

HOUSE

AMENDMENT NO. ___

Offered by

of

1 AMEND House Committee Substitute for House Bill No. 1722, Page
2 17, Section 167.630, Line 13, by inserting after all of said line
3 the following:

4 "168.133. 1. The school district shall ensure that a
5 criminal background check is conducted on any person employed
6 after January 1, 2005, authorized to have contact with pupils and
7 prior to the individual having contact with any pupil. Such
8 persons include, but are not limited to, administrators,
9 teachers, aides, paraprofessionals, assistants, secretaries,
10 custodians, cooks, and nurses. The school district shall also
11 ensure that a criminal background check is conducted for school
12 bus drivers. The district may allow such drivers to operate
13 buses pending the result of the criminal background check. For
14 bus drivers, the background check shall be conducted on drivers
15 employed by the school district or employed by a pupil
16 transportation company under contract with the school district.

Action Taken _____

Date _____

1 2. In order to facilitate the criminal history background
2 check on any person employed after January 1, 2005, the applicant
3 shall submit two sets of fingerprints collected pursuant to
4 standards determined by the Missouri highway patrol. One set of
5 fingerprints shall be used by the highway patrol to search the
6 criminal history repository and the family care safety registry
7 pursuant to sections 210.900 to 210.936, RSMo, and the second set
8 shall be forwarded to the Federal Bureau of Investigation for
9 searching the federal criminal history files.

10 3. The applicant shall pay the fee for the state criminal
11 history record information pursuant to section 43.530, RSMo, and
12 sections 210.900 to 210.936, RSMo, and pay the appropriate fee
13 determined by the Federal Bureau of Investigation for the federal
14 criminal history record when he or she applies for a position
15 authorized to have contact with pupils pursuant to this section.
16 The department shall distribute the fees collected for the state
17 and federal criminal histories to the Missouri highway patrol.

18 4. The school district may adopt a policy to provide for
19 reimbursement of expenses incurred by an employee for state and
20 federal criminal history information pursuant to section 43.530,
21 RSMo.

22 5. If, as a result of the criminal history background check
23 mandated by this section, it is determined that the holder of a
24 certificate issued pursuant to section 168.021 has pled guilty or

1 nolo contendere to, or been found guilty of a crime or offense
2 listed in section 168.071, or a similar crime or offense
3 committed in another state, the United States, or any other
4 country, regardless of imposition of sentence, such information
5 shall be reported to the department of elementary and secondary
6 education.

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

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

19 8. A criminal background check and fingerprint collection
20 conducted under subsections 1 and 2 of this section shall be
21 valid for at least a period of one year and transferrable from
22 one school district to another district. A teacher's change in
23 type of certification shall have no effect on the transferability
24 of such records.

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

4 [9.] 10. The state board of education may promulgate rules
5 for criminal history background checks made pursuant to this
6 section. Any rule or portion of a rule, as that term is defined
7 in section 536.010, RSMo, that is created under the authority
8 delegated in this section shall become effective only if it
9 complies with and is subject to all of the provisions of chapter
10 536, RSMo, and, if applicable, section 536.028, RSMo. This
11 section and chapter 536, RSMo, are nonseverable and if any of the
12 powers vested with the general assembly pursuant to chapter 536,
13 RSMo, to review, to delay the effective date, or to disapprove
14 and annul a rule are subsequently held unconstitutional, then the
15 grant of rulemaking authority and any rule proposed or adopted
16 after January 1, 2005, shall be invalid and void."; and

17 Further amend said title, enacting clause and intersectional
18 references accordingly.