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 or regulated 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 or regulated 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) 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.

(4) Director is the director of the Missouri Department of Health and Senior Services.

(5) Department is the Missouri Department of Health and Senior Services.

(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.


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 family child care home, group child care home, child care center, or license-exempt 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 requirement 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.


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
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 family child care home, group child care home, child care center, or license-exempt 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 210.600.030, effective Aug. 30, 2021.

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

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 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.