

## HCS HB 1722 -- SCHOOL SAFETY AND LIABILITY

SPONSOR: Cunningham, 86 (Wallace)

COMMITTEE ACTION: Voted "do pass" by the Committee on Elementary and Secondary Education by a vote of 12 to 0.

This substitute changes the laws regarding school employee liability, safety practices, and reporting acts of violence. In its main provisions, the substitute:

- (1) Broadens employee immunity from correctly following discipline policies to following all policies;
- (2) Adds the use of force to protect persons or property to the provisions regarding spanking and adds the requirement that another employee witness a spanking;
- (3) Specifies that a suspended student who is not allowed on school property without specific permission is also prohibited from attending school events occurring off school property;
- (4) Adds safety practice and training to the facility safety accreditation standards;
- (5) Exempts unqualified employees who refuse to administer medication or medical services from disciplinary action for the refusal;
- (6) Exempts qualified employees from liability for administering medication or medical services, including cardiopulmonary resuscitation, in good faith and according to standard medical practices;
- (7) Adds chronic health conditions to the list for which a student may self-administer medication;
- (8) Adds employees trained and supervised by the school nurse to the list of individuals who are authorized to use an epinephrine auto-syringe on a student;
- (9) Allows school boards to commission certified law officers under specified conditions;
- (10) Changes the requirement of the St. Louis City School District to consider school uniforms and dress codes to allow all districts to impose dress codes;
- (11) Expands the reporting of acts of violence to all teachers at the student's school building and other employees who need to

know;

(12) Revises, in the residency provisions, the definition of "homeless children" to be consistent with the federal definition and clarifies which educational records are needed;

(13) Changes the current requirement for forwarding educational records from 48 hours to two business days and adds individual education plans and health records to the requirement;

(14) Requires a notice of reportable offenses to be attached to an offending student's record and transcript; and

(15) Requires the Children's Services Commission to recommend best practices on interagency communications regarding students receiving state services by July 1, 2009.

FISCAL NOTE: No impact on state funds in FY 2009, FY 2010, and FY 2011.

PROPONENTS: Supporters say that these measures will make it possible for school employees to do their jobs without frivolous lawsuits. If employees follow policy, they can concentrate on teaching, rather than worrying about litigation. Making the school environment safer for students and employees is a good goal.

Testifying for the bill were Representative Wallace; Missouri School Boards Association; Missouri State Teachers Association; and Missouri National Education Association.

OPPONENTS: There was no opposition voiced to the committee.