

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 739
100TH GENERAL ASSEMBLY

1332H.02C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 162.068 and 162.203, RSMo, and to enact in lieu thereof three new sections relating to elementary and secondary education.

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

Section A. Sections 162.068 and 162.203, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 162.068, 162.203, and 170.045, to read as
3 follows:

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

11 **(2) The policy described under this subsection shall require the district or charter**
12 **school to disclose, to any public school that contacts such district or charter school about**
13 **a former employee, information regarding any violation of the published regulations of the**
14 **board of education of the district or the governing body of the charter school by the former**
15 **employee if such violation related to sexual misconduct with a student and was determined**
16 **to be an actual violation by the board of the district or the governing body of the charter**
17 **school after a contested case due process hearing conducted pursuant to board policy.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

37 4. Notwithstanding the provisions of subsection 2 of this section, if a district or charter
38 school that has employed any employee whose job involves contact with children receives
39 allegations of sexual misconduct concerning the employee and as a result of such allegations or
40 as a result of such allegations being substantiated by the child abuse and neglect review board
41 dismisses the employee or allows the employee to resign in lieu of being fired and fails to
42 disclose the allegations of sexual misconduct when furnishing a reference for the former
43 employee or responding to a potential employer's request for information regarding such
44 employee, the district or charter school shall be directly liable for damages to any student of a
45 subsequent employing district or charter school who is found by a court of competent jurisdiction
46 to be a victim of the former employee's sexual misconduct, and the district or charter school shall
47 bear third-party liability to the employing district or charter school for any legal liability, legal
48 fees, costs, and expenses incurred by the employing district or charter school caused by the
49 failure to disclose such information to the employing district or charter school.

50 5. If a school district or charter school has previously employed a person about whom
51 the children's division has conducted an investigation involving allegations of sexual misconduct
52 with a student and has reached a finding of substantiated and another public school contacts the

53 district or charter school for a reference for the former employee, the district or charter school
54 shall disclose the results of the children's division's investigation to the public school.

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

58 7. **Any school district or charter school shall, before offering employment to any**
59 **former employee of a school district or charter school, contact the department of**
60 **elementary and secondary education for a list of all former school districts or charter**
61 **schools that previously employed such employee. School districts and charter schools**
62 **contacting the department under this subsection shall request from listed employers**
63 **information as outlined in this section regarding the former employee.**

162.203. 1. Board members initially elected or appointed under section 162.291,
2 162.459, 162.471, or 162.581 after August 28, 1993, in addition to the qualifications prescribed
3 in those sections, shall successfully complete orientation and training requirements within one
4 year of the date of the election or appointment. The orientation and training shall consist of at
5 least ~~sixteen~~ **eighteen** hours **and thirty minutes** with the cost of such training to be paid by
6 the district.

7 2. **The orientation and training required under subsection 1 of this section shall**
8 **include two hours and thirty minutes of training that provides up-to-date and reliable**
9 **information on identifying signs of sexual abuse in children and danger signals of**
10 **potentially abusive relationships between children and adults. The training shall**
11 **emphasize how to establish an atmosphere of trust so that students feel their school has**
12 **concerned adults with whom students can feel comfortable discussing matters related to**
13 **abuse. If, before August 28, 2019, a board member completed the orientation and training**
14 **requirements of this section as they existed before August 28, 2019, the board member shall**
15 **not be required to complete any additional training other than the refresher training**
16 **described in subsection 3 of this section.**

17 3. **Any school board member serving a term as of August 28, 2019, or elected or**
18 **appointed after August 28, 2019, shall complete at least one hour of refresher training each**
19 **year of any term in office; except that, the refresher training shall not be required in the**
20 **year in which the member completes the initial orientation and training under subsection**
21 **1 of this section. The refresher training shall address concepts covered in the initial**
22 **training including, but not limited to, the prevention of sexual abuse of children.**

23 4. All programs providing the orientation and training required under the provisions of
24 this section shall be offered by a statewide association organized for the benefit of members of
25 boards of education or be approved by the state board of education.

170.045. 1. In school year 2020-21 and in each school year thereafter, each school district shall provide trauma-informed, developmentally-appropriate sexual abuse training to students in all grades not lower than sixth grade. School districts must include in the training the following:

(1) Instruction providing students with the knowledge and tools to recognize sexual abuse;

(2) Instruction providing students with the knowledge and tools to report an incident of sexual abuse;

(3) Actions that a student who is a victim of sexual abuse could take to obtain assistance and intervention; and

(4) Available resources for students affected by sexual abuse.

2. The department of elementary and secondary education shall provide guidance and training materials school districts may use to comply with the provisions of this section. The training materials shall be developed in consultation with the task force on the prevention of sexual abuse of children as established in section 210.1200.

3. The school district shall notify parents or guardians in advance of the training required under this section, of the content of the instruction, and the parent or guardian's right to have the student excused from the instruction. Upon written request of the parent or guardian of a student, the student shall be excused from instruction.

4. The department of elementary and secondary education may promulgate rules to implement the provisions of 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 August 28, 2019, shall be invalid and void.

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