



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 2335		DATE: 2/11/2026	
COMMITTEE: Elementary and Secondary Education			
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: ARNIE C. AC "HONEST-ABE" DIENOFF		PHONE NUMBER: 314-440-9000	
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CITY: O'FALLON		STATE: MO	ZIP: 63366
EMAIL:	ATTENDANCE:	SUBMIT DATE: 2/11/2026 12:00 AM	
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REGISTERED LOBBYIST:			
WITNESS NAME: MICHAEL HARRIS		PHONE NUMBER: 615-202-3579	
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At a very basic level, this bill reflects something teachers are asking for more and more: time — time to plan, time to teach, and time to focus on students instead of checking boxes. MSTa supports high-quality professional development. Our members believe strongly in training that actually helps educators do their jobs well. But what they struggle with is repetitive, one-size-fits-all mandates that don't always make sense for experienced educators or for local circumstances. HB 2335 takes a practical approach. It recognizes that new employees need structured, foundational training, while veteran educators often benefit more from training that's targeted, relevant, and locally determined. That distinction matters. Teachers today are juggling instruction, student support, communication with families, and countless other responsibilities. When training requirements are rigid or unnecessary, instructional time is often what gets squeezed. Importantly, HB 2335 does not eliminate training, nor does not compromise safety. Instead, it allows districts the flexibility to decide what makes sense for their educators while maintaining essential requirements. From our perspective, this is about trusting educators as professionals, respecting local decision-making, and keeping the focus on students and learning — where it belongs.



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REGISTERED LOBBYIST:		
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		ZIP: 65109
EMAIL:	ATTENDANCE:	SUBMIT DATE: 2/11/2026 12:00 AM
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REGISTERED LOBBYIST:			
WITNESS NAME: OTTO FAJEN		PHONE NUMBER: 573-634-3202	
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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: SARAH BERRY		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:	STATE:	ZIP:
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HB 2335 materially weakens Missouri’s student-safety framework by removing mandatory statewide training cadence in high-risk areas and replacing it with discretionary, locally determined schedules. This bill does not merely reorganize training delivery. It lowers enforceable standards, increases foreseeable harm, and creates litigation exposure for districts and the state.

The changes proposed in HB 2335 satisfy every element of a preventable failure: notice of risk, deliberate policy choice, foreseeable harm, and post-incident denial of responsibility.

I. Removal of Annual Training Requirements Creates Foreseeable Harm

HB 2335 eliminates or dilutes annual training requirements in the following high-risk categories:
 child abuse and neglect mandatory reporting
 restraint and seclusion
 bullying and retaliation prevention
 suicide awareness and prevention
 emergency response and active shooter procedures
 school transportation safety

These are not discretionary subjects. They are the most frequently litigated areas in school-based injury, civil-rights, and wrongful-death cases.

Annual training is not an administrative preference.

It is a risk-mitigation control designed to address:
 staff turnover,
 legal updates,
 evolving best practices,
 and skill decay in crisis response.

Replacing annual requirements with “training schedules as determined by the district” removes the only enforceable statewide floor.

That decision directly increases the probability of noncompliance and injury.

II. Restraint and Seclusion: Due Process and Disability Rights Risk

**Restraint and seclusion practices implicate:
bodily integrity,
disability protections,
due process rights,
and federal civil-rights enforcement.**

HB 2335 removes clear annual training language and reroutes compliance through a flexible scheduling framework.

**This creates three predictable outcomes:
Staff apply outdated or prohibited techniques.
Incident documentation becomes inconsistent or incomplete.
Parents lose timely notice and effective recourse.**

When restraint or seclusion results in injury or death, training records are the first exhibits requested. HB 2335 ensures those records will be fragmented, inconsistent, or nonexistent.

That is not an accident. It is a policy-created liability.

III. Mandatory Reporting: Increased Risk of Non-Reporting and Cover-Ups

Missouri law requires immediate, direct reporting of suspected child abuse. That duty is individual and non-delegable.

HB 2335 weakens training frequency for mandatory reporters by removing annual reinforcement and embedding training within a discretionary framework.

**This predictably results in:
failure to recognize grooming behaviors,
improper internal reporting instead of direct reporting,
administrative interference,
and delayed or suppressed reports.**

Every major child-abuse institutional failure follows this pattern. HB 2335 recreates it.

IV. Transportation Safety: Reduction of Bus Driver Training Hours

HB 2335 reduces school bus driver training from eight hours to four.

This is a direct reduction in safety preparation for individuals responsible for the physical custody of children in high-risk environments.

There is no compensating safeguard in the bill.

There is no evidentiary justification.

From a liability standpoint, this change is indefensible.

V. Emergency Response and Suicide Prevention: Knowledge Decay Is Predictable

Emergency response and suicide prevention require muscle memory, not policy binders. Skills degrade without regular practice.

HB 2335 converts required recurring training into optional scheduling.

**This ensures uneven preparedness across districts and guarantees that, after a critical incident, investigators will find:
training gaps,
outdated certifications,
and inconsistent implementation.**

That is how preventable deaths occur—and how juries assign fault.

VI. HB 2335 Creates Paper Compliance, Not Real Safety

This bill shifts responsibility downward while removing enforceable standards upward. When harm occurs, districts will claim policy compliance.

Employees will be blamed individually. Students will be injured or killed. Parents will sue.

The state has been warned—by decades of litigation—that this structure fails.

Passing HB 2335 after that notice establishes deliberate indifference.

HB 2335 lowers the standard of care owed to Missouri children. The resulting harms are foreseeable, preventable, and legally actionable.

This committee should not approve a bill that replaces enforceable safety requirements with discretionary scheduling and then calls it reform.

Vote NO on HB 2335.

CASE LAW FOOTNOTES — HB 2335 OPPOSITION

1. Deliberate Indifference / Failure to Train

City of Canton v. Harris, 489 U.S. 378 (1989).

The Supreme Court held that failure to train employees can constitute deliberate indifference when policymakers are on notice that the lack of training is likely to result in constitutional violations. Applied here, removing mandatory annual training after decades of known school-safety risks meets the notice and causation threshold.

Connick v. Thompson, 563 U.S. 51 (2011).

Reaffirmed that when a risk is “so obvious,” failure to provide recurring training may establish liability even absent a pattern of prior violations. School safety, abuse reporting, and restraint practices qualify as obvious risk domains.

2. Student Bodily Integrity / Due Process **Ingraham v. Wright, 430 U.S. 651 (1977).**

Recognized that students have a constitutionally protected liberty interest in bodily integrity. Although corporal punishment was not per se unconstitutional, inadequate procedural safeguards and training expose districts to due-process violations.

Hall v. Tawney, 621 F.2d 607 (4th Cir. 1980).

Established that excessive or improperly applied physical discipline can violate substantive due process. This case is routinely cited where staff training deficiencies contribute to harm.

3. Restraint, Seclusion, and Disability Rights **Youngberg v. Romeo, 457 U.S. 307 (1982).**

The Court held that individuals in state care have a right to reasonably safe conditions and freedom from undue bodily restraint. Applied to schools, improper restraint due to inadequate training violates constitutional protections.

Couture v. Board of Education of Albuquerque Public Schools, 535 F.3d 1243 (10th Cir. 2008).

Recognized that restraint of students implicates substantive due process and that training and policy compliance are central to liability analysis.

4. Mandatory Reporting Failures

Doe v. Taylor Independent School District, 15 F.3d 443 (5th Cir. 1994).

Held that school officials may be liable under §1983 for deliberate indifference to known risks of sexual abuse, including failure to train or enforce reporting obligations.

Stoneking v. Bradford Area School District, 882 F.2d 720 (3d Cir. 1989).

Established liability where administrative practices—including inadequate training and oversight—facilitated abuse or discouraged reporting.

5. Bullying and Student Safety

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999).

Schools may be liable where deliberate indifference to known harassment deprives students of educational access. Training gaps and inconsistent enforcement are key evidentiary factors.

S.S. v. Eastern Kentucky University, 532 F.3d 445 (6th Cir. 2008).

Confirmed that failure to respond appropriately to known peer harassment can support federal civil-rights claims.

6. Suicide Prevention and Foreseeability

Wyke v. Polk County School Board, 129 F.3d 560 (11th Cir. 1997).

Recognized foreseeability and duty issues when schools fail to act after warning signs of student suicide. Training deficiencies were central to the court's analysis.

Estate of Barnwell v. Watson, 880 F.3d 998 (8th Cir. 2018).

Eighth Circuit case emphasizing that failure to act on known risk factors can support constitutional claims under deliberate indifference standards.

7. Transportation and Duty of Care

Pratt v. Robinson, 39 N.Y.2d 554 (1976).

Established that schools owe a duty of reasonable care to students during transportation. Reduced training standards directly implicate breach analysis.

Estate of Smith v. Saline County, 374 F. Supp. 3d 813 (E.D. Mo. 2019).

Missouri federal case emphasizing training adequacy in determining governmental liability for preventable harm.

8. Paper Compliance vs. Actual Practice

Bd. of County Comm'rs v. Brown, 520 U.S. 397 (1997).

The Court warned against superficial policies that lack operational safeguards. Liability turns on real-world implementation, not written assurances.

Hope v. Pelzer, 536 U.S. 730 (2002).

When government actors have "fair warning" that conduct is unconstitutional, qualified immunity does not apply. Legislatures that weaken safeguards after clear warnings cannot later claim ignorance.



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INDIVIDUAL:			
WITNESS NAME: MINDY ROBERTSON		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
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