

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/HCS/House Bill No. 1659, Page 9, Section 56.265, Line 57,

2 by inserting after all of said line the following:

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

20 2. (1) The school district or charter school shall
21 ensure that a criminal background check is conducted on any
22 person employed after January 1, 2005, authorized to have
23 contact with pupils and prior to the individual having
24 contact with any pupil. [Such persons include, but are not
25 limited to, administrators, teachers, aides,

26 paraprofessionals, assistants, secretaries, custodians,
27 cooks, screened volunteers, and nurses.]

28 (2) The school district or charter school shall also
29 ensure that a criminal background check is conducted for
30 school bus drivers and drivers of other vehicles owned by
31 the school district or charter school or operated under
32 contract with a school district or charter school and used
33 for the purpose of transporting school children. The school
34 district or charter school may allow such drivers to operate
35 buses pending the result of the criminal background check.
36 **[For bus drivers,]** The school district or charter school
37 shall be responsible for conducting the criminal background
38 check on drivers employed by the school district or charter
39 school under section 43.540.

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

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

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

59 3. In order to facilitate the criminal history
60 background check, the applicant shall submit a set of
61 fingerprints collected pursuant to standards determined by
62 the Missouri highway patrol. The fingerprints shall be used
63 by the highway patrol to search the criminal history
64 repository and shall be forwarded to the Federal Bureau of
65 Investigation for searching the federal criminal history
66 files.

67 4. The applicant shall pay the fee for the state
68 criminal history record information pursuant to section
69 43.530 and sections 210.900 to 210.936 and pay the
70 appropriate fee determined by the Federal Bureau of
71 Investigation for the federal criminal history record when
72 he or she applies for a position authorized to have contact
73 with pupils pursuant to this section. The department shall
74 distribute the fees collected for the state and federal
75 criminal histories to the Missouri highway patrol.

76 5. The department of elementary and secondary
77 education shall facilitate an annual check of employed
78 persons holding current active certificates under section
79 168.021 against criminal history records in the central
80 repository under section 43.530, the sexual offender
81 registry under sections 589.400 to 589.426, and child abuse
82 central registry under sections 210.109 to 210.183. The
83 department of elementary and secondary education shall
84 facilitate procedures for school districts to submit
85 personnel information annually for persons employed by the
86 school districts who do not hold a current valid certificate
87 who are required by subsection 1 of this section to undergo
88 a criminal background check, sexual offender registry check,
89 and child abuse central registry check. The Missouri state
90 highway patrol shall provide ongoing electronic updates to
91 criminal history background checks of those persons

92 previously submitted, both those who have an active
93 certificate and those who do not have an active certificate,
94 by the department of elementary and secondary education.
95 This shall fulfill the annual check against the criminal
96 history records in the central repository under section
97 43.530.

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

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

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

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

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

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

137 12. The state board of education may promulgate rules
138 for criminal history background checks made pursuant to this
139 section. Any rule or portion of a rule, as that term is
140 defined in section 536.010, that is created under the
141 authority delegated in this section shall become effective
142 only if it complies with and is subject to all of the
143 provisions of chapter 536 and, if applicable, section
144 536.028. This section and chapter 536 are nonseverable and
145 if any of the powers vested with the general assembly
146 pursuant to chapter 536 to review, to delay the effective
147 date, or to disapprove and annul a rule are subsequently
148 held unconstitutional, then the grant of rulemaking
149 authority and any rule proposed or adopted after January 1,
150 2005, shall be invalid and void."; and

151 Further amend the title and enacting clause accordingly.