

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 1440, Page 3, Section 160.665, Line 71,
2 by inserting after all of the said section and 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 or charter school shall ensure that a criminal background check is
7 conducted for all screened volunteers, who shall complete the criminal background check prior to
8 being left alone with a student. [~~Screened volunteers include, but are not limited to, persons who~~
9 ~~regularly assist in the office or library, mentor or tutor students, coach or supervise a school-~~
10 ~~sponsored activity before or after school, or chaperone students on an overnight trip.] Screened~~
11 volunteers may only access student education records when necessary to assist the district and while
12 supervised by staff members. Volunteers that are not screened shall not be left alone with a student
13 or have access to student records.

14 2. (1) The school district or charter school shall ensure that a criminal background check is
15 conducted on any person employed after January 1, 2005, authorized to have contact with pupils and
16 prior to the 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.]~~

19 (2) The school district or charter school shall also ensure that a criminal background check
20 is conducted for school bus drivers and drivers of other vehicles owned by the school district or
21 charter school or operated under contract with a school district or charter school and used for the
22 purpose of transporting school children. The school district or charter school may allow such
23 drivers to operate buses pending the result of the criminal background check. [~~For bus drivers,] The~~
24 school district or charter school shall be responsible for conducting the criminal background check
25 on drivers employed by the school district or charter school under section 43.540.

26 (3) For drivers employed or contracted by a pupil transportation company under contract
27 with the school district or the governing board of a charter school, the criminal background check
28 shall be conducted by the pupil transportation company pursuant to section [43.540] 43.539 and
29 conform to the requirements established in the National Child Protection Act of 1993, as amended
30 by the Volunteers for Children Act.

Action Taken _____ Date _____

1 (4) Personnel who have successfully undergone a criminal background check and a check of
2 the family care safety registry as part of the professional license application process under section
3 168.021 and who have received clearance on the checks within one prior year of employment shall
4 be considered to have completed the background check requirement.

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

7 3. In order to facilitate the criminal history background check, the applicant shall submit a
8 set of fingerprints collected pursuant to standards determined by the Missouri highway patrol. The
9 fingerprints shall be used by the highway patrol to search the criminal history repository and shall be
10 forwarded to the Federal Bureau of Investigation for searching the federal criminal history files.

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

17 5. The department of elementary and secondary education shall facilitate an annual check of
18 employed persons holding current active certificates under section 168.021 against criminal history
19 records in the central repository under section 43.530, the sexual offender registry under sections
20 589.400 to 589.426, and child abuse central registry under sections 210.109 to 210.183. The
21 department of elementary and secondary education shall facilitate procedures for school districts to
22 submit personnel information annually for persons employed by the school districts who do not hold
23 a current valid certificate who are required by subsection 1 of this section to undergo a criminal
24 background check, sexual offender registry check, and child abuse central registry check. The
25 Missouri state highway patrol shall provide ongoing electronic updates to criminal history
26 background checks of those persons previously submitted, both those who have an active certificate
27 and those who do not have an active certificate, by the department of elementary and secondary
28 education. This shall fulfill the annual check against the criminal history records in the central
29 repository under section 43.530.

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

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

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

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

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

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

15 12. The state board of education may promulgate rules for criminal history background
16 checks made pursuant to this section. Any rule or portion of a rule, as that term is defined in section
17 536.010, that is created under the authority delegated in this section shall become effective only if it
18 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
19 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
20 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
21 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
22 rule proposed or adopted after January 1, 2005, shall be invalid and void."; and
23

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