

NOTHING NEW REQUIRED BY STATE OF MISSOURI IN CRIMINAL BACKGROUND CHECKS FOR STATE CERTIFIED PRIVATE SCHOOL TEACHERS

Attention: Lutheran School Administrators

Recently you may have received a memo from Rusty Rosenkoetter, director of Education Certification for the Missouri Department of Elementary and Secondary Education, regarding criminal background checks for school employees. The memo states that the new HB 1453 law requires all school employees hired after January 1, 2005 whose job involves contact with students – including, for example, teachers, aides, secretaries, cooks and custodians – to have an FBI fingerprint criminal background check. **This statement is true for public school employees, but in private schools the state’s requirements are limited to those seeking state teaching certification.**

MISSOURI DISTRICT LCMS POLICY ON CRIMINAL BACKGROUND CHECKS:

The Missouri District does not have a policy on criminal background checks it requires of school personnel. However, **National Lutheran School Accreditation** has the following standards:

Early Childhood NLSA

6:09 Files containing important personal information are kept for every employee in the school office. Necessary information contained in personnel files include: Academic transcripts, copies of teaching certificates and diplomas; **appropriate background check information including fingerprinting**; documentation of professional performance appraisal; Attendance record; Emergency contact information.

Elementary NLSA

F. Describe the entire process, **including background checks**, used in engaging faculty and staff.

Missouri Nonpublic School Accreditation has the following standards regarding criminal background checks:

4.0c **Child abuse and neglect screening is completed for all professional staff who work with students.** The screening is done upon initial employment and periodically thereafter.

7.0d **Child abuse and neglect screening is completed for all volunteers who work with students.** The screening is done upon initial employment and periodically thereafter.

Your liability insurance agency may have specific requirements that you must include in your policies and procedures regarding criminal background checks.

KEY POINTS TO KEEP IN MIND:

- The state of Missouri does not require private schools to conduct criminal background checks of employees or prospective employees;
- The state of Missouri does not require private schools to hire state certified teachers or administrators;
- The Missouri District LCMS recommends that Lutheran school teachers and administrators be state certified;
- Since 2000, the state of Missouri has required all educators seeking state certification – including those in private schools – to complete a fingerprint criminal background check (please note that teachers with certificates from other states may or may not have been subjected to a criminal records check. For example – Nebraska does not require those applying for a Nebraska certificate to have a fingerprint check **if they have lived in Nebraska for, at least, five consecutive years prior to application**);
- The Missouri District LCMS recommends that all school personnel, including non-state certified staff, undergo a name-based criminal background check;
- HB 1453 imposes no requirements on private schools and no new requirements on state-certified private school personnel.

TYPES OF CRIMINAL BACKGROUND CHECKS:

Name-based Criminal Background Checks:

The state of Missouri does not require a name-based criminal background check for either state certified or non-certified school personnel. The state of Missouri offers two very similar name-based searches. There is no need to do both. These are available through the Missouri Highway Patrol or through the Missouri Department of Health's Family Care Safety Registry.

Information regarding the Patrol's name-based search is available at <http://www.mshp.dps.missouri.gov/MSHPWeb/PatrolDivisions/CRID/CrimRecChk.html>. An applicant completes a "Request for Child Abuse or Neglect/Criminal Record" (Form SHP 159C), encloses a \$5 fee and submits it to the Missouri Highway Patrol. The Patrol checks the Missouri Criminal Repository to determine if the person has a criminal conviction. Due to the passage of HB 1453, the Patrol also reviews the sex offender registry. The Patrol copies the Request to the Department of Social Services (DSS). DSS checks its registry of persons reported for child abuse and neglect, which includes persons with no criminal record that DSS has reason to suspect of child abuse or neglect. DSS and the Patrol separately report their findings back to the one requesting the name-based search, normally that is the school.

Information regarding the Family Care Safety Registry is available at <http://www.dhss.mo.gov/FCSR/AboutRegistry.html>. This name-based search is coordinated by the Missouri Department of Health (DOH). DOH requests the criminal record review by the Missouri Highway Patrol, child abuse and neglect screening information from DSS and additional information to determine whether the person has been placed on the disqualification list for hiring by child care centers or nursing homes. The fee for this screening is \$5.

Fingerprint Criminal Background Check:

The fingerprint criminal background check has been required since 2000 for all individuals seeking a state teaching certificate or other educator state certificate regardless of whether they are employed in a public or a private school. You may not be as familiar with the fingerprint check because it is usually completed by the individual upon college graduation, before the person applies for a teaching post.

The checklist “FBI Background Check Procedures,” was also enclosed with the Rosenkoetter memo. The Rosenkoetter memo also included two fingerprint cards. You can obtain fingerprint cards from DESE or from the Patrol. After having fingerprints taken by local law enforcement, the fingerprint cards and a \$38 fee are submitted to the Missouri Department of Elementary and Secondary Education (DESE). DESE forwards the information to the Missouri Highway Patrol. This background check includes both a fingerprint check of the Missouri Criminal Repository and the FBI fingerprint check. The fingerprint check identifies not only individuals with criminal convictions but also those who have been arrested, placed on probation or who have charges pending.

State certified teachers certified prior to 2000 are not required by the state of Missouri to complete the fingerprint criminal background check unless they are seeking a teaching job at a public school district. If you are not sure whether one of your state certified teachers has completed a fingerprint check, you can contact DESE’s teacher certification section at 573-522-8315 or 573-751-0051 and they will check for you. If a teacher has not had a fingerprint check, DESE will process this check at your request.

QUESTIONS? CONTACT INFORMATION:

If you have questions concerning the requirements of the state of Missouri concerning the FBI fingerprint check, contact the Educator Certification Section of DESE at 573-522-8315 or 573-751-0051. Also helpful is the web page DESE has devoted to teacher certification at <http://dese.state.mo.us/divteachqual/teachcert/>.

Information in this memorandum includes information from DESE, the Government Programs Reporter of the Missouri Catholic Conference, and NLSA and MNSAA Standards.