

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 439, Page 7, Section 168.029, Line 37, by
2 inserting after said section and line the following:

3
4 "168.036. 1. In addition to granting certificates of license to teach in public schools of the
5 state as provided in section 168.021, the state board of education shall grant substitute teacher
6 certificates as provided in this section to any individual seeking to substitute teach in any public
7 school in this state.

8 2. (1) The state board shall not grant a certificate of license to teach under this section to
9 any individual who has not completed a background check as described in section 168.133.

10 (2) A background check conducted under this subsection shall be valid for four years for
11 purposes of the certificate granted under this section and shall be transferrable from one school
12 district to another district except as provided in subdivision (3) of this subsection.

13 (3) A school district employing a substitute teacher who has a certificate granted under this
14 section may require the teacher to complete the background check annually. A school district may
15 require the background check required in this section for a newly hired substitute teacher to be
16 conducted at the teacher's expense.

17 (4) The state board may refuse to issue or renew, suspend, or revoke any certificate sought
18 or issued under this section in the same manner and for the same reasons as provided in section
19 168.071.

20 3. The state board may grant a certificate under this section to any individual who has
21 completed the background check required in this section and who has completed:

22 (1) At least thirty-six semester hours at an accredited institution of higher education and the
23 orientation required in subsection 6 of this section; or

24 (2) The twenty-hour online training program required in this section and who possesses a
25 high school diploma or the equivalent thereof.

26 4. The state board may grant a certificate under this section to any highly qualified
27 individual with expertise in a technical or business field or with experience in the Armed Forces of
28 the United States who has completed the background check required in this section but does not
29 meet any of the qualifications in subdivision (1) or (2) of subsection 3 of this section if the
30 superintendent of the school district sponsors such individual and the school board of the school
31 district in which the individual seeks to substitute teach votes to approve such individual to
32 substitute teach.

33 5. (1) An individual to whom the state board grants a certificate under this section may be a
34 substitute teacher in any public school in the state if a school district superintendent, school district
35 assistant superintendent, or public school principal in this state agrees to employ the individual as a
36 substitute teacher.

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1 (2) No individual to whom the state board grants a certificate under this section and who is
2 under twenty years of age shall be a substitute teacher in grades nine to twelve.

3 6. An individual to whom the state board grants a certificate under this section shall
4 complete an orientation developed and offered by the school district for which the individual
5 originally teaches. The orientation for such individual shall contain at least two hours of subjects
6 appropriate for substitute teachers and shall contain instruction on the school district's best practices
7 for classroom management. Such orientation completed in any school district may be accepted by
8 any subsequent district in which the individual substitute teaches. A subsequent school district may
9 require the individual to complete a separate and distinct local orientation for the particular school
10 district before the individual may substitute teach in the subsequent school district.

11 7. A certificate granted under this section shall be valid for four years. A certificate granted
12 under this section shall expire at the end of any calendar year in which the individual fails to
13 substitute teach for at least five days or forty hours of in-seat instruction.

14 8. The department of elementary and secondary education shall develop an online training
15 program for individuals granted a certificate under subdivision (2) of subsection 3 of this section.
16 The training program shall consist of twenty hours of training related to subjects appropriate for
17 substitute teachers as determined by the department. A substitute teacher shall complete an
18 orientation for substitute teachers provided by the school district in which the substitute teacher
19 teaches.

20 9. Any individual possessing a valid certificate of license to teach granted by the state board
21 shall be deemed to be a substitute teacher under this section if the individual has completed a
22 background check as required in this section.

23 10. The state board may exercise the board's authority as provided in chapter 161 to
24 promulgate all necessary rules and regulations necessary for the administration of this section.

25 168.133. 1. As used in this section, "screened volunteer" shall mean any person who assists
26 a school by providing uncompensated service and who may periodically be left alone with students.
27 The school district shall ensure that a criminal background check is conducted for all screened
28 volunteers, who shall complete the criminal background check prior to being left alone with a
29 student. Screened volunteers include, but are not limited to, persons who regularly assist in the
30 office or library, mentor or tutor students, coach or supervise a school-sponsored activity before or
31 after school, or chaperone students on an overnight trip. Screened volunteers ~~[may only]~~ shall
32 access student education records only when necessary to assist the district and while supervised by
33 staff members. Volunteers ~~[that]~~ who are not screened shall not be left alone with a student or have
34 access to student records.

35 2. The school district shall ensure that a criminal background check is conducted on any
36 person employed after January 1, 2005, authorized to have contact with pupils and prior to the
37 individual having contact with any pupil. Such persons include, but are not limited to,
38 administrators, teachers, substitute teachers, aides, paraprofessionals, assistants, secretaries,
39 custodians, cooks, screened volunteers, and nurses. The school district shall also ensure that a
40 criminal background check is conducted for school bus drivers. The district may allow such drivers
41 to operate buses pending the result of the criminal background check. For bus drivers, the school
42 district shall be responsible for conducting the criminal background check on drivers employed by
43 the school district. For drivers employed by a pupil transportation company under contract with the
44 school district, the criminal background check shall be conducted pursuant to section 43.540 and
45 conform to the requirements established in the National Child Protection Act of 1993, as amended
46 by the Volunteers for Children Act. Personnel who have successfully undergone a criminal
47 background check and a check of the family care safety registry as part of the professional license
48 application process under section 168.021 and who have received clearance on the checks within
49 one prior year of employment shall be considered to have completed the background check

1 requirement. A criminal background check under this section shall include a search of any
2 information publicly available in an electronic format through a public index or single case display.

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

7 4. The applicant shall pay the fee for the state criminal history record information pursuant
8 to section 43.530 and sections 210.900 to 210.936 and pay the appropriate fee determined by the
9 Federal Bureau of Investigation for the federal criminal history record when ~~he or she~~ the
10 applicant applies for a position authorized to have contact with pupils pursuant to this section. The
11 department shall distribute the fees collected for the state and federal criminal histories to the
12 Missouri highway patrol.

13 5. For each school district that is not enrolled in the Missouri Rap Back program under
14 chapter 43, the department of elementary and secondary education shall facilitate an annual check of
15 employed persons holding current active certificates under ~~section~~ sections 168.021 and 168.036
16 against criminal history records in the central repository under section 43.530, the sexual offender
17 registry under sections 589.400 to 589.426, and child abuse central registry under sections 210.109
18 to 210.183. The department of elementary and secondary education shall facilitate procedures for
19 school districts to submit personnel information annually for persons employed by the school
20 districts who do not hold a current valid certificate who are required by subsection 1 of this section
21 to undergo a criminal background check, sexual offender registry check, and child abuse central
22 registry check. The Missouri state highway patrol shall provide ongoing electronic updates to
23 criminal history background checks of those persons previously submitted, both those who have an
24 active certificate and those who do not have an active certificate, by the department of elementary
25 and secondary education. This shall fulfill the annual check against the criminal history records in
26 the central repository under section 43.530.

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

29 7. If, as a result of the criminal history background check mandated by this section, it is
30 determined that the holder of a certificate issued pursuant to ~~section~~ sections 168.021 and 168.036
31 has pled guilty or nolo contendere to, or been found guilty of a crime or offense listed in section
32 168.071, or a similar crime or offense committed in another state, the United States, or any other
33 country, regardless of imposition of sentence, such information shall be reported to the department
34 of elementary and secondary education.

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

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

43 10. A criminal background check and fingerprint collection conducted under subsections 1
44 to 3 of this section shall be valid for at least a period of one year and transferrable from one school
45 district to another district. A school district may, in its discretion, conduct a new criminal
46 background check and fingerprint collection under subsections 1 to 3 of this section for a newly
47 hired employee at the district's expense. A teacher's change in type of certification shall have no
48 effect on the transferability or validity of such records.

49 11. Nothing in this section shall be construed to alter the standards for suspension, denial, or

1 revocation of a certificate issued pursuant to this chapter.

2 12. Beginning on January 1, 2022, any substitute teacher may, at the time such substitute
3 teacher submits the fingerprints and information required for the Missouri criminal record review
4 under subsections 2 and 3 of this section, designate up to five school districts to which the results of
5 the substitute teacher's criminal history background check and fingerprint collection shall be
6 disseminated. The substitute teacher shall pay an additional five-dollar fee for such records to be
7 disseminated to the second and third school districts and an additional five-dollar fee for such
8 records to be disseminated to the fourth and fifth school districts.

9 13. The state board of education may promulgate rules for criminal history background
10 checks made pursuant to this section. Any rule or portion of a rule, as that term is defined in section
11 536.010, that is created under the authority delegated in this section shall become effective only if it
12 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
13 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the
14 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
15 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
16 rule proposed or adopted after January 1, 2005, shall be invalid and void."; and

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