

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/Senate Bill No. 292, Page 1, Section Title, Lines 5-6

2 of the title, by striking "alternative education options for
3 elementary and secondary school students" and inserting in lieu
4 thereof the following: "elementary and secondary education"; and

5 Further amend said bill, Page 76, Section 167.898, Line 2 of
6 said page, by inserting after all of said line the following:

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

22 2. The school district shall ensure that a criminal
23 background check is conducted on any person employed after
24 January 1, 2005, authorized to have contact with pupils and prior

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

24 [2.] 3. In order to facilitate the criminal history
25 background check, the applicant shall submit a set of
26 fingerprints collected pursuant to standards determined by the
27 Missouri highway patrol. The fingerprints shall be used by the
28 highway patrol to search the criminal history repository and
29 shall be forwarded to the Federal Bureau of Investigation for

1 searching the federal criminal history files.

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

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

1 [5.] 6. The school district may adopt a policy to provide
2 for reimbursement of expenses incurred by an employee for state
3 and federal criminal history information pursuant to section
4 43.530.

5 [6.] 7. If, as a result of the criminal history background
6 check mandated by this section, it is determined that the holder
7 of a certificate issued pursuant to section 168.021 has pled
8 guilty or nolo contendere to, or been found guilty of a crime or
9 offense listed in section 168.071, or a similar crime or offense
10 committed in another state, the United States, or any other
11 country, regardless of imposition of sentence, such information
12 shall be reported to the department of elementary and secondary
13 education.

14 [7.] 8. Any school official making a report to the
15 department of elementary and secondary education in conformity
16 with this section shall not be subject to civil liability for
17 such action.

18 [8.] 9. For any teacher who is employed by a school
19 district on a substitute or part-time basis within one year of
20 such teacher's retirement from a Missouri school, the state of
21 Missouri shall not require such teacher to be subject to any
22 additional background checks prior to having contact with pupils.
23 Nothing in this subsection shall be construed as prohibiting or
24 otherwise restricting a school district from requiring additional
25 background checks for such teachers employed by the school
26 district.

27 [9.] 10. A criminal background check and fingerprint
28 collection conducted under subsections 1 [and 2] to 3 of this
29 section shall be valid for at least a period of one year and

1 transferrable from one school district to another district. A
2 school district may, in its discretion, conduct a new criminal
3 background check and fingerprint collection under subsections 1
4 [and 2] to 3 for a newly hired employee at the district's
5 expense. A teacher's change in type of certification shall have
6 no effect on the transferability or validity of such records.

7 [10.] 11. Nothing in this section shall be construed to
8 alter the standards for suspension, denial, or revocation of a
9 certificate issued pursuant to this chapter.

10 [11.] 12. The state board of education may promulgate rules
11 for criminal history background checks made pursuant to this
12 section. Any rule or portion of a rule, as that term is defined
13 in section 536.010, that is created under the authority delegated
14 in this section shall become effective only if it complies with
15 and is subject to all of the provisions of chapter 536 and, if
16 applicable, section 536.028. This section and chapter 536 are
17 nonseverable and if any of the powers vested with the general
18 assembly pursuant to chapter 536 to review, to delay the
19 effective date, or to disapprove and annul a rule are
20 subsequently held unconstitutional, then the grant of rulemaking
21 authority and any rule proposed or adopted after January 1, 2005,
22 shall be invalid and void."; and

23 Further amend the title and enacting clause accordingly.