

**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:

1 **“SEC. 5552. CRIMINAL BACKGROUND CHECKS.**

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

5 “(1) employs an individual who—

6 “(A) refuses to consent to a criminal back-
7 ground check that includes—

8 “(i) a search of the State criminal
9 registry or repository in the State where
10 the individual resides and each State where
11 such individual previously resided;

12 “(ii) a search of State-based child
13 abuse and neglect registries and databases
14 in the State where the individual resides
15 and each State where such individual pre-
16 viously resided;

1 “(iii) a search of the National Crime
2 Information Center;

3 “(iv) a Federal Bureau of Investiga-
4 tion fingerprint check using the Integrated
5 Automated Fingerprint Identification Sys-
6 tem; and

7 “(v) a search of the National Sex Of-
8 fender Registry established under the
9 Adam Walsh Child Protection and Safety
10 Act of 2006 (42 U.S.C. 16901 et seq.);

11 “(B) makes a false statement in connec-
12 tion with such criminal background check;

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

18 or

19 “(D) has been convicted of a felony con-
20 sisting of—

21 “(i) homicide;

22 “(ii) child abuse or neglect;

23 “(iii) a crime against children, includ-
24 ing child pornography;

25 “(iv) domestic violence;

1 “(v) a crime involving rape or sexual
2 assault;

3 “(vi) kidnapping;

4 “(vii) arson; or

5 “(viii) physical assault, battery, or a
6 drug-related offense, committed on or after
7 the date that is 5 years before the date of
8 the individual’s criminal background check
9 under this section; or

10 “(2) knowingly facilitates the transfer of an em-
11 ployee if the agency knows, or has probable cause to
12 believe, that the employee engaged in sexual mis-
13 conduct with a student.

14 “(b) FEES FOR BACKGROUND CHECKS.—The Attor-
15 ney General or a State may charge any applicable fees
16 for conducting a criminal background check under this
17 section.”.

At the end of the bill add the following:

18 **TITLE VIII—MISCELLANEOUS**
19 **PROVISIONS**

20 **SEC. 801. FINDINGS; SENSE OF THE CONGRESS.**

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

22 (1) To avoid negative attention and litigation,
23 some local educational agencies have entered into

1 agreements with employees who are suspected of
2 abusing or are known to have abused students.

3 (2) Instead of reporting sexual misconduct with
4 minors to the proper authorities such as the police
5 or child welfare services, under such agreements the
6 local educational agencies, schools, and employees
7 keep the information private and facilitate the em-
8 ployee's transfer to another local educational agency.

9 (b) SENSE OF THE CONGRESS.—It is the sense of
10 the Congress that—

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

14 (2) the practice of employee transfers after sus-
15 pected or proven sexual misconduct should be
16 stopped, and States should require local educational
17 agencies and schools to provide law enforcement
18 with all information regarding sexual conduct be-
19 tween an employee and a minor; and

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

