

HOUSE**AMENDMENT NO. _____****Offered by _____****of _____**

1 AMEND House Committee Substitute for Senate Bill No. 243, Page 1,
 2 In the Title, Line 4, by inserting after the word "with" the
 3 following: "penalty provisions and"; and

4 Further amend said bill, Page 1, Section A, Line 5, by
 5 inserting after all of said line the following:

6 "37.710. 1. The office shall have access to the following
 7 information:

8 (1) The names and physical location of all children in
 9 protective services, treatment, or other programs under the
 10 jurisdiction of the children's division, the department of mental
 11 health, and the juvenile court;

12 (2) All written reports of child abuse and neglect; and

13 (3) All current records required to be maintained pursuant
 14 to chapters 210 and 211, RSMo.

15 2. The office shall have the authority:

16 (1) To communicate privately by any means possible with any
 17 child under protective services and anyone working with the
 18 child, including the family, relatives, courts, employees of the
 19 department of social services and the department of mental
 20 health, and other persons or entities providing treatment and
 21 services;

22 (2) To have access, including the right to inspect, copy
 23 and subpoena records held by the clerk of the juvenile or family
 24 court, juvenile officers, law enforcement agencies, institutions,
 25 public or private, and other agencies, or persons with whom a
 26 particular child has been either voluntarily or otherwise placed
 27 for care, or has received treatment within this state or in
 28 another state;

29 (3) To work in conjunction with juvenile officers and

Action Taken _____ **Date** _____

1 guardians ad litem;

2 (4) To file any findings or reports of the child advocate
3 regarding the parent or child with the court, and issue
4 recommendations regarding the disposition of an investigation,
5 which may be provided to the court and to the investigating
6 agency;

7 (5) To file amicus curiae briefs on behalf of the interests
8 of the parent or child;

9 [(5)] (6) To initiate meetings with the department of
10 social services, the department of mental health, the juvenile
11 court, and juvenile officers;

12 [(6)] (7) To take whatever steps are appropriate to see
13 that persons are made aware of the services of the child
14 advocate's office, its purpose, and how it can be contacted;

15 [(7)] (8) To apply for and accept grants, gifts, and
16 bequests of funds from other states, federal, and interstate
17 agencies, and independent authorities, private firms,
18 individuals, and foundations to carry out his or her duties and
19 responsibilities. The funds shall be deposited in a dedicated
20 account established within the office to permit moneys to be
21 expended in accordance with the provisions of the grant or
22 bequest; [and]

23 [(8)] (9) Subject to appropriation, to establish as needed
24 local panels on a regional or county basis to adequately and
25 efficiently carry out the functions and duties of the office, and
26 address complaints in a timely manner; and

27 (10) To mediate between alleged victims of sexual
28 misconduct and school districts as provided in subsection 1 of
29 section 160.262.

30 3. For any information obtained from a state agency or
31 entity under sections 37.700 to 37.730, the office of child
32 advocate shall be subject to the same disclosure restrictions and
33 confidentiality requirements that apply to the state agency or
34 entity providing such information to the office of child
35 advocate. For information obtained directly by the office of
36 child advocate under sections 37.700 to 37.730, the office of
37 child advocate shall be subject to the same disclosure

1 restrictions and confidentiality requirements that apply to the
2 children's division regarding information obtained during a child
3 abuse and neglect investigation resulting in an unsubstantiated
4 report."; and

5 Further amend said bill, Page 1, Section 160.080, Line 8, by
6 inserting after all of said line the following:

7 "160.085. The provisions of sections 37.710, 160.085,
8 160.261, 160.262, 162.014, 162.068, 162.069, 168.021, 168.071,
9 168.133, 210.135, 210.145, 210.152, 210.915, 210.922, and 556.037
10 relating to protecting children from sexual offenders shall be
11 known as the "Amy Hestir Student Protection Act".

12 160.261. 1. The local board of education of each school
13 district shall clearly establish a written policy of discipline,
14 including the district's determination on the use of corporal
15 punishment and the procedures in which punishment will be
16 applied. A written copy of the district's discipline policy and
17 corporal punishment procedures, if applicable, shall be provided
18 to the pupil and parent or legal guardian of every pupil enrolled
19 in the district at the beginning of each school year and also
20 made available in the office of the superintendent of such
21 district, during normal business hours, for public inspection.
22 All employees of the district shall annually receive instruction
23 related to the specific contents of the policy of discipline and
24 any interpretations necessary to implement the provisions of the
25 policy in the course of their duties, including but not limited
26 to approved methods of dealing with acts of school violence,
27 disciplining students with disabilities and instruction in the
28 necessity and requirements for confidentiality.

29 2. The policy shall require school administrators to report
30 acts of school violence to all teachers at the attendance center
31 and, in addition, to other school district employees with a need
32 to know. For the purposes of this chapter or chapter 167, "need
33 to know" is defined as school personnel who are directly
34 responsible for the student's education or who otherwise interact
35 with the student on a professional basis while acting within the
36 scope of their assigned duties. As used in this section, the
37 phrase "act of school violence" or "violent behavior" means the

1 exertion of physical force by a student with the intent to do
2 serious physical injury as defined in subdivision (6) of section
3 565.002 to another person while on school property, including a
4 school bus in service on behalf of the district, or while
5 involved in school activities. The policy shall at a minimum
6 require school administrators to report, as soon as reasonably
7 practical, to the appropriate law enforcement agency any of the
8 following crimes, or any act which if committed by an adult would
9 be one of the following crimes:

- 10 (1) First degree murder under section 565.020;
- 11 (2) Second degree murder under section 565.021;
- 12 (3) Kidnapping under section 565.110;
- 13 (4) First degree assault under section 565.050;
- 14 (5) Forcible rape under section 566.030;
- 15 (6) Forcible sodomy under section 566.060;
- 16 (7) Burglary in the first degree under section 569.160;
- 17 (8) Burglary in the second degree under section 569.170;
- 18 (9) Robbery in the first degree under section 569.020;
- 19 (10) Distribution of drugs under section 195.211;
- 20 (11) Distribution of drugs to a minor under section
21 195.212;
- 22 (12) Arson in the first degree under section 569.040;
- 23 (13) Voluntary manslaughter under section 565.023;
- 24 (14) Involuntary manslaughter under section 565.024;
- 25 (15) Second degree assault under section 565.060;
- 26 (16) Sexual assault under section 566.040;
- 27 (17) Felonious restraint under section 565.120;
- 28 (18) Property damage in the first degree under section
29 569.100;
- 30 (19) The possession of a weapon under chapter 571;
- 31 (20) Child molestation in the first degree pursuant to
32 section 566.067;
- 33 (21) Deviate sexual assault pursuant to section 566.070;
- 34 (22) Sexual misconduct involving a child pursuant to
35 section 566.083;
- 36 (23) Sexual abuse pursuant to section 566.100;
- 37 (24) Harassment under section 565.090; or

1 (25) Stalking under section 565.225; committed on school
2 property, including but not limited to actions on any school bus
3 in service on behalf of the district or while involved in school
4 activities. The policy shall require that any portion of a
5 student's individualized education program that is related to
6 demonstrated or potentially violent behavior shall be provided to
7 any teacher and other school district employees who are directly
8 responsible for the student's education or who otherwise interact
9 with the student on an educational basis while acting within the
10 scope of their assigned duties. The policy shall also contain
11 the consequences of failure to obey standards of conduct set by
12 the local board of education, and the importance of the standards
13 to the maintenance of an atmosphere where orderly learning is
14 possible and encouraged.

15 3. The policy shall provide that any student who is on
16 suspension for any of the offenses listed in subsection 2 of this
17 section or any act of violence or drug-related activity defined
18 by school district policy as a serious violation of school
19 discipline pursuant to subsection 9 of this section shall have as
20 a condition of his or her suspension the requirement that such
21 student is not allowed, while on such suspension, to be within
22 one thousand feet of any school property in the school district
23 where such student attended school or any activity of that
24 district, regardless of whether or not the activity takes place
25 on district property unless:

26 (1) Such student is under the direct supervision of the
27 student's parent, legal guardian, or custodian and the
28 superintendent or the superintendent's designee has authorized
29 the student to be on school property;

30 (2) Such student is under the direct supervision of another
31 adult designated by the student's parent, legal guardian, or
32 custodian, in advance, in writing, to the principal of the school
33 which suspended the student and the superintendent or the
34 superintendent's designee has authorized the student to be on
35 school property;

36 (3) Such student is enrolled in and attending an
37 alternative school that is located within one thousand feet of a

1 public school in the school district where such student attended
2 school; or

3 (4) Such student resides within one thousand feet of any
4 public school in the school district where such student attended
5 school in which case such student may be on the property of his
6 or her residence without direct adult supervision.

7 4. Any student who violates the condition of suspension
8 required pursuant to subsection 3 of this section may be subject
9 to expulsion or further suspension pursuant to the provisions of
10 sections 167.161, 167.164, and 167.171. In making this
11 determination consideration shall be given to whether the student
12 poses a threat to the safety of any child or school employee and
13 whether such student's unsupervised presence within one thousand
14 feet of the school is disruptive to the educational process or
15 undermines the effectiveness of the school's disciplinary policy.
16 Removal of any pupil who is a student with a disability is
17 subject to state and federal procedural rights. This section
18 shall not limit a school district's ability to:

19 (1) Prohibit all students who are suspended from being on
20 school property or attending an activity while on suspension;

21 (2) Discipline students for off-campus conduct that
22 negatively affects the educational environment to the extent
23 allowed by law.

24 5. The policy shall provide for a suspension for a period
25 of not less than one year, or expulsion, for a student who is
26 determined to have brought a weapon to school, including but not
27 limited to the school playground or the school parking lot,
28 brought a weapon on a school bus or brought a weapon to a school
29 activity whether on or off of the school property in violation of
30 district policy, except that:

31 (1) The superintendent or, in a school district with no
32 high school, the principal of the school which such child attends
33 may modify such suspension on a case-by-case basis; and

34 (2) This section shall not prevent the school district from
35 providing educational services in an alternative setting to a
36 student suspended under the provisions of this section.

37 6. For the purpose of this section, the term "weapon" shall

1 mean a firearm as defined under 18 U.S.C. 921 and the following
2 items, as defined in section 571.010: a blackjack, a concealable
3 firearm, an explosive weapon, a firearm, a firearm silencer, a
4 gas gun, a knife, knuckles, a machine gun, a projectile weapon, a
5 rifle, a shotgun, a spring gun or a switchblade knife; except
6 that this section shall not be construed to prohibit a school
7 board from adopting a policy to allow a Civil War reenactor to
8 carry a Civil War era weapon on school property for educational
9 purposes so long as the firearm is unloaded. The local board of
10 education shall define weapon in the discipline policy. Such
11 definition shall include the weapons defined in this subsection
12 but may also include other weapons.

13 7. All school district personnel responsible for the care
14 and supervision of students are authorized to hold every pupil
15 strictly accountable for any disorderly conduct in school or on
16 any property of the school, on any school bus going to or
17 returning from school, during school-sponsored activities, or
18 during intermission or recess periods.

19 8. Teachers and other authorized district personnel in
20 public schools responsible for the care, supervision, and
21 discipline of schoolchildren, including volunteers selected with
22 reasonable care by the school district, shall not be civilly
23 liable when acting in conformity with the established policies
24 developed by each board, including but not limited to policies of
25 student discipline or when reporting to his or her supervisor or
26 other person as mandated by state law acts of school violence or
27 threatened acts of school violence, within the course and scope
28 of the duties of the teacher, authorized district personnel or
29 volunteer, when such individual is acting in conformity with the
30 established policies developed by the board. Nothing in this
31 section shall be construed to create a new cause of action
32 against such school district, or to relieve the school district
33 from liability for the negligent acts of such persons.

34 9. Each school board shall define in its discipline policy
35 acts of violence and any other acts that constitute a serious
36 violation of that policy. "Acts of violence" as defined by
37 school boards shall include but not be limited to exertion of

1 physical force by a student with the intent to do serious bodily
2 harm to another person while on school property, including a
3 school bus in service on behalf of the district, or while
4 involved in school activities. School districts shall for each
5 student enrolled in the school district compile and maintain
6 records of any serious violation of the district's discipline
7 policy. Such records shall be made available to teachers and
8 other school district employees with a need to know while acting
9 within the scope of their assigned duties, and shall be provided
10 as required in section 167.020 to any school district in which
11 the student subsequently attempts to enroll.

12 10. [(1)] Spanking, when administered by certificated
13 personnel and in the presence of a witness who is an employee of
14 the school district, or the use of reasonable force to protect
15 persons or property, when administered by personnel of a school
16 district in a reasonable manner in accordance with the local
17 board of education's written policy of discipline, is not abuse
18 within the meaning of chapter 210. The provisions of sections
19 210.110 to 210.165 notwithstanding, the children's division shall
20 not have jurisdiction over or investigate any report of alleged
21 child abuse arising out of or related to the use of reasonable
22 force to protect persons or property when administered by
23 personnel of a school district or any spanking administered in a
24 reasonable manner by any certificated school personnel in the
25 presence of a witness who is an employee of the school district
26 pursuant to a written policy of discipline established by the
27 board of education of the school district, as long as no
28 allegation of sexual misconduct arises from the spanking or use
29 of force.

30 11. If a student reports alleged sexual misconduct on the
31 part of a teacher or other school employee to a person employed
32 in a school facility who is required to report such misconduct to
33 the children's division under section 210.115, such person and
34 the superintendent of the school district shall forward the
35 allegation to the children's division within twenty-four hours of
36 receiving the information. Reports made to the children's
37 division under this subsection shall be investigated by the

1 division in accordance with the provisions of sections 210.145 to
2 210.153 and shall not be investigated by the school district
3 under subsections 12 to 20 of this section for purposes of
4 determining whether the allegations should or should not be
5 substantiated. The district may investigate the allegations for
6 the purpose of making any decision regarding the employment of
7 the accused employee.

8 **[(2)]** 12. Upon receipt of any reports of child abuse by
9 the children's division other than reports provided under
10 subsection 11 of this section, pursuant to sections 210.110 to
11 210.165 which allegedly involve personnel of a school district,
12 the children's division shall notify the superintendent of
13 schools of the district or, if the person named in the alleged
14 incident is the superintendent of schools, the president of the
15 school board of the school district where the alleged incident
16 occurred.

17 13. If, after an initial investigation, the superintendent
18 of schools or the president of the school board finds that the
19 report involves an alleged incident of child abuse other than the
20 administration of a spanking by certificated school personnel or
21 the use of reasonable force to protect persons or property when
22 administered by school personnel pursuant to a written policy of
23 discipline or that the report was made for the sole purpose of
24 harassing a public school employee, the superintendent of schools
25 or the president of the school board shall immediately refer the
26 matter back to the children's division and take no further
27 action. **[(3)]** In all matters referred back to the children's
28 division, the division shall treat the report in the same manner
29 as other reports of alleged child abuse received by the division.

30 14. If the report pertains to an alleged incident which
31 arose out of or is related to a spanking administered by
32 certificated personnel or the use of reasonable force to protect
33 persons or property when administered by personnel of a school
34 district pursuant to a written policy of discipline or a report
35 made for the sole purpose of harassing a public school employee,
36 a notification of the reported child abuse shall be sent by the
37 superintendent of schools or the president of the school board to

1 the juvenile officer of the county in which the alleged incident
2 occurred.

3 15. The report shall be jointly investigated by the
4 juvenile officer or a law enforcement officer designated by the
5 juvenile officer and the superintendent of schools or, if the
6 subject of the report is the superintendent of schools, by the
7 juvenile officer or a law enforcement officer designated by the
8 juvenile officer and the president of the school board or such
9 president's designee.

10 [(4)] 16. The investigation shall begin no later than
11 forty-eight hours after notification from the children's division
12 is received, and shall consist of, but need not be limited to,
13 interviewing and recording statements of the child and the
14 child's parents or guardian within two working days after the
15 start of the investigation, of the school district personnel
16 allegedly involved in the report, and of any witnesses to the
17 alleged incident.

18 17. The juvenile officer or a law enforcement officer
19 designated by the juvenile officer and the investigating school
20 district personnel shall issue separate reports of their findings
21 and recommendations after the conclusion of the investigation to
22 the school board of the school district within seven days after
23 receiving notice from the children's division.

24 18. The reports shall contain a statement of conclusion as
25 to whether the report of alleged child abuse is substantiated or
26 is unsubstantiated.

27 [(5)] 19. The school board shall consider the separate
28 reports referred to in subsection 17 of this section and shall
29 issue its findings and conclusions and the action to be taken, if
30 any, within seven days after receiving the last of the two
31 reports. The findings and conclusions shall be made in
32 substantially the following form:

33 [(a)] (1) The report of the alleged child abuse is
34 unsubstantiated. The juvenile officer or a law enforcement
35 officer designated by the juvenile officer and the investigating
36 school board personnel agree that [the evidence shows that no]
37 there was not a preponderance of evidence to substantiate that

1 abuse occurred;

2 [(b)] (2) The report of the alleged child abuse is
3 substantiated. The juvenile officer or a law enforcement officer
4 designated by the juvenile officer and the investigating school
5 district personnel agree that the preponderance of evidence is
6 sufficient to support a finding that the alleged incident of
7 child abuse did occur;

8 [(c)] (3) The issue involved in the alleged incident of
9 child abuse is unresolved. The juvenile officer or a law
10 enforcement officer designated by the juvenile officer and the
11 investigating school personnel are unable to agree on their
12 findings and conclusions on the alleged incident.

13 [11.] 20. The findings and conclusions of the school board
14 under [subdivision (5) of] subsection [10] 19 of this section
15 shall be sent to the children's division. If the findings and
16 conclusions of the school board are that the report of the
17 alleged child abuse is unsubstantiated, the investigation shall
18 be terminated, the case closed, and no record shall be entered in
19 the children's division central registry. If the findings and
20 conclusions of the school board are that the report of the
21 alleged child abuse is substantiated, the children's division
22 shall report the incident to the prosecuting attorney of the
23 appropriate county along with the findings and conclusions of the
24 school district and shall include the information in the
25 division's central registry. If the findings and conclusions of
26 the school board are that the issue involved in the alleged
27 incident of child abuse is unresolved, the children's division
28 shall report the incident to the prosecuting attorney of the
29 appropriate county along with the findings and conclusions of the
30 school board, however, the incident and the names of the parties
31 allegedly involved shall not be entered into the central registry
32 of the children's division unless and until the alleged child
33 abuse is substantiated by a court of competent jurisdiction.

34 [12.] 21. Any superintendent of schools, president of a
35 school board or such person's designee or juvenile officer who
36 knowingly falsifies any report of any matter pursuant to this
37 section or who knowingly withholds any information relative to

1 any investigation or report pursuant to this section is guilty of
2 a class A misdemeanor.

3 [13.] 22. In order to ensure the safety of all students,
4 should a student be expelled for bringing a weapon to school,
5 violent behavior, or for an act of school violence, that student
6 shall not, for the purposes of the accreditation process of the
7 Missouri school improvement plan, be considered a dropout or be
8 included in the calculation of that district's educational
9 persistence ratio.

10 160.262. 1. The office of the child advocate as created in
11 section 37.705 shall be authorized to coordinate mediation
12 efforts between school districts and students when requested by
13 both parties when allegations of child abuse arise in a school
14 setting. The office of the child advocate shall maintain a list
15 of individuals who are qualified mediators. The child advocate
16 shall be available as one of the mediators on the list from which
17 parents can choose.

18 2. Mediation procedures shall meet the following
19 requirements:

20 (1) The mediation process shall not be used to deny or
21 delay any other complaint process available to the parties; and

22 (2) The mediation process shall be conducted by a qualified
23 and impartial mediator trained in effective mediation techniques
24 who is not affiliated with schools or school professional
25 associations, is not a mandated reporter of child abuse under
26 state law or regulation, and who is available as a public
27 service.

28 3. No student, parent of a student, school employee, or
29 school district shall be required to participate in mediation
30 under this section. If either the school district or the student
31 or student's parent does not wish to enter into mediation,
32 mediation shall not occur.

33 4. Each session in the mediation process shall be scheduled
34 in a timely manner and be held in a location that is convenient
35 to the parties in dispute.

36 5. Discussions that occur during the mediation process
37 shall be confidential and may not be used as evidence in any

1 subsequent administrative proceeding, administrative hearing, nor
2 in any civil or criminal proceeding of any state or federal
3 court.

4 6. If the parties resolve a dispute through the mediation
5 process, the parties shall execute a legally binding agreement
6 that sets forth the resolution and:

7 (1) States that all discussions that occurred during the
8 mediation process shall remain confidential and may not be used
9 as evidence in any subsequent administrative proceeding,
10 administrative hearing, or civil proceeding of any federal or
11 state court; and

12 (2) Is signed by a representative of each party who has
13 authority to bind the party."; and

14 Further amend said bill, Page 29, Section 160.1990, Line 87,
15 by inserting after all of said line the following:

16 "160.2100. 1. Sections 160.2100 and 160.2110 shall be
17 known and may be cited as "Erin's Law".

18 2. The "Task Force on the Prevention of Sexual Abuse of
19 Children" is hereby created to study the issue of sexual abuse of
20 children until January 1, 2013. The task force shall consist of
21 all of the following members:

22 (1) One member of the general assembly appointed by the
23 president pro tem of the senate;

24 (2) One member of the general assembly appointed by the
25 minority floor leader of the senate;

26 (3) One member of the general assembly appointed by the
27 speaker of the house of representatives;

28 (4) One member of the general assembly appointed by the
29 minority leader of the house of representatives;

30 (5) The director of the department of social services or
31 his or her designee;

32 (6) The commissioner of education or his or her designee;

33 (7) The director of the department of health and senior
34 services or his or her designee;

35 (8) The director of the office of prosecution services or
36 his or her designee;

37 (9) A representative representing law enforcement appointed

1 by the governor;

2 (10) Three active teachers employed in Missouri appointed
3 by the governor;

4 (11) A representative of an organization involved in
5 forensic investigation relating to child abuse in this state
6 appointed by the governor;

7 (12) A school superintendent appointed by the governor;

8 (13) A representative of the state domestic violence
9 coalition appointed by the governor;

10 (14) A representative from the juvenile and family court
11 appointed by the governor;

12 (15) A representative from Missouri Network of Child
13 Advocacy Centers appointed by the governor;

14 (16) An at-large member appointed by the governor.

15 3. Members of the task force shall be individuals who are
16 actively involved in the fields of the prevention of child abuse
17 and neglect and child welfare. The appointment of members shall
18 reflect the geographic diversity of the state.

19 4. The task force shall elect a presiding officer by a
20 majority vote of the membership of the task force. The task
21 force shall meet at the call of the presiding officer.

22 5. The task force shall make recommendations for reducing
23 child sexual abuse in Missouri. In making those recommendations,
24 the task force shall:

25 (1) Gather information concerning child sexual abuse
26 throughout the state;

27 (2) Receive reports and testimony from individuals, state
28 and local agencies, community-based organizations, and other
29 public and private organizations;

30 (3) Create goals for state policy that would prevent child
31 sexual abuse; and

32 (4) Submit a final report with its recommendations to the
33 governor, general assembly, and the state board of education by
34 January 1, 2013.

35 6. The recommendations may include proposals for specific
36 statutory changes and methods to foster cooperation among state
37 agencies and between the state and local government.

1 7. The task force shall consult with employees of the
2 department of social services, the department of public safety,
3 department of elementary and secondary education, and any other
4 state agency, board, commission, office, or department as
5 necessary to accomplish the task force's responsibilities under
6 this section.

7 8. The members of the task force shall serve without
8 compensation and shall not be reimbursed for their expenses.

9 9. The provisions of sections 160.2100 and 160.2110 shall
10 expire on January 1, 2013.

11 160.2110. 1. The task force on the prevention of sexual
12 abuse of children established in section 160.2100 may adopt and
13 implement a policy addressing sexual abuse of children that may
14 include:

15 (1) Age-appropriate curriculum for students in pre-K
16 through fifth grade;

17 (2) Training for school personnel on child sexual abuse;

18 (3) Educational information to parents or guardians
19 provided in the school handbook on the warning signs of a child
20 being abused, along with any needed assistance, referral, or
21 resource information;

22 (4) Available counseling and resources for students
23 affected by sexual abuse; and

24 (5) Emotional and educational support for a child of abuse
25 to continue to be successful in school.

26 2. Any policy adopted may address without limitation:

27 (1) Methods for increasing teacher, student, and parent
28 awareness of issues regarding sexual abuse of children, including
29 knowledge of likely warning signs indicating that a child may be
30 a victim of sexual abuse;

31 (2) Actions that a child who is a victim of sexual abuse
32 could take to obtain assistance and intervention; and

33 (3) Available counseling options for students affected by
34 sexual abuse.

35 162.014. No person shall be a candidate for a member or
36 director of the school board in any school district in this state
37 if such person is registered or is required to be registered as a

1 sex offender under sections 589.400 to 589.425. Any member or
2 director of the school board of any school district who is
3 registered or required to be registered as a sex offender under
4 sections 589.400 to 589.425 shall be ineligible to serve as a
5 member or director of a school board of any school district at
6 the conclusion of his or her term of office.

7 162.068. 1. By July 1, 2012, every school district shall
8 adopt a written policy on information that the district provides
9 about former employees, both certificated and noncertificated, to
10 other public schools. The policy shall include who is permitted
11 to respond to requests for information from potential employers
12 and the information the district would provide when responding to
13 such a request. The policy shall require that notice of this
14 provision be provided to all current employees and to all
15 potential employers who contact the school district regarding the
16 possible employment of a school district employee.

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

30 3. Any school district employee who is permitted to respond
31 to requests for information regarding former employees under a
32 policy adopted by his or her school district under subsection 2
33 of this section and who communicates only the information which
34 such policy directs, and who acts in good faith and without
35 malice shall be immune against any civil action for damages
36 brought by the former employee arising out of the communication
37 of such information. If any such action is brought, the school

1 district employee may, at his or her option, request the attorney
2 general to defend him or her in such suit and the attorney
3 general shall provide such defense, except that if the attorney
4 general represents the school district or the department of
5 elementary and secondary education in a pending licensing matter
6 under section 168.071 the attorney general shall not represent
7 the school district employee.

8 4. Notwithstanding the provisions of subsection 2 of this
9 section, if a district that has employed any employee whose job
10 involves contact with children receives allegations of sexual
11 misconduct concerning the employee and as a result of such
12 allegations or as a result of such allegations being
13 substantiated by the child abuse and neglect review board
14 dismisses the employee or allows the employee to resign in lieu
15 of being fired and fails to disclose the allegations of sexual
16 misconduct when furnishing a reference for the former employee or
17 responding to a potential employer's request for information
18 regarding such employee, the district shall be directly liable
19 for damages to any student of a subsequent employing district who
20 is found by a court of competent jurisdiction to be a victim of
21 the former employee's sexual misconduct, and the district shall
22 bear third-party liability to the employing district for any
23 legal liability, legal fees, costs, and expenses incurred by the
24 employing district caused by the failure to disclose such
25 information to the employing district.

26 5. If a school district has previously employed a person
27 about whom the children's division has conducted an investigation
28 involving allegations of sexual misconduct with a student and has
29 reached a finding of substantiated and another public school
30 contacts the district for a reference for the former employee,
31 the district shall disclose the results of the children's
32 division's investigation to the public school.

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

37 162.069. 1. Every school district shall, by January 1,

1 2012, promulgate a written policy concerning teacher-student
2 communication and employee-student communication. Such policy
3 shall contain at least the following elements:

4 (1) Appropriate oral and nonverbal personal communication,
5 which may be combined with or included in any policy on sexual
6 harassment; and

7 (2) Appropriate use of electronic media such as text
8 messaging and internet sites for both instructional and personal
9 purposes, with an element concerning use of social networking
10 sites no less stringent than the provisions of subsections 2, 3,
11 and 4 of this section.

12 2. As used in this section, the following terms shall mean:

13 (1) "Exclusive access", the information on the website is
14 available only to the owner (teacher) and user (student) by
15 mutual explicit consent and where third parties have no access to
16 the information on the website absent an explicit consent
17 agreement with the owner (teacher);

18 (2) "Former student", any person who was at one time a
19 student at the school at which the teacher is employed and who is
20 eighteen years of age or less and who has not graduated;

21 (3) "Nonwork-related internet site", any internet website
22 or web page used by a teacher primarily for personal purposes and
23 not for educational purposes;

24 (4) "Work-related internet site", any internet website or
25 web pages used by a teacher for educational purposes.

26 3. No teacher shall establish, maintain, or use a work-
27 related internet site unless such site is available to school
28 administrators and the child's legal custodian, physical
29 custodian, or legal guardian.

30 4. No teacher shall establish, maintain, or use a nonwork-
31 related internet site which allows exclusive access with a
32 current or former student. Nothing in this subsection shall be
33 construed as prohibiting a teacher from establishing a nonwork
34 related internet site, provided the site is used in accordance
35 with this section.

36 5. Every school district shall, by July 1, 2012, include in
37 its teacher and employee training, a component that provides up-

1 to-date and reliable information on identifying signs of sexual
2 abuse in children and danger signals of potentially abusive
3 relationships between children and adults. The training shall
4 emphasize the importance of mandatory reporting of abuse under
5 section 210.115 including the obligation of mandated reporters to
6 report suspected abuse by other mandated reporters, and how to
7 establish an atmosphere of trust so that students feel their
8 school has concerned adults with whom they feel comfortable
9 discussing matters related to abuse."; and

10 Further amend said bill, Page 34, Section 167.131, Line 65,
11 by inserting after all of said line the following:

12 "168.021. 1. Certificates of license to teach in the
13 public schools of the state shall be granted as follows:

14 (1) By the state board, under rules and regulations
15 prescribed by it:

16 (a) Upon the basis of college credit;

17 (b) Upon the basis of examination;

18 (2) By the state board, under rules and regulations
19 prescribed by the state board with advice from the advisory
20 council established by section 168.015 to any individual who
21 presents to the state board a valid doctoral degree from an
22 accredited institution of higher education accredited by a
23 regional accrediting association such as North Central
24 Association. Such certificate shall be limited to the major area
25 of postgraduate study of the holder, shall be issued only after
26 successful completion of the examination required for graduation
27 pursuant to rules adopted by the state board of education, and
28 shall be restricted to those certificates established pursuant to
29 subdivision (1) of subsection 3 of this section;

30 (3) By the state board, which shall issue the professional
31 certificate classification in both the general and specialized
32 areas most closely aligned with the current areas of
33 certification approved by the state board, commensurate with the
34 years of teaching experience of the applicant, and based upon the
35 following criteria:

36 (a) Recommendation of a state-approved baccalaureate-level
37 teacher preparation program;

1 (b) Successful attainment of the Missouri qualifying score
2 on the exit assessment for teachers or administrators designated
3 by the state board of education. Applicants who have not
4 successfully achieved a qualifying score on the designated
5 examinations will be issued a two-year nonrenewable provisional
6 certificate; and

7 (c) Upon completion of a background check as prescribed in
8 section 168.133 and possession of a valid teaching certificate in
9 the state from which the applicant's teacher preparation program
10 was completed;

11 (4) By the state board, under rules prescribed by it, on
12 the basis of a relevant bachelor's degree, or higher degree, and
13 a passing score for the designated exit examination, for
14 individuals whose academic degree and professional experience are
15 suitable to provide a basis for instruction solely in the subject
16 matter of banking or financial responsibility, at the discretion
17 of the state board. Such certificate shall be limited to the
18 major area of study of the holder and shall be restricted to
19 those certificates established under subdivision (1) of
20 subsection 3 of this section. Holders of certificates granted
21 under this subdivision shall be exempt from the teacher tenure
22 act under sections 168.102 to 168.130 and each school district
23 shall have the decision-making authority on whether to hire the
24 holders of such certificates; or

25 (5) By the state board, under rules and regulations
26 prescribed by it, on the basis of certification by the American
27 Board for Certification of Teacher Excellence (ABCTE) and
28 verification of ability to work with children as demonstrated by
29 sixty contact hours in any one of the following areas as
30 validated by the school principal: sixty contact hours in the
31 classroom, of which at least forty-five must be teaching; sixty
32 contact hours as a substitute teacher, with at least thirty
33 consecutive hours in the same classroom; sixty contact hours of
34 teaching in a private school; or sixty contact hours of teaching
35 as a paraprofessional, for an initial four-year ABCTE certificate
36 of license to teach, except that such certificate shall not be
37 granted for the areas of early childhood education, elementary

1 education, or special education. Upon the completion of the
2 requirements listed in paragraphs (a), (b), (c), and (d) of this
3 subdivision, an applicant shall be eligible to apply for a career
4 continuous professional certificate under subdivision (2) of
5 subsection 3 of this section:

6 (a) Completion of thirty contact hours of professional
7 development within four years, which may include hours spent in
8 class in an appropriate college curriculum;

9 (b) Validated completion of two years of the mentoring
10 program of the American Board for Certification of Teacher
11 Excellence or a district mentoring program approved by the state
12 board of education;

13 (c) Attainment of a successful performance-based teacher
14 evaluation; and

15 (d) Participate in a beginning teacher assistance program.

16 2. All valid teaching certificates issued pursuant to law
17 or state board policies and regulations prior to September 1,
18 1988, shall be exempt from the professional development
19 requirements of this section and shall continue in effect until
20 they expire, are revoked or suspended, as provided by law. When
21 such certificates are required to be renewed, the state board or
22 its designee shall grant to each holder of such a certificate the
23 certificate most nearly equivalent to the one so held. Anyone
24 who holds, as of August 28, 2003, a valid PC-I, PC-II, or
25 continuous professional certificate shall, upon expiration of his
26 or her current certificate, be issued the appropriate level of
27 certificate based upon the classification system established
28 pursuant to subsection 3 of this section.

29 3. Certificates of license to teach in the public schools
30 of the state shall be based upon minimum requirements prescribed
31 by the state board of education which shall include completion of
32 a background check as prescribed in section 168.133. The state
33 board shall provide for the following levels of professional
34 certification: an initial professional certificate and a career
35 continuous professional certificate.

36 (1) The initial professional certificate shall be issued
37 upon completion of requirements established by the state board of

1 education and shall be valid based upon verification of actual
2 teaching within a specified time period established by the state
3 board of education. The state board shall require holders of the
4 four-year initial professional certificate to:

5 (a) Participate in a mentoring program approved and
6 provided by the district for a minimum of two years;

7 (b) Complete thirty contact hours of professional
8 development, which may include hours spent in class in an
9 appropriate college curriculum, or for holders of a certificate
10 under subdivision (4) of subsection 1 of this section, an amount
11 of professional development in proportion to the certificate
12 holder's hours in the classroom, if the certificate holder is
13 employed less than full time; and

14 (c) Participate in a beginning teacher assistance program;

15 (2) (a) The career continuous professional certificate
16 shall be issued upon verification of completion of four years of
17 teaching under the initial professional certificate and upon
18 verification of the completion of the requirements articulated in
19 paragraphs (a), (b), and (c) of subdivision (1) of this
20 subsection or paragraphs (a), (b), (c), and (d) of subdivision
21 (5) of subsection 1 of this section.

22 (b) The career continuous professional certificate shall be
23 continuous based upon verification of actual employment in an
24 educational position as provided for in state board guidelines
25 and completion of fifteen contact hours of professional
26 development per year which may include hours spent in class in an
27 appropriate college curriculum. Should the possessor of a valid
28 career continuous professional certificate fail, in any given
29 year, to meet the fifteen-hour professional development
30 requirement, the possessor may, within two years, make up the
31 missing hours. In order to make up for missing hours, the
32 possessor shall first complete the fifteen-hour requirement for
33 the current year and then may count hours in excess of the
34 current year requirement as make-up hours. Should the possessor
35 fail to make up the missing hours within two years, the
36 certificate shall become inactive. In order to reactivate the
37 certificate, the possessor shall complete twenty-four contact

1 hours of professional development which may include hours spent
2 in the classroom in an appropriate college curriculum within the
3 six months prior to or after reactivating his or her certificate.
4 The requirements of this paragraph shall be monitored and
5 verified by the local school district which employs the holder of
6 the career continuous professional certificate.

7 (c) A holder of a career continuous professional
8 certificate shall be exempt from the professional development
9 contact hour requirements of paragraph (b) of this subdivision if
10 such teacher has a local professional development plan in place
11 within such teacher's school district and meets two of the three
12 following criteria:

13 a. Has ten years of teaching experience as defined by the
14 state board of education;

15 b. Possesses a master's degree; or

16 c. Obtains a rigorous national certification as approved by
17 the state board of education.

18 4. Policies and procedures shall be established by which a
19 teacher who was not retained due to a reduction in force may
20 retain the current level of certification. There shall also be
21 established policies and procedures allowing a teacher who has
22 not been employed in an educational position for three years or
23 more to reactivate his or her last level of certification by
24 completing twenty-four contact hours of professional development
25 which may include hours spent in the classroom in an appropriate
26 college curriculum within the six months prior to or after
27 reactivating his or her certificate.

28 5. The state board shall, upon [an appropriate] completion
29 of a background check as prescribed in section 168.133, issue a
30 professional certificate classification in the areas most closely
31 aligned with an applicant's current areas of certification,
32 commensurate with the years of teaching experience of the
33 applicant, to any person who is hired to teach in a public school
34 in this state and who possesses a valid teaching certificate from
35 another state or certification under subdivision (4) of
36 subsection 1 of this section, provided that the certificate
37 holder shall annually complete the state board's requirements for

1 such level of certification, and shall establish policies by
2 which residents of states other than the state of Missouri may be
3 assessed a fee for a certificate license to teach in the public
4 schools of Missouri. Such fee shall be in an amount sufficient
5 to recover any or all costs associated with the issuing of a
6 certificate of license to teach. The board shall promulgate
7 rules to authorize the issuance of a provisional certificate of
8 license, which shall allow the holder to assume classroom duties
9 pending the completion of a criminal background check under
10 section 168.133, for any applicant who:

11 (1) Is the spouse of a member of the armed forces stationed
12 in Missouri;

13 (2) Relocated from another state within one year of the
14 date of application;

15 (3) Underwent a criminal background check in order to be
16 issued a teaching certificate of license from another state; and

17 (4) Otherwise qualifies under this section.

18 6. The state board may assess to holders of an initial
19 professional certificate a fee, to be deposited into the
20 excellence in education revolving fund established pursuant to
21 section 160.268, for the issuance of the career continuous
22 professional certificate. However, such fee shall not exceed the
23 combined costs of issuance and any criminal background check
24 required as a condition of issuance. Applicants for the initial
25 ABCTE certificate shall be responsible for any fees associated
26 with the program leading to the issuance of the certificate, but
27 nothing in this section shall prohibit a district from developing
28 a policy that permits fee reimbursement.

29 7. Any member of the public school retirement system of
30 Missouri who entered covered employment with ten or more years of
31 educational experience in another state or states and held a
32 certificate issued by another state and subsequently worked in a
33 school district covered by the public school retirement system of
34 Missouri for ten or more years who later became certificated in
35 Missouri shall have that certificate dated back to his or her
36 original date of employment in a Missouri public school.

37 8. The provisions of subdivision (5) of subsection 1 of

1 this section, as well as any other provision of this section
2 relating to the American Board for Certification of Teacher
3 Excellence, shall terminate on August 28, 2014.

4 168.071. 1. The state board of education may refuse to
5 issue or renew a certificate, or may, upon hearing, discipline
6 the holder of a certificate of license to teach for the following
7 causes:

8 (1) A certificate holder or applicant for a certificate has
9 pleaded to or been found guilty of a felony or crime involving
10 moral turpitude under the laws of this state, any other state, of
11 the United States, or any other country, whether or not sentence
12 is imposed;

13 (2) The certification was obtained through use of fraud,
14 deception, misrepresentation or bribery;

15 (3) There is evidence of incompetence, immorality, or
16 neglect of duty by the certificate holder;

17 (4) A certificate holder has been subject to disciplinary
18 action relating to certification issued by another state,
19 territory, federal agency, or country upon grounds for which
20 discipline is authorized in this section; or

21 (5) If charges are filed by the local board of education,
22 based upon the annulling of a written contract with the local
23 board of education, for reasons other than election to the
24 general assembly, without the consent of the majority of the
25 members of the board that is a party to the contract.

26 2. A public school district may file charges seeking the
27 discipline of a holder of a certificate of license to teach based
28 upon any cause or combination of causes outlined in subsection 1
29 of this section, including annulment of a written contract.
30 Charges shall be in writing, specify the basis for the charges,
31 and be signed by the chief administrative officer of the
32 district, or by the president of the board of education as
33 authorized by a majority of the board of education. The board of
34 education may also petition the office of the attorney general to
35 file charges on behalf of the school district for any cause other
36 than annulment of contract, with acceptance of the petition at
37 the discretion of the attorney general.

1 3. The department of elementary and secondary education may
2 file charges seeking the discipline of a holder of a certificate
3 of license to teach based upon any cause or combination of causes
4 outlined in subsection 1 of this section, other than annulment of
5 contract. Charges shall be in writing, specify the basis for the
6 charges, and be signed by legal counsel representing the
7 department of elementary and secondary education.

8 4. If the underlying conduct or actions which are the basis
9 for charges filed pursuant to this section are also the subject
10 of a pending criminal charge against the person holding such
11 certificate, the certificate holder may request, in writing, a
12 delayed hearing on advice of counsel under the fifth amendment of
13 the Constitution of the United States. Based upon such a
14 request, no hearing shall be held until after a trial has been
15 completed on this criminal charge.

16 5. The certificate holder shall be given not less than
17 thirty days' notice of any hearing held pursuant to this section.

18 6. Other provisions of this section notwithstanding, the
19 certificate of license to teach shall be revoked or, in the case
20 of an applicant, a certificate shall not be issued, if the
21 certificate holder or applicant has pleaded guilty to or been
22 found guilty of any of the following offenses established
23 pursuant to Missouri law or offenses of a similar nature
24 established under the laws of any other state or of the United
25 States, or any other country, whether or not the sentence is
26 imposed:

27 (1) Any dangerous felony as defined in section 556.061,
28 RSMo, or murder in the first degree under section 565.020;

29 (2) Any of the following sexual offenses: rape under
30 section 566.030; statutory rape in the first degree under section
31 566.032; statutory rape in the second degree under section
32 566.034; sexual assault under section 566.040; forcible sodomy
33 under section 566.060; statutory sodomy in the first degree under
34 section 566.062; statutory sodomy in the second degree under
35 section 566.064; child molestation in the first degree under
36 section 566.067; child molestation in the second degree under
37 section 566.068; deviate sexual assault under section 566.070;

1 sexual misconduct involving a child under section 566.083; sexual
2 contact with a student while on public school property under
3 section 566.086; sexual misconduct in the first degree under
4 section 566.090; sexual misconduct in the second degree under
5 section 566.093; sexual misconduct in the third degree under
6 section 566.095; sexual abuse under section 565.100; enticement
7 of a child under section 566.151; or attempting to entice a
8 child;

9 (3) Any of the following offenses against the family and
10 related offenses: incest under section 568.020; abandonment of
11 child in the first degree under section 568.030; abandonment of
12 child in the second degree under section 568.032; endangering the
13 welfare of a child in the first degree under section 568.045;
14 abuse of a child under section 568.060; child used in a sexual
15 performance under section 568.080; promoting sexual performance
16 by a child under section 568.090; or trafficking in children
17 under section 568.175; and

18 (4) Any of the following offenses involving child
19 pornography and related offenses: promoting obscenity in the
20 first degree under section 573.020; promoting obscenity in the
21 second degree when the penalty is enhanced to a class D felony
22 under section 573.030; promoting child pornography in the first
23 degree under section 573.025; promoting child pornography in the
24 second degree under section 573.035; possession of child
25 pornography [in the first degree] under section 573.037;
26 [possession of child pornography in the second degree; furnishing
27 child pornography to a minor;] furnishing pornographic materials
28 to minors under section 573.040; or coercing acceptance of
29 obscene material under section 573.065.

30 7. When a certificate holder pleads guilty or is found
31 guilty of any offense that would authorize the state board of
32 education to seek discipline against that holder's certificate of
33 license to teach, the local board of education or the department
34 of elementary and secondary education shall immediately provide
35 written notice to the state board of education and the attorney
36 general regarding the plea of guilty or finding of guilty.

37 8. The certificate holder whose certificate was revoked

1 pursuant to subsection 6 of this section may appeal such
2 revocation to the state board of education. Notice of this
3 appeal must be received by the commissioner of education within
4 ninety days of notice of revocation pursuant to this subsection.
5 Failure of the certificate holder to notify the commissioner of
6 the intent to appeal waives all rights to appeal the revocation.
7 Upon notice of the certificate holder's intent to appeal, an
8 appeal hearing shall be held by a hearing officer designated by
9 the commissioner of education, with the final decision made by
10 the state board of education, based upon the record of that
11 hearing. The certificate holder shall be given not less than
12 thirty days' notice of the hearing, and an opportunity to be
13 heard by the hearing officer, together with witnesses.

14 9. In the case of any certificate holder who has
15 surrendered or failed to renew his or her certificate of license
16 to teach, the state board of education may refuse to issue or
17 renew, or may suspend or revoke, such certificate for any of the
18 reasons contained in this section.

19 10. In those cases where the charges filed pursuant to this
20 section are based upon an allegation of misconduct involving a
21 minor child, the hearing officer may accept into the record the
22 sworn testimony of the minor child relating to the misconduct
23 received in any court or administrative hearing.

24 11. Hearings, appeals or other matters involving
25 certificate holders, licensees or applicants pursuant to this
26 section may be informally resolved by consent agreement or agreed
27 settlement or voluntary surrender of the certificate of license
28 pursuant to the rules promulgated by the state board of
29 education.

30 12. The final decision of the state board of education is
31 subject to judicial review pursuant to sections 536.100 to
32 536.140, RSMo.

33 13. A certificate of license to teach to an individual who
34 has been convicted of a felony or crime involving moral
35 turpitude, whether or not sentence is imposed, shall be issued
36 only upon motion of the state board of education adopted by a
37 unanimous affirmative vote of those members present and voting.

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

28 2. In order to facilitate the criminal history background
29 check [on any person employed after January 1, 2005], the
30 applicant shall submit [two sets] a set of fingerprints collected
31 pursuant to standards determined by the Missouri highway patrol.
32 [One set of] The fingerprints shall be used by the highway patrol
33 to search the criminal history repository [and the family care
34 safety registry pursuant to sections 210.900 to 210.936, RSMo,]
35 and [the second set] shall be forwarded to the Federal Bureau of
36 Investigation for searching the federal criminal history files.

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

9 4. The department of elementary and secondary education
10 shall facilitate an annual check of employed persons holding
11 current active certificates under section 168.021 against
12 criminal history records in the central repository under section
13 43.530, the sexual offender registry under sections 589.400 to
14 589.475, and child abuse central registry under sections 210.109
15 to 210.183. The department of elementary and secondary education
16 shall facilitate procedures for school districts to submit
17 personnel information annually for persons employed by the school
18 districts who do not hold a current valid certificate who are
19 required by subsection 1 of this section to undergo a criminal
20 background check, sexual offender registry check, and child abuse
21 central registry check. The Missouri state highway patrol shall
22 provide ongoing electronic updates to criminal history background
23 checks of those persons previously submitted, both those who have
24 an active certificate and those who do not have an active
25 certificate, by the department of elementary and secondary
26 education. This shall fulfill the annual check against the
27 criminal history records in the central repository under section
28 43.530.

29 5. The school district may adopt a policy to provide for
30 reimbursement of expenses incurred by an employee for state and
31 federal criminal history information pursuant to section 43.530,
32 RSMo.

33 [5.] 6. If, as a result of the criminal history background
34 check mandated by this section, it is determined that the holder
35 of a certificate issued pursuant to section 168.021 has pled
36 guilty or nolo contendere to, or been found guilty of a crime or
37 offense listed in section 168.071, or a similar crime or offense

1 committed in another state, the United States, or any other
2 country, regardless of imposition of sentence, such information
3 shall be reported to the department of elementary and secondary
4 education.

5 [6.] 7. Any school official making a report to the
6 department of elementary and secondary education in conformity
7 with this section shall not be subject to civil liability for
8 such action.

9 [7.] 8. For any teacher who is employed by a school
10 district on a substitute or part-time basis within one year of
11 such teacher's retirement from a Missouri school, the state of
12 Missouri shall not require such teacher to be subject to any
13 additional background checks prior to having contact with pupils.
14 Nothing in this subsection shall be construed as prohibiting or
15 otherwise restricting a school district from requiring additional
16 background checks for such teachers employed by the school
17 district.

18 [8.] 9. A criminal background check and fingerprint
19 collection conducted under subsections 1 and 2 of this section
20 shall be valid for at least a period of one year and
21 transferrable from one school district to another district. A
22 school district may, in its discretion, conduct a new criminal
23 background check and fingerprint collection under subsections 1
24 and 2 for a newly hired employee at the district's expense. A
25 teacher's change in type of certification shall have no effect on
26 the transferability or validity of such records.

27 [9.] 10. Nothing in this section shall be construed to
28 alter the standards for suspension, denial, or revocation of a
29 certificate issued pursuant to this chapter.

30 [10.] 11. The state board of education may promulgate
31 rules for criminal history background checks made pursuant to
32 this section. Any rule or portion of a rule, as that term is
33 defined in section 536.010, RSMo, that is created under the
34 authority delegated in this section shall become effective only
35 if it complies with and is subject to all of the provisions of
36 chapter 536, RSMo, and, if applicable, section 536.028, RSMo.
37 This section and chapter 536, RSMo, are nonseverable and if any

1 of the powers vested with the general assembly pursuant to
2 chapter 536, RSMo, to review, to delay the effective date, or to
3 disapprove and annul a rule are subsequently held
4 unconstitutional, then the grant of rulemaking authority and any
5 rule proposed or adopted after January 1, 2005, shall be invalid
6 and void."; and

7 Further amend said bill, Page 39, Section 177.250, Line 38,
8 by inserting after all of said line the following:

9 "210.135. 1. Any person, official, or institution
10 complying with the provisions of sections 210.110 to 210.165 in
11 the making of a report, the taking of color photographs, or the
12 making of radiologic examinations pursuant to sections 210.110 to
13 210.165, or both such taking of color photographs and making of
14 radiologic examinations, or the removal or retaining a child
15 pursuant to sections 210.110 to 210.165, or in cooperating with
16 the division, or any other law enforcement agency, juvenile
17 office, court, or child-protective service agency of this or any
18 other state, in any of the activities pursuant to sections
19 210.110 to 210.165, or any other allegation of child abuse,
20 neglect or assault, pursuant to sections 568.045 to 568.060,
21 RSMo, shall have immunity from any liability, civil or criminal,
22 that otherwise might result by reason of such actions. Provided,
23 however, any person, official or institution intentionally filing
24 a false report, acting in bad faith, or with ill intent, shall
25 not have immunity from any liability, civil or criminal. Any
26 such person, official, or institution shall have the same
27 immunity with respect to participation in any judicial proceeding
28 resulting from the report.

29 2. Any person, who is not a school district employee, who
30 makes a report to any employee of the school district of child
31 abuse by a school employee shall have immunity from any
32 liability, civil or criminal, that otherwise might result because
33 of such report. Provided, however, that any such person who
34 makes a false report, knowing that the report is false, or who
35 acts in bad faith or with ill intent in making such report shall
36 not have immunity from any liability, civil or criminal. Any
37 such person shall have the same immunity with respect to

1 participation in any judicial proceeding resulting from the
2 report.

3 210.145. 1. The division shall develop protocols which
4 give priority to:

5 (1) Ensuring the well-being and safety of the child in
6 instances where child abuse or neglect has been alleged;

7 (2) Promoting the preservation and reunification of
8 children and families consistent with state and federal law;

9 (3) Providing due process for those accused of child abuse
10 or neglect; and

11 (4) Maintaining an information system operating at all
12 times, capable of receiving and maintaining reports. This
13 information system shall have the ability to receive reports over
14 a single, statewide toll-free number. Such information system
15 shall maintain the results of all investigations, family
16 assessments and services, and other relevant information.

17 2. The division shall utilize structured decision-making
18 protocols for classification purposes of all child abuse and
19 neglect reports. The protocols developed by the division shall
20 give priority to ensuring the well-being and safety of the child.
21 All child abuse and neglect reports shall be initiated within
22 twenty-four hours and shall be classified based upon the reported
23 risk and injury to the child. The division shall promulgate
24 rules regarding the structured decision-making protocols to be
25 utilized for all child abuse and neglect reports.

26 3. Upon receipt of a report, the division shall determine
27 if the report merits investigation, including reports which if
28 true would constitute a suspected violation of any of the
29 following: section 565.020, 565.021, 565.023, 565.024, or
30 565.050, RSMo, if the victim is a child less than eighteen years
31 of age, section 566.030 or 566.060, RSMo, if the victim is a
32 child less than eighteen years of age, or other crimes under
33 chapter 566, RSMo, if the victim is a child less than eighteen
34 years of age and the perpetrator is twenty-one years of age or
35 older, section 567.050, RSMo, if the victim is a child less than
36 eighteen years of age, section 568.020, 568.030, 568.045,
37 568.050, 568.060, 568.080, or 568.090, RSMo, section 573.025,

1 573.035, 573.037, or 573.040, RSMo, or an attempt to commit any
2 such crimes. The division shall immediately communicate all
3 reports that merit investigation to its appropriate local office
4 and any relevant information as may be contained in the
5 information system. The local division staff shall determine,
6 through the use of protocols developed by the division, whether
7 an investigation or the family assessment and services approach
8 should be used to respond to the allegation. The protocols
9 developed by the division shall give priority to ensuring the
10 well-being and safety of the child.

11 4. The local office shall contact the appropriate law
12 enforcement agency immediately upon receipt of a report which
13 division personnel determine merits an investigation and provide
14 such agency with a detailed description of the report received.
15 In such cases the local division office shall request the
16 assistance of the local law enforcement agency in all aspects of
17 the investigation of the complaint. The appropriate law
18 enforcement agency shall either assist the division in the
19 investigation or provide the division, within twenty-four hours,
20 an explanation in writing detailing the reasons why it is unable
21 to assist.

22 5. The local office of the division shall cause an
23 investigation or family assessment and services approach to be
24 initiated in accordance with the protocols established in
25 subsection 2 of this section, except in cases where the sole
26 basis for the report is educational neglect. If the report
27 indicates that educational neglect is the only complaint and
28 there is no suspicion of other neglect or abuse, the
29 investigation shall be initiated within seventy-two hours of
30 receipt of the report. If the report indicates the child is in
31 danger of serious physical harm or threat to life, an
32 investigation shall include direct observation of the subject
33 child within twenty-four hours of the receipt of the report.
34 Local law enforcement shall take all necessary steps to
35 facilitate such direct observation. If the parents of the child
36 are not the alleged abusers, a parent of the child must be
37 notified prior to the child being interviewed by the division.

1 If the abuse is alleged to have occurred in a school or
2 child-care facility the division shall not meet with the child in
3 any school building or child-care facility building where abuse
4 of such child is alleged to have occurred. When the child is
5 reported absent from the residence, the location and the
6 well-being of the child shall be verified. For purposes of this
7 subsection, child-care facility shall have the same meaning as
8 such term is defined in section 210.201.

9 6. The director of the division shall name at least one
10 chief investigator for each local division office, who shall
11 direct the division response on any case involving a second or
12 subsequent incident regarding the same subject child or
13 perpetrator. The duties of a chief investigator shall include
14 verification of direct observation of the subject child by the
15 division and shall ensure information regarding the status of an
16 investigation is provided to the public school district liaison.
17 The public school district liaison shall develop protocol in
18 conjunction with the chief investigator to ensure information
19 regarding an investigation is shared with appropriate school
20 personnel. The superintendent of each school district shall
21 designate a specific person or persons to act as the public
22 school district liaison. Should the subject child attend a
23 nonpublic school the chief investigator shall notify the school
24 principal of the investigation. Upon notification of an
25 investigation, all information received by the public school
26 district liaison or the school shall be subject to the provisions
27 of the federal Family Educational Rights and Privacy Act (FERPA),
28 20 U.S.C., Section 1232g, and federal rule 34 C.F.R., Part 99.

29 7. The investigation shall include but not be limited to
30 the nature, extent, and cause of the abuse or neglect; the
31 identity and age of the person responsible for the abuse or
32 neglect; the names and conditions of other children in the home,
33 if any; the home environment and the relationship of the subject
34 child to the parents or other persons responsible for the child's
35 care; any indication of incidents of physical violence against
36 any other household or family member; and other pertinent data.

37 8. When a report has been made by a person required to

1 report under section 210.115, the division shall contact the
2 person who made such report within forty-eight hours of the
3 receipt of the report in order to ensure that full information
4 has been received and to obtain any additional information or
5 medical records, or both, that may be pertinent.

6 9. Upon completion of the investigation, if the division
7 suspects that the report was made maliciously or for the purpose
8 of harassment, the division shall refer the report and any
9 evidence of malice or harassment to the local prosecuting or
10 circuit attorney.

11 10. Multidisciplinary teams shall be used whenever
12 conducting the investigation as determined by the division in
13 conjunction with local law enforcement. Multidisciplinary teams
14 shall be used in providing protective or preventive social
15 services, including the services of law enforcement, a liaison of
16 the local public school, the juvenile officer, the juvenile
17 court, and other agencies, both public and private.

18 11. For all family support team meetings involving an
19 alleged victim of child abuse or neglect, the parents, legal
20 counsel for the parents, foster parents, the legal guardian or
21 custodian of the child, the guardian ad litem for the child, and
22 the volunteer advocate for the child shall be provided notice and
23 be permitted to attend all such meetings. Family members, other
24 than alleged perpetrators, or other community informal or formal
25 service providers that provide significant support to the child
26 and other individuals may also be invited at the discretion of
27 the parents of the child. In addition, the parents, the legal
28 counsel for the parents, the legal guardian or custodian and the
29 foster parents may request that other individuals, other than
30 alleged perpetrators, be permitted to attend such team meetings.
31 Once a person is provided notice of or attends such team
32 meetings, the division or the convenor of the meeting shall
33 provide such persons with notice of all such subsequent meetings
34 involving the child. Families may determine whether individuals
35 invited at their discretion shall continue to be invited.

36 12. If the appropriate local division personnel determine
37 after an investigation has begun that completing an investigation

1 is not appropriate, the division shall conduct a family
2 assessment and services approach. The division shall provide
3 written notification to local law enforcement prior to
4 terminating any investigative process. The reason for the
5 termination of the investigative process shall be documented in
6 the record of the division and the written notification submitted
7 to local law enforcement. Such notification shall not preclude
8 nor prevent any investigation by law enforcement.

9 13. If the appropriate local division personnel determines
10 to use a family assessment and services approach, the division
11 shall:

12 (1) Assess any service needs of the family. The assessment
13 of risk and service needs shall be based on information gathered
14 from the family and other sources;

15 (2) Provide services which are voluntary and time-limited
16 unless it is determined by the division based on the assessment
17 of risk that there will be a high risk of abuse or neglect if the
18 family refuses to accept the services. The division shall
19 identify services for families where it is determined that the
20 child is at high risk of future abuse or neglect. The division
21 shall thoroughly document in the record its attempt to provide
22 voluntary services and the reasons these services are important
23 to reduce the risk of future abuse or neglect to the child. If
24 the family continues to refuse voluntary services or the child
25 needs to be protected, the division may commence an
26 investigation;

27 (3) Commence an immediate investigation if at any time
28 during the family assessment and services approach the division
29 determines that an investigation, as delineated in sections
30 210.109 to 210.183, is required. The division staff who have
31 conducted the assessment may remain involved in the provision of
32 services to the child and family;

33 (4) Document at the time the case is closed, the outcome of
34 the family assessment and services approach, any service provided
35 and the removal of risk to the child, if it existed.

36 14. Within thirty days of an oral report of abuse or
37 neglect, the local office shall update the information in the

1 information system. The information system shall contain, at a
2 minimum, the determination made by the division as a result of
3 the investigation, identifying information on the subjects of the
4 report, those responsible for the care of the subject child and
5 other relevant dispositional information. The division shall
6 complete all investigations within thirty days, unless good cause
7 for the failure to complete the investigation is documented in
8 the information system. If a child involved in a pending
9 investigation dies, the investigation shall remain open until the
10 division's investigation surrounding the death is completed. If
11 the investigation is not completed within thirty days, the
12 information system shall be updated at regular intervals and upon
13 the completion of the investigation. The information in the
14 information system shall be updated to reflect any subsequent
15 findings, including any changes to the findings based on an
16 administrative or judicial hearing on the matter.

17 15. A person required to report under section 210.115 to
18 the division and any person making a report of child abuse or
19 neglect made to the division which is not made anonymously shall
20 be informed by the division of his or her right to obtain
21 information concerning the disposition of his or her report.
22 Such person shall receive, from the local office, if requested,
23 information on the general disposition of his or her report.
24 Such person may receive, if requested, findings and information
25 concerning the case. Such release of information shall be at the
26 discretion of the director based upon a review of the reporter's
27 ability to assist in protecting the child or the potential harm
28 to the child or other children within the family. The local
29 office shall respond to the request within forty-five days. The
30 findings shall be made available to the reporter within five days
31 of the outcome of the investigation. If the report is determined
32 to be unsubstantiated, the reporter may request that the report
33 be referred by the division to the office of child advocate for
34 children's protection and services established in sections 37.700
35 to 37.730, RSMo. Upon request by a reporter under this
36 subsection, the division shall refer an unsubstantiated report of
37 child abuse or neglect to the office of child advocate for

1 children's protection and services.

2 16. The division shall provide to any individual, who is
3 not satisfied with the results of an investigation, information
4 about the office of child advocate and the services it may
5 provide under sections 37.700 to 37.730.

6 17. In any judicial proceeding involving the custody of a
7 child the fact that a report may have been made pursuant to
8 sections 210.109 to 210.183 shall not be admissible. However:

9 (1) Nothing in this subsection shall prohibit the
10 introduction of evidence from independent sources to support the
11 allegations that may have caused a report to have been made; and

12 (2) The court may on its own motion, or shall if requested
13 by a party to the proceeding, make an inquiry not on the record
14 with the children's division to determine if such a report has
15 been made. If a report has been made, the court may stay the
16 custody proceeding until the children's division completes its
17 investigation.

18 [17.] 18. In any judicial proceeding involving the custody
19 of a child where the court determines that the child is in need
20 of services pursuant to subdivision (d) of subsection 1 of
21 section 211.031, RSMo, and has taken jurisdiction, the child's
22 parent, guardian or custodian shall not be entered into the
23 registry.

24 [18.] 19. The children's division is hereby granted the
25 authority to promulgate rules and regulations pursuant to the
26 provisions of section 207.021, RSMo, and chapter 536, RSMo, to
27 carry out the provisions of sections 210.109 to 210.183.

28 [19.] 20. Any rule or portion of a rule, as that term is
29 defined in section 536.010, RSMo, that is created under the
30 authority delegated in this section shall become effective only
31 if it complies with and is subject to all of the provisions of
32 chapter 536, RSMo, and, if applicable, section 536.028, RSMo.
33 This section and chapter 536, RSMo, are nonseverable and if any
34 of the powers vested with the general assembly pursuant to
35 chapter 536, RSMo, to review, to delay the effective date or to
36 disapprove and annul a rule are subsequently held
37 unconstitutional, then the grant of rulemaking authority and any

1 rule proposed or adopted after August 28, 2000, shall be invalid
2 and void.

3 210.152. 1. All identifying information, including
4 telephone reports reported pursuant to section 210.145, relating
5 to reports of abuse or neglect received by the division shall be
6 retained by the division and removed from the records of the
7 division as follows:

8 (1) For investigation reports contained in the central
9 registry, identifying information shall be retained by the
10 division;

11 (2) (a) For investigation reports initiated against a
12 person required to report pursuant to section 210.115, where
13 insufficient evidence of abuse or neglect is found by the
14 division and where the division determines the allegation of
15 abuse or neglect was made maliciously, for purposes of harassment
16 or in retaliation for the filing of a report by a person required
17 to report, identifying information shall be expunged by the
18 division within forty-five days from the conclusion of the
19 investigation;

20 (b) For investigation reports, where insufficient evidence
21 of abuse or neglect is found by the division and where the
22 division determines the allegation of abuse or neglect was made
23 maliciously, for purposes of harassment or in retaliation for the
24 filing of a report, identifying information shall be expunged by
25 the division within forty-five days from the conclusion of the
26 investigation;

27 (c) For investigation reports initiated by a person
28 required to report under section 210.115, where insufficient
29 evidence of abuse or neglect is found by the division,
30 identifying information shall be retained for five years from the
31 conclusion of the investigation. For all other investigation
32 reports where insufficient evidence of abuse or neglect is found
33 by the division, identifying information shall be retained for
34 two years from the conclusion of the investigation. Such reports
35 shall include any exculpatory evidence known by the division,
36 including exculpatory evidence obtained after the closing of the
37 case. At the end of such time period, the identifying

1 information shall be removed from the records of the division and
2 destroyed;

3 (3) For reports where the division uses the family
4 assessment and services approach, identifying information shall
5 be retained by the division;

6 (4) For reports in which the division is unable to locate
7 the child alleged to have been abused or neglected, identifying
8 information shall be retained for ten years from the date of the
9 report and then shall be removed from the records of the
10 division.

11 2. Within ninety days after receipt of a report of abuse or
12 neglect that is investigated, the alleged perpetrator named in
13 the report and the parents of the child named in the report, if
14 the alleged perpetrator is not a parent, shall be notified in
15 writing of any determination made by the division based on the
16 investigation. The notice shall advise either:

17 (1) That the division has determined by a probable cause
18 finding prior to August 28, 2004, or by a preponderance of the
19 evidence after August 28, 2004, that abuse or neglect exists and
20 that the division shall retain all identifying information
21 regarding the abuse or neglect; that such information shall
22 remain confidential and will not be released except to law
23 enforcement agencies, prosecuting or circuit attorneys, or as
24 provided in section 210.150; that the alleged perpetrator has
25 sixty days from the date of receipt of the notice to seek
26 reversal of the division's determination through a review by the
27 child abuse and neglect review board as provided in subsection 3
28 of this section; or

29 (2) That the division has not made a probable cause finding
30 or determined by a preponderance of the evidence that abuse or
31 neglect exists.

32 3. The children's division may reopen a case for review at
33 the request of the alleged perpetrator, the alleged victim, or
34 the office of the child advocate if new, specific, and credible
35 evidence is obtained that the division's decision was based on
36 fraud or misrepresentation of material facts relevant to the
37 division's decision and there is credible evidence that absent

1 such fraud or misrepresentation the division's decision would
2 have been different. If the alleged victim is under the age of
3 eighteen, the request for review may be made by the alleged
4 victim's parent, legal custodian, or legal guardian. All
5 requests to reopen an investigation for review shall be made
6 within a reasonable time and not more than one year after the
7 children's division made its decision. The division shall not
8 reopen a case for review based on any information which the
9 person requesting the review knew, should have known, or could by
10 the exercise of reasonable care have known before the date of the
11 division's final decision in the case, unless the person
12 requesting the review shows by a preponderance of the evidence
13 that he or she could not have provided such information to the
14 division before the date of the division's final decision in the
15 case. Any person, other than the office of the child advocate,
16 who makes a request to reopen a case for review based on facts
17 which the person knows to be false or misleading or who acts in
18 bad faith or with the intent to harass the alleged victim or
19 perpetrator shall not have immunity from any liability, civil or
20 criminal, for providing the information and requesting that the
21 division reopen the investigation. Any person who makes a
22 request to reopen an investigation based on facts which the
23 person knows to be false shall be guilty of a class A
24 misdemeanor. The children's division shall not reopen an
25 investigation under any circumstances while the case is pending
26 before a court of this state nor when a court has entered a final
27 judgment after de novo judicial review pursuant to section
28 210.152.

29 4. Any person named in an investigation as a perpetrator
30 who is aggrieved by a determination of abuse or neglect by the
31 division as provided in this section may seek an administrative
32 review by the child abuse and neglect review board pursuant to
33 the provisions of section 210.153. Such request for review shall
34 be made within sixty days of notification of the division's
35 decision under this section. In those cases where criminal
36 charges arising out of facts of the investigation are pending,
37 the request for review shall be made within sixty days from the

1 court's final disposition or dismissal of the charges.

2 [4.] 5. In any such action for administrative review, the
3 child abuse and neglect review board shall sustain the division's
4 determination if such determination was supported by evidence of
5 probable cause prior to August 28, 2004, or is supported by a
6 preponderance of the evidence after August 28, 2004, and is not
7 against the weight of such evidence. The child abuse and neglect
8 review board hearing shall be closed to all persons except the
9 parties, their attorneys and those persons providing testimony on
10 behalf of the parties.

11 [5.] 6. If the alleged perpetrator is aggrieved by the
12 decision of the child abuse and neglect review board, the alleged
13 perpetrator may seek de novo judicial review in the circuit court
14 in the county in which the alleged perpetrator resides and in
15 circuits with split venue, in the venue in which the alleged
16 perpetrator resides, or in Cole County. If the alleged
17 perpetrator is not a resident of the state, proper venue shall be
18 in Cole County. The case may be assigned to the family court
19 division where such a division has been established. The request
20 for a judicial review shall be made within sixty days of
21 notification of the decision of the child abuse and neglect
22 review board decision. In reviewing such decisions, the circuit
23 court shall provide the alleged perpetrator the opportunity to
24 appear and present testimony. The alleged perpetrator may
25 subpoena any witnesses except the alleged victim or the reporter.
26 However, the circuit court shall have the discretion to allow the
27 parties to submit the case upon a stipulated record.

28 [6.] 7. In any such action for administrative review, the
29 child abuse and neglect review board shall notify the child or
30 the parent, guardian or legal representative of the child that a
31 review has been requested.

32 210.915. The department of corrections, the department of
33 public safety, the department of social services, the department
34 of elementary and secondary education, and the department of
35 mental health shall collaborate with the department to compare
36 records on child-care, elder-care, mental health, and
37 personal-care workers, including those individuals required to

1 undergo a background check under the provisions of section
2 168.133, and the records of persons with criminal convictions and
3 the background checks pursuant to subdivisions (1) to (8) of
4 subsection 2 of section 210.903, and to enter into any
5 interagency agreements necessary to facilitate the receipt of
6 such information and the ongoing updating of such information.
7 The department shall promulgate rules and regulations concerning
8 such updating, including subsequent background reviews as listed
9 in subsection 1 of section 210.909.

10 210.922. The department of health and senior services,
11 department of mental health, department of elementary and
12 secondary education, and department of social services may use
13 the registry information to carry out the duties assigned to the
14 department pursuant to this chapter and chapters 168, 190, 195,
15 197, 198, 630, and 660, RSMo.

16 556.037. Notwithstanding the provisions of section 556.036,
17 prosecutions for unlawful sexual offenses involving a person
18 eighteen years of age or under must be commenced within [twenty]
19 thirty years after the victim reaches the age of eighteen unless
20 the prosecutions are for forcible rape, attempted forcible rape,
21 forcible sodomy, kidnapping, or attempted forcible sodomy in
22 which case such prosecutions may be commenced at any time."; and

23 Further amend said title, enacting clause and intersectional
24 references accordingly.