Department: Human Resources	Effective Date: 5/9/2017	Procedure Number: 8200
Regulation Number: **1302.90(b)(1-5)** **9 CSR 30-62.102**	**Regulation Topic:** **Criminal Background Check**	**Procedure Title:** **Criminal Background Check Requirements for Employees, Consultants, and Contractors**

Procedure:

Direct service providers must have a written criminal background check policy and procedure. The policy and procedure must include:

- The name of the specific background check report(s) generated and which of the required criminal background checks are included in each;
- Timelines for initial checks prior to hire and follow up once every five years; and,
- An internal system for determining hires with findings. In addition, delegates and partners must include the 42 USC 9858f-Criminal Background Checks (Disqualification Factors) in determination for hiring employees, consultants, and contractors. *See Clarification for Policy & Procedure 8200.*

MARC Head Start direct service providers may use the approved eligibility determination letter from the MO Child Care Regulation to meet the requirements of MARC Head Start Policy 8200. The results of the review and approved eligibility determination must be dated prior to hire.

New fingerprints must be completed with the direct service provider's vendor for fingerprinting when hiring a person with an approved eligibility determination letter from MO Child Care Regulation that was completed 6 months or longer prior to date of potential hire.

Note on any MO Child Care Regulation approved eligibility determination letter the date the direct service provider received the letter.

The MO Child Care Regulation requirement for comprehensive criminal background checks of childcare staff includes:

- Fingerprinting
- Family Care Safety Registry registration

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Upon review of the criminal background check results, MO Child Care Regulation will provide a letter to the employee and employer indicating whether the person is eligible for employment at a childcare facility in Missouri. Any employee that remains continuously employed with the direct service provider, the letter from MO Child Care Regulation is good for 5 years at which time new fingerprints will be required. However, if the person is separated from employment from any childcare provider within Missouri for more than 180 days a new criminal background check must be completed.

If a direct service provider participates in the RAP back program, please see MARC Head Start procedure 8201 for guidance on 5 year criminal background check updates.

Direct service providers that are part of a school district and board policy requires fingerprinting prior to hire, this will meet the requirements of MARC Policy 8200.

https://health.mo.gov/safety/childcare/background-check-process.php

In the event a direct service provider does not complete the entire criminal background check process prior to hire, the HSPPS allow for the following timeframe:

- PRIOR to offering employment of program staff, consultant, or contractor:
  - Sex offender registry check; and,
  - One set of Fingerprints:
    - State; or
    - FBI

- WITHIN 90 days of hire for employee, consultant, and contractor:
  - Whichever fingerprint (state or FBI) requirement that has not been completed; and,
  - State Child Abuse and Neglect state registry

No newly hired employee, consultants, and contractors can be left alone (unsupervised access) with children until the results of all four criminal background checks have been received.

*For licensed programs, follow annual licensing regulations.
** Contingent employment may be offered; however, official offer and start date may not occur until results are received for sex offender registry and at least one set of fingerprints (state or FBI).

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