To repeal sections 160.665, 162.068, and 610.021, RSMo, and to enact in lieu thereof three new sections relating to safe schools.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 160.665, 162.068, and 610.021, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 160.665, 162.068, and 610.021, to read as follows:

160.665. 1. Any school district within the state may designate one or more elementary or secondary school teachers or administrators as a school protection officer. The responsibilities and duties of a school protection officer are voluntary and shall be in addition to the normal responsibilities and duties of the teacher or administrator. Any compensation for additional duties relating to service as a school protection officer shall be funded by the local school district, with no state funds used for such purpose.

2. Any person designated by a school district as a school protection officer shall be authorized to carry concealed firearms or a self-defense spray device in any school in the district. A self-defense spray device shall mean any device that is capable of carrying, and that ejects, releases, or emits, a nonlethal solution capable of incapacitating a violent threat. The school protection officer shall not be permitted to allow any firearm or device out of his or her personal control while that firearm or device is on school property. Any school protection officer who violates this subsection may be removed immediately from the classroom and subject to employment termination proceedings.

3. A school protection officer has the same authority to detain or use force against any person on school property as provided to any other person under chapter 563.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.
4. Upon detention of a person under subsection 3 of this section, the school protection officer shall immediately notify a school administrator and a school resource officer, if such officer is present at the school. If the person detained is a student then the parents or guardians of the student shall also be immediately notified by a school administrator.

5. Any person detained by a school protection officer shall be turned over to a school administrator or law enforcement officer as soon as practically possible and shall not be detained by a school protection officer for more than one hour.

6. Any teacher or administrator of an elementary or secondary school who seeks to be designated as a school protection officer shall request such designation in writing, and submit it to the superintendent of the school district which employs him or her as a teacher or administrator. Along with this request, any teacher or administrator seeking to carry a concealed firearm on school property shall also submit proof that he or she has a valid concealed carry endorsement or permit, and all teachers and administrators seeking the designation of school protection officer shall submit a certificate of school protection officer training program completion from a training program approved by the director of the department of public safety which demonstrates that such person has successfully completed the training requirements established by the POST commission under chapter 590 for school protection officers.

7. No school district may designate a teacher or administrator as a school protection officer unless such person has successfully completed a school protection officer training program, which has been approved by the director of the department of public safety. No school district shall allow a school protection officer to carry a concealed firearm on school property unless the school protection officer has a valid concealed carry endorsement or permit.

8. Any school district that designates a teacher or administrator as a school protection officer shall, within thirty days, notify, in writing, the director of the department of public safety of the designation, which shall include the following:

   (1) The full name, date of birth, and address of the officer;
   (2) The name of the school district; and
   (3) The date such person was designated as a school protection officer.

Notwithstanding any other provisions of law to the contrary, any identifying information collected under the authority of this subsection shall not be considered public information and shall not be subject to a request for public records made under chapter 610.

9. A school district may revoke the designation of a person as a school protection officer for any reason and shall immediately notify the designated school protection officer in writing of the revocation. The school district shall also within thirty days of the revocation notify the director of the department of public safety in writing of the revocation of the designation of such
person as a school protection officer. A person who has had the designation of school protection 
officer revoked has no right to appeal the revocation decision.

10. The director of the department of public safety shall maintain a listing of all persons 
designated by school districts as school protection officers and shall make this list available to 
all law enforcement agencies.

11. Before a school district may designate a teacher or administrator as a school 
protection officer, the school board shall hold a public hearing on whether to allow such 
designation. Notice of the hearing shall be published at least fifteen days before the date of the 
hearing in a newspaper of general circulation within the city or county in which the school 
district is located. The board may determine at a closed meeting, as "closed meeting" is defined 
under section 610.010, whether to authorize the designated school protection officer to carry a 
concealed firearm or a self-defense spray device.

12. If a school district authorizes any employee of the district to carry a concealed 
firearm, the school district shall post, at any school in the district where such employee is 
designated with authorization to carry a concealed firearm, the following notice in a 
prominent location on the school’s property:

"Attention: Staff at this campus are armed and trained to meet threats to student 
safety with deadly force if necessary."

13. If a school district has no employee in the district with authorization to carry 
a concealed firearm as of October first of any school year, the district shall, by November 
first of such school year, send a written notice, in fourteen-point font, to the parent or 
guardian of any student enrolled in the district that describes the district’s authority under 
this section to authorize designated employees to carry concealed firearms and indicates 
that the district has not exercised such authority.

162.068. 1. (1) By July 1, 2012, every school district shall adopt a written policy on 
information that the district provides about former employees, both certificated and 
noncertificated, to other public schools. By July 1, 2014, every charter school shall adopt a 
written policy on information that the charter school provides about former employees, both 
certificated and noncertificated, to other public schools. The policy shall include who is 
permitted to respond to requests for information from potential employers and the information 
the district or charter school would provide when responding to such a request. The policy shall 
require that notice of this provision be provided to all current employees and to all potential 
employers who contact the school district or charter school regarding the possible employment 
of an employee.

(2) The policy described under this subsection shall require the district or charter 
school to disclose, to any public school that contacts such district or charter school about 
a former employee, information regarding any violation of the published regulations of the
board of education of the district or the governing body of the charter school by the former
employee if such violation related to abusive behavior toward a student and was
determined to be an actual violation by the board of the district or the governing body of
the charter school.

2. Any school district or charter school that employs a person about whom the children's
division conducts an investigation involving allegations of sexual misconduct with a student and
reaches a finding of substantiated shall immediately suspend the employment of such person,
notwithstanding any other provision of law, but the district or charter school may return the
person to his or her employment if the child abuse and neglect review board's finding that the
allegation is substantiated is reversed by a court on appeal and becomes final. Nothing shall
preclude a school district or charter school from otherwise lawfully terminating the employment
of any employee about whom there has been a finding of unsubstantiated resulting from an
investigation by the children's division involving allegations of sexual misconduct with a student.

3. Any employee who is permitted to respond to requests for information regarding
former employees under a policy adopted by his or her school district or charter school under
subsection 2 of this section and who communicates only the information which such policy
directs, and who acts in good faith and without malice shall be immune against any civil action
for damages brought by the former employee arising out of the communication of such
information. If any such action is brought, the employee may, at his or her option, request the
attorney general to defend him or her in such suit and the attorney general shall provide such
defense, except that if the attorney general represents the school district or the department of
elementary and secondary education in a pending licensing matter under section 168.071, the
attorney general shall not represent the school district employee.

4. Notwithstanding the provisions of subsection 2 of this section, if a district or charter
school that has employed any employee whose job involves contact with children receives
allegations of sexual misconduct concerning the employee and as a result of such allegations or
as a result of such allegations being substantiated by the child abuse and neglect review board
dismisses the employee or allows the employee to resign in lieu of being fired and fails to
disclose the allegations of sexual misconduct when furnishing a reference for the former
employee or responding to a potential employer's request for information regarding such
employee, the district or charter school shall be directly liable for damages to any student of a
subsequent employing district or charter school who is found by a court of competent jurisdiction
to be a victim of the former employee's sexual misconduct, and the district or charter school shall
bear third-party liability to the employing district or charter school for any legal liability, legal
fees, costs, and expenses incurred by the employing district or charter school caused by the
failure to disclose such information to the employing district or charter school.
5. If a school district or charter school has previously employed a person about whom the children's division has conducted an investigation involving allegations of sexual misconduct with a student and has reached a finding of substantiated and another public school contacts the district or charter school for a reference for the former employee, the district or charter school shall disclose the results of the children's division's investigation to the public school.

6. Any school district or charter school employee, acting in good faith, who reports alleged sexual misconduct on the part of a teacher or other school employee shall not be discharged or otherwise discriminated against in any fashion because of such reporting.

7. Any school district or charter school shall, before offering employment to any former employee of a school district or charter school, contact the district or charter school that previously employed such employee and request information regarding the former employee.

610.021. Except to the extent disclosure is otherwise required by law, a public governmental body is authorized to close meetings, records and votes, to the extent they relate to the following:

(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public government body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of section 610.011, however, the amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record;

(2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate;

(3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded.
However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two-hour period before such decision is made available to the public. As used in this subdivision, the term "personal information" means information relating to the performance or merit of individual employees. This exemption shall not apply to a school district’s or charter school’s records relating to a violation of the published regulations of the board of education of the district or the governing body of the charter school by an employee of such district or charter school if such violation related to the employee’s abusive behavior toward a student and was determined to be an actual violation by the board of the district or the governing body of the charter school; except that, any information that individually identifies such student shall be considered a closed record.

(4) The state militia or national guard or any part thereof;

(5) Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;

(6) Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years;

(7) Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again;

(8) Welfare cases of identifiable individuals;

(9) Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups;

(10) Software codes for electronic data processing and documentation thereof;

(11) Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid;

(12) Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected;

(13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public
agencies once they are employed as such, and the names of private sources donating or contributing money to the salary of a chancellor or president at all public colleges and universities in the state of Missouri and the amount of money contributed by the source. **This exemption shall not apply to a school district’s or charter school’s records relating to a violation of the published regulations of the board of education of the district or the governing body of the charter school by an employee of such district or charter school if such violation related to the employee’s abusive behavior toward a student and was determined to be an actual violation by the board of the district or the governing body of the charter school; except that, any information that individually identifies such student shall be considered a closed record;**

(14) Records which are protected from disclosure by law;

(15) Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest;

(16) Records relating to municipal hotlines established for the reporting of abuse and wrongdoing;

(17) Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this chapter;

(18) Operational guidelines, policies and specific response plans developed, adopted, or maintained by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Financial records related to the procurement of or expenditures relating to operational guidelines, policies or plans purchased with public funds shall be open. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

(19) Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a nonpublic entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety:

(a) Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open;

(b) When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public
governmental body's ability to protect the security or safety of persons or real property, and shall
in the same writing state that the public interest in nondisclosure outweighs the public interest
in disclosure of the records;

c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the
receiving agency within ninety days of submission to determine if retention of the document is
necessary in furtherance of a state security interest. If retention is not necessary, the documents
shall be returned to the nonpublic governmental body or destroyed;

(20) The portion of a record that identifies security systems or access codes or
authorization codes for security systems of real property;

(21) Records that identify the configuration of components or the operation of a
computer, computer system, computer network, or telecommunications network, and would
allow unauthorized access to or unlawful disruption of a computer, computer system, computer
network, or telecommunications network of a public governmental body. This exception shall
not be used to limit or deny access to otherwise public records in a file, document, data file or
database containing public records. Records related to the procurement of or expenditures
relating to such computer, computer system, computer network, or telecommunications network,
including the amount of moneys paid by, or on behalf of, a public governmental body for such
computer, computer system, computer network, or telecommunications network shall be open;

(22) Credit card numbers, personal identification numbers, digital certificates, physical
and virtual keys, access codes or authorization codes that are used to protect the security of
electronic transactions between a public governmental body and a person or entity doing business
with a public governmental body. Nothing in this section shall be deemed to close the record
of a person or entity using a credit card held in the name of a public governmental body or any
record of a transaction made by a person using a credit card or other method of payment for
which reimbursement is made by a public governmental body; and

(23) Records submitted by an individual, corporation, or other business entity to a public
institution of higher education in connection with a proposal to license intellectual property or
perform sponsored research and which contains sales projections or other business plan
information the disclosure of which may endanger the competitiveness of a business.