

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Bill No. 687, Page 3, Section 160.530, Line 82,  
2 by inserting after all of said section and line the following:

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

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

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

31 4. The department of elementary and secondary education shall facilitate an annual check of  
32 employed persons holding current active certificates under section 168.021 against criminal history  
33 records in the central repository under section 43.530, the sexual offender registry under sections  
34 589.400 to ~~[589.475]~~ 589.426, and child abuse central registry under sections 210.109 to 210.183.  
35 The department of elementary and secondary education shall facilitate procedures for school  
36 districts to submit personnel information annually for persons employed by the school districts who

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

do not hold a current valid certificate who are required by subsection 1 of this section to undergo a criminal background check, sexual offender registry check, and child abuse central registry check. The Missouri state highway patrol shall provide ongoing electronic updates to criminal history background checks of those persons previously submitted, both those who have an active certificate and those who do not have an active certificate, by the department of elementary and secondary education. This shall fulfill the annual check against the criminal history records in the central repository under section 43.530.

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

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

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

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

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

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

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

Further amend said bill, Page 4, Section 304.060, Line 25, by inserting after all of said line the following:

"3. Notwithstanding the provisions of subsection 1 of this section, any school board in the state of Missouri may contract with any municipality for the purpose of transporting school children attending a grade or grades not lower than the ninth nor higher than the twelfth grade. Such contract shall require the presence of an adult supervisor who is approved by the school board on any municipal vehicle while such vehicle is transporting children under this subsection. Any time school children are being transported by a municipal vehicle under this subsection, such vehicle

1 shall include a section of seating designated solely for use by school children. Municipalities  
2 entering into any such contract shall comply with the requirements of this section and sections  
3 162.064, 162.065, 168.133, and 307.375."; and  
4

5 Further amend said bill and section, by renumbering subsequent subsections accordingly; and

6  
7 Further amend said bill by amending the title, enacting clause, and intersectional references  
8 accordingly.