

HOUSE _____ **AMENDMENT NO.** _____

Offered By

1 AMEND Senate Bill No. 1066, Page 9, Section 168.021, Line 150, by adding after all of said line
2 the following:

3 "168.133. 1. The school district shall ensure that a criminal background check is
4 conducted on any person employed after January 1, 2005, authorized to have contact with pupils
5 and prior to the individual having contact with any pupil. Such persons include, but are not
6 limited to, administrators, teachers, aides, paraprofessionals, assistants, secretaries, custodians,
7 cooks, and nurses. The school district shall also ensure that a criminal background check is
8 conducted for school bus drivers. The district may allow such drivers to operate buses pending
9 the result of the criminal background check. For bus drivers, the background check shall be
10 conducted on drivers employed by the school district or employed by a pupil transportation
11 company under contract with the school district.

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

18 3. The applicant shall pay the fee for the state criminal history record information
19 pursuant to section 43.530, RSMo, and sections 210.900 to 210.936, RSMo, and pay the

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1 appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history
2 record when he or she applies for a position authorized to have contact with pupils pursuant to this
3 section. The department shall distribute the fees collected for the state and federal criminal
4 histories to the Missouri highway patrol.

5 4. The school district may adopt a policy to provide for reimbursement of expenses
6 incurred by an employee for state and federal criminal history information pursuant to section
7 43.530, RSMo.

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

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

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

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

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

28 [9.] 10. The state board of education may promulgate rules for criminal history
29 background checks made pursuant to this section. Any rule or portion of a rule, as that term is

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1 defined in section 536.010, RSMo, that is created under the authority delegated in this section
2 shall become effective only if it complies with and is subject to all of the provisions of chapter
3 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
4 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536,
5 RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently
6 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
7 after January 1, 2005, shall be invalid and void." ; and

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10 Further amend said bill by amending the title, enacting clause, and intersectional references
11 accordingly.

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