

SENATE AMENDMENT NO. _____

Offered by _____ Of _____

Amend HCS/House Bill Nos. 296 & 438, Page 1, Section TITLE, Line 3,

2 by striking "bus endorsements" and inserting in lieu thereof
3 the following: "personnel"; and

4 Further amend said bill and page, section A, line 3, by
5 inserting after all of said line the following:

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

23 2. (1) The school district or charter school shall
24 ensure that a criminal background check is conducted on any
25 person employed after January 1, 2005, authorized to have
26 contact with pupils and prior to the individual having

contact with any pupil. [Such persons include, but are not limited to, administrators, teachers, aides, paraprofessionals, assistants, secretaries, custodians, cooks, screened volunteers, and nurses.]

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

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

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

(5) A criminal background check under this section shall include a search of any information publicly available

59 in an electronic format through a public index or single
60 case display.

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

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

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

6. 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.

7. 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.

8. 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.

9. 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.

10. A criminal background check and fingerprint collection conducted under subsections 1 to 3 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 to 3 of this section 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.

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

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

Further amend the title and enacting clause accordingly.