

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed

HCS HBs 296 & 438 _____ entitled:

AN ACT

To repeal sections 302.177, 302.272, and 302.735, RSMo , and to enact in lieu thereof three new sections relating to school bus endorsements.

With SA 1, SA 2

In which the concurrence of the House is respectfully requested.

Respectfully,

Kristina Martin

Kristina Martin
Secretary of the Senate

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APR 30 2025

CHIEF CLERK

SENATE AMENDMENT NO. 1

Offered by

^{Kurtis}
GREGORY

of

21Amend HCS/House Bill Nos. 296 & 438, Page 1, Section TITLE, Line 3,

2 by striking "bus endorsements" and inserting in lieu thereof
 3 the following: "personnel"; and

4 Further amend said bill and page, section A, line 3, by
 5 inserting after all of said line the following:

6 "168.133. 1. As used in this section, "screened
 7 volunteer" shall mean any person who assists a school by
 8 providing uncompensated service and who may periodically be
 9 left alone with students. The school district or charter
 10 school shall ensure that a criminal background check is
 11 conducted for all screened volunteers, who shall complete
 12 the criminal background check prior to being left alone with
 13 a student. [Screened volunteers include, but are not
 14 limited to, persons who regularly assist in the office or
 15 library, mentor or tutor students, coach or supervise a
 16 school-sponsored activity before or after school, or
 17 chaperone students on an overnight trip.] Screened
 18 volunteers may only access student education records when
 19 necessary to assist the district and while supervised by
 20 staff members. Volunteers that are not screened shall not
 21 be left alone with a student or have access to student
 22 records.

23 2. (1) The school district or charter school shall
 24 ensure that a criminal background check is conducted on any
 25 person employed after January 1, 2005, authorized to have
 26 contact with pupils and prior to the individual having

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27 contact with any pupil. [Such persons include, but are not
28 limited to, administrators, teachers, aides,
29 paraprofessionals, assistants, secretaries, custodians,
30 cooks, screened volunteers, and nurses.]

31 (2) The school district or charter school shall also
32 ensure that a criminal background check is conducted for
33 school bus drivers and drivers of other vehicles owned by
34 the school district or charter school or operated under
35 contract with a school district or charter school and used
36 for the purpose of transporting school children. The school
37 district or charter school may allow such drivers to operate
38 buses pending the result of the criminal background check.
39 [For bus drivers,] The school district or charter school
40 shall be responsible for conducting the criminal background
41 check on drivers employed by the school district or charter
42 school under section 43.540.

43 (3) For drivers employed or contracted by a pupil
44 transportation company under contract with the school
45 district or the charter school, the criminal background
46 check shall be conducted by the pupil transportation company
47 pursuant to section [43.540] 43.539 and conform to the
48 requirements established in the National Child Protection
49 Act of 1993, as amended by the Volunteers for Children Act.

50 (4) Personnel who have successfully undergone a
51 criminal background check and a check of the family care
52 safety registry as part of the professional license
53 application process under section 168.021 and who have
54 received clearance on the checks within one prior year of
55 employment shall be considered to have completed the
56 background check requirement.

57 (5) A criminal background check under this section
58 shall include a search of any information publicly available

59 in an electronic format through a public index or single
60 case display.

61 3. In order to facilitate the criminal history
62 background check, the applicant shall submit a set of
63 fingerprints collected pursuant to standards determined by
64 the Missouri highway patrol. The fingerprints shall be used
65 by the highway patrol to search the criminal history
66 repository and shall be forwarded to the Federal Bureau of
67 Investigation for searching the federal criminal history
68 files.

69 4. The applicant shall pay the fee for the state
70 criminal history record information pursuant to section
71 43.530 and sections 210.900 to 210.936 and pay the
72 appropriate fee determined by the Federal Bureau of
73 Investigation for the federal criminal history record when
74 he or she applies for a position authorized to have contact
75 with pupils pursuant to this section. The department shall
76 distribute the fees collected for the state and federal
77 criminal histories to the Missouri highway patrol.

78 5. The department of elementary and secondary
79 education shall facilitate an annual check of employed
80 persons holding current active certificates under section
81 168.021 against criminal history records in the central
82 repository under section 43.530, the sexual offender
83 registry under sections 589.400 to 589.426, and child abuse
84 central registry under sections 210.109 to 210.183. The
85 department of elementary and secondary education shall
86 facilitate procedures for school districts to submit
87 personnel information annually for persons employed by the
88 school districts who do not hold a current valid certificate
89 who are required by subsection 1 of this section to undergo
90 a criminal background check, sexual offender registry check,
91 and child abuse central registry check. The Missouri state

92 highway patrol shall provide ongoing electronic updates to
93 criminal history background checks of those persons
94 previously submitted, both those who have an active
95 certificate and those who do not have an active certificate,
96 by the department of elementary and secondary education.
97 This shall fulfill the annual check against the criminal
98 history records in the central repository under section
99 43.530.

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

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

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

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

124 district from requiring additional background checks for
125 such teachers employed by the school district.

126 10. A criminal background check and fingerprint
127 collection conducted under subsections 1 to 3 of this
128 section shall be valid for at least a period of one year and
129 transferrable from one school district to another district.
130 A school district may, in its discretion, conduct a new
131 criminal background check and fingerprint collection under
132 subsections 1 to 3 of this section for a newly hired
133 employee at the district's expense. A teacher's change in
134 type of certification shall have no effect on the
135 transferability or validity of such records.

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

139 12. The state board of education may promulgate rules
140 for criminal history background checks made pursuant to this
141 section. Any rule or portion of a rule, as that term is
142 defined in section 536.010, that is created under the
143 authority delegated in this section shall become effective
144 only if it complies with and is subject to all of the
145 provisions of chapter 536 and, if applicable, section
146 536.028. This section and chapter 536 are nonseverable and
147 if any of the powers vested with the general assembly
148 pursuant to chapter 536 to review, to delay the effective
149 date, or to disapprove and annul a rule are subsequently
150 held unconstitutional, then the grant of rulemaking
151 authority and any rule proposed or adopted after January 1,
152 2005, shall be invalid and void."; and

153 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 2Offered by BLACK of 12Amend HCS/House Bill Nos. 296 & 438, Page 1, Section TITLE, Line 3,

2 by striking "bus endorsements" and inserting in lieu thereof
3 the following: "personnel"; and

4 Further amend said bill and page, section A line 3, by
5 inserting after all of said line the following:

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

12 2. (1) The state board shall not grant a certificate
13 of license to teach under this section to any individual who
14 has not completed a background check as required under
15 section 168.021.

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

20 3. The state board may grant a certificate under this
21 section to any individual who has completed:

22 (1) At least thirty-six semester hours at an
23 accredited institution of higher education; or

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

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27 4. The department of elementary and secondary
28 education shall develop and maintain an online training
29 program for individuals, which shall consist of twenty hours
30 of training related to subjects appropriate for substitute
31 teachers as determined by the department.

32 5. The state board may grant a certificate under this
33 section to any highly qualified individual with expertise in
34 a technical or business field or with experience in the
35 Armed Forces of the United States who has completed the
36 background check required in this section but does not meet
37 any of the qualifications under subdivision (1) or (2) of
38 subsection 3 of this section if the superintendent of the
39 school district in which the individual seeks to substitute
40 teach sponsors such individual and the school board of the
41 school district in which the individual seeks to substitute
42 teach votes to approve such individual to substitute teach.

43 6. (1) Notwithstanding any other provisions to
44 contrary, beginning on June 30, 2022, and ending on June 30,
45 ~~[2025]~~ 2030, any person who is retired and currently
46 receiving a retirement allowance under sections 169.010 to
47 169.141 or sections 169.600 to 169.715, other than for
48 disability, may be employed to substitute teach on a part-
49 time or temporary substitute basis by an employer included
50 in the retirement system without a discontinuance of the
51 person's retirement allowance. Such a person shall not
52 contribute to the retirement system, or to the public school
53 retirement system established by sections 169.010 to 169.141
54 or to the public education employee retirement system
55 established by sections 169.600 to 169.715, because of
56 earnings during such period of employment.

57 (2) In addition to the conditions set forth in
58 subdivision 1 of this subsection, any person retired and
59 currently receiving a retirement allowance under sections

60 169.010 to 169.141, other than for disability, who is
61 employed by a third party or is performing work as an
62 independent contractor may be employed to substitute teach
63 on a part-time or temporary substitute basis, if such person
64 is performing work for an employer included in the
65 retirement system without a discontinuance of the person's
66 retirement allowance.

67 (3) If a person is employed pursuant to this
68 subsection on a regular, full-time basis the person shall
69 not be entitled to receive the person's retirement allowance
70 for any month during which the person is so employed. The
71 retirement system may require the employer, the third-party
72 employer, the independent contractor, and the retiree
73 subject to this subsection to provide documentation showing
74 compliance with this subsection. If such documentation is
75 not provided, the retirement system may deem the retiree to
76 have exceeded the limitations provided in this subsection.

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

82 8. (1) An individual to whom the state board grants a
83 certificate under this section may be a substitute teacher
84 in a public school in the state if the school district
85 agrees to employ the individual as a substitute teacher and
86 such individual has completed a background check as required
87 in subsection 10 of this section.

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

92 9. Each school district may develop an orientation for
93 individuals to whom the state board grants a certificate
94 under this section for such individuals employed by the
95 school district and may require such individuals to complete
96 such orientation. Such orientation shall contain at least
97 two hours of subjects appropriate for substitute teachers
98 and shall contain instruction on the school district's best
99 practices for classroom management.

100 10. Beginning January 1, 2023, any substitute teacher
101 may, at the time such substitute teacher submits the
102 fingerprints and information required for the background
103 check required under section 168.021, designate up to five
104 school districts to which such substitute teacher has
105 submitted an application for substitute teaching to receive
106 the results of the substitute teacher's criminal history
107 background check and fingerprint collection. The total
108 amount of any fees for disseminating such results to up to
109 five school districts under this subsection shall not exceed
110 fifty dollars.

111 11. The state board may exercise the board's authority
112 under chapter 161 to promulgate all necessary rules and
113 regulations necessary for the administration of this
114 section."; and

115 Further amend the title and enacting clause accordingly.