

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 457, Page 2, Section 163.018, Line 39, by inserting immediately after said
2 line the following:

3 "168.133. 1. The school district shall ensure that a criminal background check is conducted
4 on any person employed after January 1, 2005, authorized to have contact with pupils and prior to
5 the individual having contact with any pupil. Such persons include, but are not limited to,
6 administrators, teachers, aides, paraprofessionals, assistants, secretaries, custodians, cooks, and
7 nurses. The school district shall also ensure that a criminal background check is conducted for
8 school bus drivers. The district may allow such drivers to operate buses pending the result of the
9 criminal background check. For bus drivers, the school district shall be responsible for conducting
10 the criminal background check on drivers employed by the school district. For drivers employed by
11 a pupil transportation company, a municipality, or any other entity under contract with the school
12 district, the criminal background check shall be conducted pursuant to section 43.540 and conform
13 to the requirements established in the National Child Protection Act of 1993, as amended by the
14 Volunteers for Children Act. Personnel who have successfully undergone a criminal background
15 check and a check of the family care safety registry as part of the professional license application
16 process under section 168.021 and who have received clearance on the checks within one prior year
17 of employment shall be considered to have completed the background check requirement. A
18 criminal background check under this section shall include a search of any information publicly
19 available in an electronic format through a public index or single case display.

20 2. In order to facilitate the criminal history background check, the applicant shall submit a
21 set of fingerprints collected pursuant to standards determined by the Missouri highway patrol. The
22 fingerprints shall be used by the highway patrol to search the criminal history repository and shall
23 be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files.

24 3. The applicant shall pay the fee for the state criminal history record information pursuant
25 to section 43.530 and sections 210.900 to 210.936 and pay the appropriate fee determined by the
26 Federal Bureau of Investigation for the federal criminal history record when he or she applies for a
27 position authorized to have contact with pupils pursuant to this section. The department shall
28 distribute the fees collected for the state and federal criminal histories to the Missouri highway
29 patrol.

30 4. The department of elementary and secondary education shall facilitate an annual check of
31 employed persons holding current active certificates under section 168.021 against criminal history
32 records in the central repository under section 43.530, the sexual offender registry under sections
33 589.400 to 589.475, and child abuse central registry under sections 210.109 to 210.183. The
34 department of elementary and secondary education shall facilitate procedures for school districts to
35 submit personnel information annually for persons employed by the school districts who do not hold
36 a current valid certificate who are required by subsection 1 of this section to undergo a criminal

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1 background check, sexual offender registry check, and child abuse central registry check. The
2 Missouri state highway patrol shall provide ongoing electronic updates to criminal history
3 background checks of those persons previously submitted, both those who have an active certificate
4 and those who do not have an active certificate, by the department of elementary and secondary
5 education. This shall fulfill the annual check against the criminal history records in the central
6 repository under section 43.530.

7 5. The school district may adopt a policy to provide for reimbursement of expenses incurred
8 by an employee for state and federal criminal history information pursuant to section 43.530.

9 6. If, as a result of the criminal history background check mandated by this section, it is
10 determined that the holder of a certificate issued pursuant to section 168.021 has pled guilty or nolo
11 contendere to, or been found guilty of a crime or offense listed in section 168.071, or a similar
12 crime or offense committed in another state, the United States, or any other country, regardless of
13 imposition of sentence, such information shall be reported to the department of elementary and
14 secondary education.

15 7. Any school official making a report to the department of elementary and secondary
16 education in conformity with this section shall not be subject to civil liability for such action.

17 8. For any teacher who is employed by a school district on a substitute or part-time basis
18 within one year of such teacher's retirement from a Missouri school, the state of Missouri shall not
19 require such teacher to be subject to any additional background checks prior to having contact with
20 pupils. Nothing in this subsection shall be construed as prohibiting or otherwise restricting a school
21 district from requiring additional background checks for such teachers employed by the school
22 district.

23 9. A criminal background check and fingerprint collection conducted under subsections 1
24 and 2 of this section shall be valid for at least a period of one year and transferrable from one school
25 district to another district. A school district may, in its discretion, conduct a new criminal
26 background check and fingerprint collection under subsections 1 and 2 for a newly hired employee
27 at the district's expense. A teacher's change in type of certification shall have no effect on the
28 transferability or validity of such records.

29 10. Nothing in this section shall be construed to alter the standards for suspension, denial, or
30 revocation of a certificate issued pursuant to this chapter.

31 11. The state board of education may promulgate rules for criminal history background
32 checks made pursuant to this section. Any rule or portion of a rule, as that term is defined in section
33 536.010, that is created under the authority delegated in this section shall become effective only if it
34 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
35 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
36 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
37 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
38 rule proposed or adopted after January 1, 2005, shall be invalid and void.

39 304.060. 1. The state board of education shall adopt and enforce regulations not
40 inconsistent with law to cover the design and operation of all school buses used for the
41 transportation of school children when owned and operated by any school district or privately
42 owned and operated under contract with any school district in this state, and such regulations shall
43 by reference be made a part of any such contract with a school district. The state board of education
44 may adopt rules and regulations governing the use of other vehicles owned by a district or operated
45 under contract with any school district in this state and used for the purpose of transporting school
46 children. The operator of such vehicle shall be licensed in accordance with section 302.272, and
47 such vehicle shall transport no more children than the manufacturer suggests as appropriate for such
48 vehicle. The state board of education may also adopt rules and regulations governing the use of

1 authorized common carriers for the transportation of students on field trips or other special trips for
2 educational purposes. Every school district, its officers and employees, and every person employed
3 under contract by a school district shall be subject to such regulations. The state board of education
4 shall cooperate with the state transportation department and the state highway patrol in placing
5 suitable warning signs at intervals on the highways of the state.

6 2. Notwithstanding the provisions of subsection 1 of this section, any school board in the
7 state of Missouri may contract with any municipality for the purpose of transporting school
8 children. Municipalities entering into any such contract shall comply with the requirements of this
9 section and sections 162.064, 162.065, 168.133, and 307.375.

10 3. Any officer or employee of any school district who violates any of the regulations or fails
11 to include obligation to comply with such regulations in any contract executed by him on behalf of a
12 school district shall be guilty of misconduct and subject to removal from office or employment.
13 Any person operating a school bus under contract with a school district who fails to comply with
14 any such regulations shall be guilty of breach of contract and such contract shall be cancelled after
15 notice and hearing by the responsible officers of such school district.

16 [~~3.~~] 4. Any other provision of the law to the contrary notwithstanding, in any county of the
17 first class with a charter form of government adjoining a city not within a county, school buses may
18 bear the word "special"."; and

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20 Further amend said bill and page, Section B, Line 1, by inserting after the word "programs," the
21 phrase "section 163.018 of"; and

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23 Further amend said bill, page, and section, Line 4, by inserting after the phrase "constitution, and"
24 the phrase "section 163.018 of"; and

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26 Further amend said bill by amending the title, enacting clause, and intersectional references
27 accordingly.