

MOTION TO RECOMMIT WITH INSTRUCTIONS

M. _____ moves to recommit the bill H.R. 2218 to the Committee on Education and the Workforce with instructions to report the same back to the House forthwith with the following amendment:

Page 20, after line 15, insert the following:

1 “(j) BACKGROUND CHECKS TO PROTECT STUDENTS
2 FROM SEXUAL AND VIOLENT PREDATORS.—

3 “(1) BACKGROUND CHECKS.—Each State entity
4 that receives a grant under this section shall have in
5 effect policies and procedures for charter schools re-
6 ceiving funds under the entity’s program that—

7 “(A) require that criminal background
8 checks be conducted for school employees that
9 include—

10 “(i) a search of the State criminal
11 registry or repository in the State in which
12 the school employee resides and each State
13 in which such school employee previously
14 resided;

15 “(ii) a search of State-based child
16 abuse and neglect registries and databases

1 in the State in which the school employee
2 resides and each State in which such
3 school employee previously resided;

4 “(iii) a search of the National Crime
5 Information Center of the Department of
6 Justice;

7 “(iv) a Federal Bureau of Investiga-
8 tion fingerprint check using the Integrated
9 Automated Fingerprint Identification Sys-
10 tem; and

11 “(v) a search of the National Sex Of-
12 fender Registry established under section
13 19 of the Adam Walsh Child Protection
14 and Safety Act of 2006 (42 U.S.C.
15 16919);

16 “(B) prohibit the employment of an indi-
17 vidual for a position as a school employee if
18 such individual—

19 “(i) refuses to consent to the criminal
20 background check described in subpara-
21 graph (A);

22 “(ii) makes a false statement in con-
23 nection with such criminal background
24 check;

1 “(iii) has been convicted of a felony
2 consisting of—

3 “(I) homicide;

4 “(II) child abuse or neglect;

5 “(III) a crime against children,
6 including child pornography;

7 “(IV) spousal abuse;

8 “(V) a crime involving rape or
9 sexual assault;

10 “(VI) kidnapping;

11 “(VII) arson; or

12 “(VIII) physical assault, battery,
13 or a drug-related offense, committed
14 within the past 5 years; or

15 “(iv) has been convicted of any other
16 crime that is a violent or sexual crime
17 against a minor;

18 “(C) require that a charter school that re-
19 ceives information from a criminal background
20 check conducted under this subsection that an
21 individual who has applied for employment with
22 such school as a school employee is a sexual
23 predator report to local law enforcement that
24 such individual has so applied;

1 “(D) require that the criminal background
2 checks described in subparagraph (A) be peri-
3 odically repeated; and

4 “(E) provide for a timely process by which
5 a school employee may appeal the results of a
6 criminal background check conducted under
7 this subsection to challenge the accuracy or
8 completeness of the information produced by
9 such background check and seek appropriate re-
10 lief for any final employment decision based on
11 materially inaccurate or incomplete information
12 produced by such background check, but that
13 does not permit the school employee to be em-
14 ployed as a school employee during such proc-
15 ess.

16 “(2) DEFINITIONS.—In this subsection:

17 “(A) SCHOOL EMPLOYEE.—The term
18 ‘school employee’ means—

19 “(i) an employee of, or a person seek-
20 ing employment with, a charter school, and
21 who has a job duty that results in exposure
22 to students; or

23 “(ii) an employee of, or a person seek-
24 ing employment with, a for-profit or non-
25 profit entity, or local public agency, that

1 has a contract or agreement to provide
2 services with a charter school, and whose
3 job duty—

4 “(I) is to provide such services;

5 and

6 “(II) results in exposure to stu-
7 dents.

8 “(B) SEXUAL PREDATOR.—The term ‘sex-
9 ual predator’ means a person 18 years of age
10 or older who has been convicted of, or pled
11 guilty to, a sexual offense against a minor.”.

