

HB 2437 -- Family Care Safety Registry

Sponsor: Grisamore

This bill changes the laws regarding criminal background checks conducted under the Family Care Safety Registry. In its main provisions, the bill:

(1) Requires certain employees of school districts; certain child care providers and individuals older than 17 years of age living with the provider; licensed and non-licensed child care providers, their employees, and volunteers; and mental health providers to be included in the registry;

(2) Specifies that the registry will be the sole background check repository for the state and requires all state departments and agencies to utilize the registry for background screening results;

(3) Requires the State Highway Patrol to collect fingerprints and conduct state and national criminal background checks with the resulting information to be retained in and reported out by the registry;

(4) Requires the Department of Health and Senior Services, subject to appropriations or with funds from the federal American Recovery and Reinvestment Act of 2009, commonly known as the federal economic stimulus act, to update and enhance the technological capabilities of the registry and implement a new interdepartmental uniform infrastructure and procedures for the departments of Public Safety, Social Services, Mental Health, and Elementary and Secondary Education to use for background screening results and to fund the processing of the results of employees of these departments who are not currently registered. The departments must use the moneys disbursed by the Department of Health and Senior Services to make the necessary technological, administrative, and procedural adjustments to ensure the interagency operability needed for implementation of the new infrastructure and procedures;

(5) Requires, subject to appropriation, the cost of criminal background checks to be paid by the state. Checks not covered by the state may be paid by the individual or by the provider. If no funding is made to cover the costs of the criminal background check, the applicant is employed, and the cost of the background check when subtracted from the applicant's annual salary or wages results in the annualized salary or wages of the applicant below the annualized full-time salary or wages for a minimum wage employee, the cost of the background check must be paid by the employer;

(6) Requires the Department of Elementary and Secondary Education to report results to the registry. Currently, the registry only contains background screening results from applicants reported by the departments of Social Services, Mental Health, and Health and Senior Services;

(7) Specifies that the registry will contain information on certain specified individuals through the Department of Elementary and Secondary Education's employee disqualification registry and teacher certifications and revocations lists; school district staff disqualifications or denials; and Department of Revenue records as of January 1, 2011, for suspended and revoked driver's licenses;

(8) Specifies that the contents of the registry will include open and closed records and be accessible to the five departments and school districts. However, certain information which would violate federal laws cannot be shared between departments; and

(9) Allows the background screening applicant to appeal directly to the department that disqualified him or her for employment, if applicable, when the denial is based on results found in the registry.