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**Rules of**  
**Department of Elementary and**  
**Secondary Education**  
**Division 25—Office of Childhood**  
**Chapter 600—Child Care Comprehensive Background**  
**Screening**

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**Title 5—DEPARTMENT OF  
ELEMENTARY AND  
SECONDARY EDUCATION  
Division 25—Office of Childhood  
Chapter 600—Child Care Comprehensive  
Background Screening**

**5 CSR 25-600.010 Definitions**

*PURPOSE:* This rule provides definitions to be used in the interpretation and enforcement of 19 CSR 30-63.

(1) Child care provider is a person licensed, regulated, or registered to provide child care within the state of Missouri, including the member(s), manager(s), shareholder(s), director(s), and officer(s) of any entity licensed, regulated, or registered to provide child care within the state of Missouri.

(2) Child care staff member is a child care provider; persons employed by the child care provider for compensation, including contract employees or self-employed individuals; individuals or volunteers whose activities involve the care or supervision of children for a child care provider or unsupervised access to children who are cared for or supervised by a child care provider; or individuals residing in a family child care home who are eighteen (18) years of age and older.

(3) Commissioner is the Commissioner of Education for the Missouri Department of Elementary and Secondary Education.

(4) Criminal background check includes the following:

(A) A Federal Bureau of Investigation fingerprint check;

(B) A search of the National Crime Information Center's National Sex Offender Registry; and

(C) A search of the following registries, repositories, including the Family Care Safety Registry, or databases in Missouri, the state where the child care staff member resides, and each state where such staff member resided during the preceding five (5) years:

1. The state criminal registry or repository, with the use of fingerprints being required in the state where the staff member resides and optional in other states;

2. The state sex offender registry or repository; and

3. The state-based child abuse and neglect registry and database.

(5) Department is the Missouri Department of Elementary and Secondary Education.

(6) Qualifying result or qualifying criminal background check is a finding that a child care staff member or prospective child care staff member is eligible for employment or presence in a child care setting.

*AUTHORITY:* section 161.092, RSMo 2016, and section 210.1080, RSMo Supp. 2021.\* This rule originally filed as 19 CSR 30-63.010. Emergency rule filed Feb. 15, 2019, effective Feb. 25, 2019, expired Aug. 23, 2019. Original rule filed Feb. 15, 2019, effective Aug. 30, 2019. Emergency amendment filed Aug. 31, 2020, effective Sept. 15, 2020, expired March 13, 2021. Amended: Filed Aug. 31, 2020, effective Feb. 28, 2021. Moved to 5 CSR 25-600.010, effective Aug. 30, 2021. Amended: Filed Oct. 8, 2021, effective May 30, 2022.

*\*Original authority:* 161.092, RSMo 1963, amended 1973, 2002, 2003, 2013, 2014, and 210.1080, RSMo 2018, amended 2019.

**5 CSR 25-600.020 General Requirements**

*PURPOSE:* This rule requires child care staff members to complete criminal background screening and have a qualifying result pursuant to section 210.1080, RSMo.

(1) Prior to the employment or presence of a child care staff member in a licensed, regulated, or registered child care facility not exempted by section 210.1080.13, RSMo, the child care provider shall request the results of a criminal background check for such child care staff member from the department.

(2) A prospective child care staff member may begin work for a child care provider if:

(A) The prospective child care staff member has received notice from the department that the individual is eligible for employment or presence in a child care setting; or

(B) The prospective child care staff member has received notice from the department that the individual is temporarily eligible for employment or presence in a child care setting based on the qualifying results of either a Federal Bureau of Investigation fingerprint check or a search of the Missouri criminal registry or repository with the use of fingerprints. Pending completion of the criminal background check, an individual working with a temporary eligibility notice shall be supervised at all times by a child care staff member who received a qualifying result on the criminal background check within the past five (5) years.

(3) Child care providers shall request the

results of a criminal background check for all child care staff members, unless the requirements of section (4) of this rule are met by the child care provider and proof is submitted to the department.

(4) A child care provider shall not be required to submit a request for a criminal background check for a child care staff member if—

(A) The staff member received a qualifying criminal background check within five (5) years before the latest date on which such a submission may be made and while employed by or seeking employment by another child care provider within Missouri;

(B) The first provider received a qualifying criminal background check result, consistent with this chapter, for the staff member; and

(C) The staff member is employed by a child care provider within Missouri or has been separated from employment from a child care provider within Missouri for a period of not more than one hundred eighty (180) consecutive days; or

(D) The individual meets the definition of child care provider, but is not responsible for the oversight or direction of the child care facility and does not have independent access to the child care facility. Such staff members shall be accompanied by an individual with a qualifying criminal background check in order to be present at the child care facility during child care hours.

(5) Criminal background checks shall be completed for each child care staff member every five (5) years.

*AUTHORITY:* section 161.092, RSMo 2016, and section 210.1080, RSMo Supp. 2021.\* This rule originally filed as 19 CSR 30-63.020. Emergency rule filed Feb. 15, 2019, effective Feb. 25, 2019, expired Aug. 23, 2019. Original rule filed Feb. 15, 2019, effective Aug. 30, 2019. Emergency amendment filed Aug. 31, 2020, effective Sept. 15, 2020, expired March 13, 2021. Amended: Filed Aug. 31, 2020, effective Feb. 28, 2021. Moved to 5 CSR 25-600.020, effective Aug. 30, 2021. Amended: Filed Oct. 8, 2021, effective May 30, 2022.

*\*Original authority:* 161.092, RSMo 1963, amended 1973, 2002, 2003, 2013, 2014, and 210.1080, RSMo 2018, amended 2019.

**5 CSR 25-600.030 Criminal Background Screening Cost**

*PURPOSE:* This rule establishes who is responsible for the cost of the criminal background check.



(1) The costs of the criminal background check shall be the responsibility of the child care staff member, but may be paid or reimbursed by the child care provider at the provider’s discretion.

*AUTHORITY: section 210.1080, RSMo Supp. 2018.\* This rule originally filed as 19 CSR 30-63.030. Emergency rule filed Feb. 15, 2019, effective Feb. 25, 2019, expired Aug. 23, 2019. Original rule filed Feb. 15, 2019, effective Aug. 30, 2019. Moved to 5 CSR 25-600.030, effective Aug. 30, 2021.*

*\*Original authority: 210.1080, RSMo 2018.*

**5 CSR 25-600.040 Background Screening Findings**

*PURPOSE: This rule establishes who is ineligible for employment and who cannot be present at a family child care home, group child care home, child care center, or license-exempt facility not subject to 210.1080.9, RSMo.*

(1) Any child care staff member or prospective child care staff member shall be ineligible for employment or presence at a licensed, regulated, or registered child care facility not exempted by section 210.1080.13, RSMo, if such person—

(A) Refuses to consent to the criminal background check as required by section 210.1080, RSMo;

(B) Knowingly makes a materially false statement in connection with the criminal background check as required by section 210.1080, RSMo;

(C) Is registered, or is required to be registered, on a state sex offender registry or repository or the National Sex Offender Registry;

(D) Is listed as a perpetrator of child abuse or neglect under sections 210.109 to 210.183, RSMo or has any other finding of child abuse or neglect based on any other state’s registry or database; or

(E) Has pled guilty or nolo contendere to or been found guilty of—

1. Any felony for an offense against the person as defined in Chapter 565, RSMo;

2. Any other offense against the person involving the endangerment of a child as prescribed by law;

3. Any misdemeanor or felony for a sexual offense as defined in Chapter 566, RSMo;

4. Any misdemeanor or felony for an offense against the family as defined in Chapter 568, RSMo;

5. Burglary in the first degree as defined in section 569.160, RSMo;

6. Any misdemeanor or felony for robbery as defined in Chapter 570, RSMo;

7. Any misdemeanor or felony for pornography or related offense as defined in Chapter 573, RSMo;

8. Any felony for arson as defined in Chapter 569, RSMo;

9. Any felony for armed criminal action as defined in section 571.015, RSMo, unlawful use of a weapon as defined in section 571.030, RSMo, unlawful possession of a firearm as defined in section 571.070, RSMo, or the unlawful possession of an explosive as defined in section 571.072, RSMo;

10. Any felony for making a terrorist threat as defined in section 574.115, 574.120, or 574.125, RSMo;

11. A felony drug-related offense committed during the preceding five (5) years; or

12. Any similar offense in any federal, state, municipal, or other court of similar jurisdiction of which the director of the designated department has knowledge.

(2) Adult household members eighteen (18) years of age and older, or household members who are under eighteen (18) years of age but have been certified as an adult for the commission of an offense, in a family child care home shall be ineligible to maintain a presence at a family child care home during child care hours if any one (1) or more of the provisions of section (1) of this rule applies to them.

*AUTHORITY: section 161.092, RSMo 2016, and section 210.1080, RSMo Supp. 2021.\* This rule originally filed as 19 CSR 30-63.040. Emergency rule filed Feb. 15, 2019, effective Feb. 25, 2019, expired Aug. 23, 2019. Original rule filed Feb. 15, 2019, effective Aug. 30, 2019. Emergency amendment filed Aug. 31, 2020, effective Sept. 15, 2020, expired March 13, 2021. Amended: Filed Aug. 31, 2020, effective Feb. 28, 2021. Moved to 5 CSR 25-600.040, effective Aug. 30, 2021. Amended: Filed Oct. 8, 2021, effective May 30, 2022.*

*\*Original authority: 161.092, RSMo 1963, amended 1973, 2002, 2003, 2013, 2014, and 210.1080, RSMo 2018, amended 2019.*

**5 CSR 25-600.050 Process for Appeal Required in Section 210.1080, RSMo**

*PURPOSE: This rule sets forth the process for the appeal required in section 210.1080, RSMo.*

(1) The prospective child care staff member or child care staff member of a licensed, regulated, or registered child care facility may appeal a finding of ineligibility for employment or presence at a child care facility in writing to the department as allowed by section 210.1080.9, RSMo.

(2) The appeal shall be filed within ten (10) days from the mailing of the notice of ineligibility.

(3) The written appeal shall include the child care staff member’s full name, Social Security number, date of birth, e-mail address, mailing address and zip code, and telephone number, including the area code, where s/he can be reached Monday through Friday, during the hours from 8:00 a.m. through 5:00 p.m.

*AUTHORITY: section 161.092, RSMo 2016, and section 210.1080, RSMo Supp. 2021.\* This rule originally filed as 19 CSR 30-63.050. Emergency rule filed Feb. 15, 2019, effective Feb. 25, 2019, expired Aug. 23, 2019. Original rule filed Feb. 15, 2019, effective Aug. 30, 2019. Emergency amendment filed Aug. 31, 2020, effective Sept. 15, 2020, expired March 13, 2021. Amended: Filed Aug. 31, 2020, effective Feb. 28, 2021. Moved to 5 CSR 25-600.050, effective Aug. 30, 2021. Amended: Filed Oct. 8, 2021, effective May 30, 2022.*

*\*Original authority: 161.092, RSMo 1963, amended 1973, 2002, 2003, 2013, 2014, and 210.1080, RSMo 2018, amended 2019.*