12 the criminal background check on drivers employed by the school district. For drivers employed by
13 a pupil transportation company under contract with the school district, the criminal background
14 check shall be conducted pursuant to section 43.540 and conform to the requirements established in
15 the National Child Protection Act of 1993, as amended by the Volunteers for Children Act.

16 (3) The school district shall also ensure that a criminal background check is conducted on
17 any person who is eighteen years of age or older, who is not counted by the district for purposes of
18 average daily attendance, as defined in section 163.011, and who requests enrollment in a course
19 that takes place on school district property during regular school hours and that includes students
20 counted by the district for purposes of average daily attendance, as defined in section 163.011. The
21 background check shall be conducted before the person enrolls in any such course.

22 (4) Personnel who have successfully undergone a criminal background check and a check of
23 the family care safety registry as part of the professional license application process under section
24 168.021 and who have received clearance on the checks within one prior year of employment shall
25 be considered to have completed the background check requirement.

26 (5) A criminal background check under this section shall include a search of any
27 information publicly available in an electronic format through a public index or single case display.

28 2. In order to facilitate the criminal history background check, the applicant or person
29 requesting enrollment in a course as described in this section shall submit a set of fingerprints
30 collected [pursuant to standards determined by the Missouri highway patrol] under section 43.540.
31 The fingerprints shall be used by the highway patrol to search the criminal history repository and
32 shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal history
33 files.

34 3. The applicant or person requesting enrollment in a course as described in this section
35 shall pay the fee for the state criminal history record information pursuant to section 43.530 and
36 sections 210.900 to 210.936 and pay the appropriate fee determined by the Federal Bureau of

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Investigation for the federal criminal history record when he or she applies for a position authorized to have contact with pupils pursuant to this section or requests enrollment in a course as described in this section. The department shall distribute the fees collected for the state and federal criminal histories to the Missouri highway patrol.

4. The department of elementary and secondary education shall facilitate an annual check of employed persons holding current active certificates under section 168.021 against criminal history records in the central repository under section 43.530, the sexual offender registry under sections 589.400 to ~~[589.475]~~ 589.425, and child abuse central registry under sections 210.109 to 210.183. The department of elementary and secondary education shall facilitate procedures for school districts to submit personnel information annually for persons employed by the school districts who do not hold a current valid certificate who are required by subsection 1 of this section to undergo a criminal background check, sexual offender registry check, and child abuse central registry check. ~~[The Missouri state highway patrol shall provide ongoing electronic updates to criminal history background checks of those persons previously submitted, both those who have an active certificate and those who do not have an active certificate, by the department of elementary and secondary education. This shall fulfill the annual check against the criminal history records in the central repository under section 43.530.]~~ State and federal fingerprint-based criminal record checks submitted under section 43.540 shall satisfy the annual criminal background check and sexual offender registry check required by this section.

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

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

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

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

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

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

11. If, as a result of the criminal history background check mandated by this section, it is determined that a person who requested enrollment in a course as described in this section has pled guilty or nolo contendere to, or been found guilty of a crime or offense listed in subsection 6 of section 168.071, or a similar crime or offense committed in another state, the United States, or any other country, regardless of imposition of sentence, the school district shall prohibit the person from enrolling in any course that takes place on school property during regular school hours and that

1 includes students counted by the district for purposes of average daily attendance, as defined in
2 section 163.011.

3 12. The state board of education may promulgate rules for criminal history background
4 checks made pursuant to this section. Any rule or portion of a rule, as that term is defined in section
5 536.010, that is created under the authority delegated in this section shall become effective only if it
6 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
7 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
8 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
9 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
10 rule proposed or adopted after January 1, 2005, shall be invalid and void."; and

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12 Further amend said bill by amending the title, enacting clause, and intersectional references
13 accordingly.