AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 5
OFFERED BY ________________

At the end of subpart 3 of part E of title V of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 501 of the bill, add the following new section:

"SEC. 5552. CRIMINAL BACKGROUND CHECKS.

"(a) CONDITION OF RECEIPT OF FUNDS.—A local educational agency or State educational agency shall be ineligible for funds under this Act if such agency—

"(1) employs an individual who—

"(A) refuses to consent to a criminal background check that includes—

"(i) a search of the State criminal registry or repository in the State where the individual resides and each State where such individual previously resided;

"(ii) a search of State-based child abuse and neglect registries and databases in the State where the individual resides and each State where such individual previously resided;"
“(iii) a search of the National Crime Information Center;

“(iv) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System; and

“(v) a search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.);

“(B) makes a false statement in connection with such criminal background check;

“(C) is registered or is required to be registered on a State sex offender registry or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.);

or

“(D) has been convicted of a felony consisting of—

“(i) homicide;

“(ii) child abuse or neglect;

“(iii) a crime against children, including child pornography;

“(iv) domestic violence;
“(v) a crime involving rape or sexual assault;
“(vi) kidnapping;
“(vii) arson; or
“(viii) physical assault, battery, or a drug-related offense, committed on or after the date that is 5 years before the date of the individual’s criminal background check under this section; or
“(2) knowingly facilitates the transfer of an employee if the agency knows, or has probable cause to believe, that the employee engaged in sexual misconduct with a student.
“(b) FEES FOR BACKGROUND CHECKS.—The Attorney General or a State may charge any applicable fees for conducting a criminal background check under this section.”.

At the end of the bill add the following:

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. FINDINGS; SENSE OF THE CONGRESS.

(a) FINDINGS.—The Congress finds as follows:

(1) To avoid negative attention and litigation, some local educational agencies have entered into
agreements with employees who are suspected of abusing or are known to have abused students.

(2) Instead of reporting sexual misconduct with minors to the proper authorities such as the police or child welfare services, under such agreements the local educational agencies, schools, and employees keep the information private and facilitate the employee’s transfer to another local educational agency.

(b) Sense of the Congress.—It is the sense of the Congress that—

(1) confidentiality agreements between local educational agencies or schools and suspected child sex abusers should be prohibited;

(2) the practice of employee transfers after suspected or proven sexual misconduct should be stopped, and States should require local educational agencies and schools to provide law enforcement with all information regarding sexual conduct between an employee and a minor; and

(3) Congress should help protect children and help stop this unacceptable practice in our schools.