



Missouri Department of Elementary and Secondary Education

— Making a positive difference through education and service —

June 30, 2009

Please share with Human Resources staff

TO: Administrators
Colleges of Education

FROM: Rusty Rosenkoetter, Coordinator
Educator Certification

SUBJECT: Significant Change in Fingerprint Procedures

Effective November 1, 2009, significant changes to the fingerprint/background check procedures will occur at the request of the Missouri State Highway Patrol (MSHP). **DESE will no longer be able to process fingerprint information for any agency or company other than public school districts, local education agencies, or public colleges/universities.** This will likely cause several changes for public schools doing business with contracted service providers.

Federal law and Missouri statutes require that fingerprints and background checks be used solely for the purpose requested (employment or placement in a public school) and NOT be disseminated outside the receiving agency (DESE in this case) or other authorized entities – which include public schools and colleges. Since fingerprints and background information are criminal history records, the information is considered highly sensitive. In the case of schools, the fingerprint information is a full/open record of all arrests.

The dissemination of criminal history record information from the FBI and MSHP beyond the authorized state agency or related governmental entity is prohibited, both for the protection of the school district's liability and the protection of the individuals checked. All criminal history record information is confidential, and disclosure of the information to unauthorized persons is not permitted. Unauthorized dissemination of criminal history record information to private or contracted entities must cease by October 31, 2009.

You cannot share criminal history information regarding your employees or your applicants with other employers. For school districts, this includes bus contractors and other service providers. If an applicant wants to see or obtain a copy, you may provide it; however, you must keep a log of the action. Each school district will be required to make the fitness determination (as determined from fingerprint reports) for the hiring or contracting of bus drivers and other persons employed by a student transportation company, food service company, or other contracted service provider.

For public schools/colleges: In order to assist public schools and colleges with the process of making fitness determinations for any contracted agency, the district and contracting agency will need to agree on what sort of offenses may or may not impact the safety of children. We also recommend each district develop a “clearance letter” which basically advises the hiring entity of an applicant’s eligibility. The clearance letter may give a “green light” or “red light” notification. A sample clearance letter follows.

Your process for obtaining fingerprints and open record checks will remain the same – except for contracted services. And, you will be required to keep a log or record of ALL reports that you share with applicants or service providers.

For non-public schools, colleges and other service providers: MSHP has a program called MO-VECHS (Missouri Volunteer and Employee Criminal History Service) that can be used to obtain fingerprint and background information. You can find more information at: <http://www.msdp.dps.missouri.gov/MSHPWeb/PatrolDivisions/CRID/crimRecChk.html> DESE will no longer provide fingerprint or background clearance information to you.

If we can be of assistance or if you have questions about this process, please do not hesitate to contact our Conduct and Investigations office at 573/522-8761 or 573/522-8315, or MSHP at 573/526-6345 and ask for Senior CJIS Manager Kerry Creach or Criminal History Specialist Linda Vercelli.

attachment

To be sent on School/College Letterhead

(date)

SAMPLE CLEARANCE LETTER

Requesting/Hiring Entity Name
Address
City, State Zip

Dear [Entity Name]:

The [enter name of school district] is providing the attached form based on the Federal Bureau of Investigation (FBI) and Missouri State Highway Patrol (MSHP) fingerprint-based criminal background check pursuant to Sections 43.543 and 168.133, RSMo.

Current federal and state law prohibits sharing the actual FBI/MSHP documents directly with student transportation companies or other agencies employed by or contracted with the Department of Elementary and Secondary Education or associated school districts. However, DESE/school districts may alert student transportation companies and other agencies that the potential applicant (driver, cook, construction worker) **has** or **has no** disqualifiers for employment purposes.

Criminal history record information can be provided to the applicant. It is recommended that any/all disseminated criminal history record information be stamped as "COPY" prior to the release of the information. In addition, a dissemination log is required at the time of the authorized dissemination. The applicant may voluntarily share the criminal history record information directly with a potential employer.

If the applicant disagrees with the documentation received from the FBI and/or MSHP, he/she may make a written request (appeal) to the MSHP, Criminal Records and Identification Division, 1510 E. Elm Street, Post Office Box 9500, Jefferson City, MO 65102-9500.

Sincerely,

[enter school district contact information]

attachment

(date of fingerprint results)

The [enter name of school district or college] is providing the following information based on the Federal Bureau of Investigation (FBI) and Missouri State Highway Patrol (MSHP) fingerprint criminal history background check pursuant to Section 43.543 and 168.133 RSMo with regards to:

- [enter full name of applicant]
- [enter last four digits of SSN (optional)]

(check appropriate boxes for fingerprint clearance)

Approved

Not approved

The FBI has indicated that the quality of fingerprint characteristics is too low to be used. Please ensure that the prospective applicant is re-fingerprinted.

SAMPLE CLEARANCE LETTER