

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1314**  
**94TH GENERAL ASSEMBLY**

---

Reported from the Committee on Elementary and Secondary Education February 13, 2008 with recommendation that House Committee Substitute for House Bill No. 1314 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

3283L.03C

---

**AN ACT**

To repeal sections 160.261, 168.021, 168.071, 168.133, 210.135, 210.915, 210.922, and 556.037, RSMo, and to enact in lieu thereof twelve new sections relating to protecting children from sexual offenders, with penalty provisions.

---

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

Section A. Sections 160.261, 168.021, 168.071, 168.133, 210.135, 210.915, 210.922, and 556.037, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 160.085, 160.261, 160.262, 162.068, 162.069, 168.021, 168.071, 168.133, 210.135, 210.915, 210.922, and 556.037, to read as follows:

**160.085. This act shall be known as the "Amy Hestir Davis Student Protection Act".**

160.261. 1. The local board of education of each school district shall clearly establish a written policy of discipline, including the district's determination on the use of corporal punishment and the procedures in which punishment will be applied. A written copy of the district's discipline policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours, for public inspection. All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties,

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.

10 including but not limited to approved methods of dealing with acts of school violence,  
11 disciplining students with disabilities and instruction in the necessity and requirements for  
12 confidentiality.

13         2. The policy shall require school administrators to report acts of school violence to  
14 teachers and other school district employees with a need to know. For the purposes of this  
15 chapter or chapter 167, RSMo, "need to know" is defined as school personnel who are directly  
16 responsible for the student's education or who otherwise interact with the student on a  
17 professional basis while acting within the scope of their assigned duties. As used in this section,  
18 the phrase "act of school violence" or "violent behavior" means the exertion of physical force by  
19 a student with the intent to do serious physical injury as defined in subdivision (6) of section  
20 565.002, RSMo, to another person while on school property, including a school bus in service  
21 on behalf of the district, or while involved in school activities. The policy shall at a minimum  
22 require school administrators to report, as soon as reasonably practical, to the appropriate law  
23 enforcement agency any of the following felonies, or any act which if committed by an adult  
24 would be one of the following felonies:

- 25         (1) First degree murder under section 565.020, RSMo;
- 26         (2) Second degree murder under section 565.021, RSMo;
- 27         (3) Kidnapping under section 565.110, RSMo;
- 28         (4) First degree assault under section 565.050, RSMo;
- 29         (5) Forcible rape under section 566.030, RSMo;
- 30         (6) Forcible sodomy under section 566.060, RSMo;
- 31         (7) Burglary in the first degree under section 569.160, RSMo;
- 32         (8) Burglary in the second degree under section 569.170, RSMo;
- 33         (9) Robbery in the first degree under section 569.020, RSMo;
- 34         (10) Distribution of drugs under section 195.211, RSMo;
- 35         (11) Distribution of drugs to a minor under section 195.212, RSMo;
- 36         (12) Arson in the first degree under section 569.040, RSMo;
- 37         (13) Voluntary manslaughter under section 565.023, RSMo;
- 38         (14) Involuntary manslaughter under section 565.024, RSMo;
- 39         (15) Second degree assault under section 565.060, RSMo;
- 40         (16) Sexual assault under section 566.040, RSMo;
- 41         (17) Felonious restraint under section 565.120, RSMo;
- 42         (18) Property damage in the first degree under section 569.100, RSMo;
- 43         (19) The possession of a weapon under chapter 571, RSMo;
- 44         (20) Child molestation in the first degree pursuant to section 566.067, RSMo;
- 45         (21) Deviate sexual assault pursuant to section 566.070, RSMo;

46 (22) Sexual misconduct involving a child pursuant to section 566.083, RSMo; or

47 (23) Sexual abuse pursuant to section 566.100, RSMo;

48

49 committed on school property, including but not limited to actions on any school bus in service  
50 on behalf of the district or while involved in school activities. The policy shall require that any  
51 portion of a student's individualized education program that is related to demonstrated or  
52 potentially violent behavior shall be provided to any teacher and other school district employees  
53 who are directly responsible for the student's education or who otherwise interact with the  
54 student on an educational basis while acting within the scope of their assigned duties. The policy  
55 shall also contain the consequences of failure to obey standards of conduct set by the local board  
56 of education, and the importance of the standards to the maintenance of an atmosphere where  
57 orderly learning is possible and encouraged.

58 3. The policy shall provide that any student who is on suspension for any of the offenses  
59 listed in subsection 2 of this section or any act of violence or drug-related activity defined by  
60 school district policy as a serious violation of school discipline pursuant to subsection 9 of this  
61 section shall have as a condition of his or her suspension the requirement that such student is not  
62 allowed, while on such suspension, to be within one thousand feet of any public school in the  
63 school district where such student attended school unless:

64 (1) Such student is under the direct supervision of the student's parent, legal guardian,  
65 or custodian;

66 (2) Such student is under the direct supervision of another adult designated by the  
67 student's parent, legal guardian, or custodian, in advance, in writing, to the principal of the school  
68 which suspended the student;

69 (3) Such student is in an alternative school that is located within one thousand feet of a  
70 public school in the school district where such student attended school; or

71 (4) Such student resides within one thousand feet of any public school in the school  
72 district where such student attended school in which case such student may be on the property  
73 of his or her residence without direct adult supervision.

74 4. Any student who violates the condition of suspension required pursuant to subsection  
75 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of  
76 sections 167.161, 167.164, and 167.171, RSMo. In making this determination consideration  
77 shall be given to whether the student poses a threat to the safety of any child or school employee  
78 and whether such student's unsupervised presence within one thousand feet of the school is  
79 disruptive to the educational process or undermines the effectiveness of the school's disciplinary  
80 policy. Removal of any pupil who is a student with a disability is subject to state and federal  
81 procedural rights.

82           5. The policy shall provide for a suspension for a period of not less than one year, or  
83 expulsion, for a student who is determined to have brought a weapon to school, including but  
84 not limited to the school playground or the school parking lot, brought a weapon on a school bus  
85 or brought a weapon to a school activity whether on or off of the school property in violation of  
86 district policy, except that:

87           (1) The superintendent or, in a school district with no high school, the principal of the  
88 school which such child attends may modify such suspension on a case-by-case basis; and

89           (2) This section shall not prevent the school district from providing educational services  
90 in an alternative setting to a student suspended under the provisions of this section.

91           6. For the purpose of this section, the term "weapon" shall mean a firearm as defined  
92 under 18 U.S.C. 921 and the following items, as defined in section 571.010, RSMo: a blackjack,  
93 a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife,  
94 knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade  
95 knife; except that this section shall not be construed to prohibit a school board from adopting a  
96 policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for  
97 educational purposes so long as the firearm is unloaded. The local board of education shall  
98 define weapon in the discipline policy. Such definition shall include the weapons defined in this  
99 subsection but may also include other weapons.

100           7. All school district personnel responsible for the care and supervision of students are  
101 authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any  
102 property of the school, on any school bus going to or returning from school, during  
103 school-sponsored activities, or during intermission or recess periods.

104           8. Teachers and other authorized district personnel in public schools responsible for the  
105 care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable  
106 care by the school district, shall not be civilly liable when acting in conformity with the  
107 established policy of discipline developed by each board under this section, or when reporting  
108 to his or her supervisor or other person as mandated by state law acts of school violence or  
109 threatened acts of school violence, within the course and scope of the duties of the teacher,  
110 authorized district personnel or volunteer, when such individual is acting in conformity with the  
111 established policies developed by the board. Nothing in this section shall be construed to create  
112 a new cause of action against such school district, or to relieve the school district from liability  
113 for the negligent acts of such persons.

114           9. Each school board shall define in its discipline policy acts of violence and any other  
115 acts that constitute a serious violation of that policy. Acts of violence as defined by school  
116 boards shall include but not be limited to exertion of physical force by a student with the intent  
117 to do serious bodily harm to another person while on school property, including a school bus in

118 service on behalf of the district, or while involved in school activities. School districts shall for  
119 each student enrolled in the school district compile and maintain records of any serious violation  
120 of the district's discipline policy. Such records shall be made available to teachers and other  
121 school district employees with a need to know while acting within the scope of their assigned  
122 duties, and shall be provided as required in section 167.020, RSMo, to any school district in  
123 which the student subsequently attempts to enroll.

124 10. Spanking, when administered by certificated personnel of a school district in a  
125 reasonable manner in accordance with the local board of education's written policy of discipline,  
126 is not abuse within the meaning of chapter 210, RSMo. The provisions of sections 210.110 to  
127 210.165, RSMo, notwithstanding, the **children's** division [of family services] shall not have  
128 jurisdiction over or investigate any report of alleged child abuse arising out of or related to any  
129 spanking administered in a reasonable manner by any certificated school personnel pursuant to  
130 a written policy of discipline established by the board of education of the school district. **If a**  
131 **student reports alleged sexual misconduct on the part of a teacher or other school employee**  
132 **to a mandated reporter as defined in section 210.115, RSMo, the superintendent of the**  
133 **school district shall forward the allegation to the children's division within twenty-four**  
134 **hours of receiving the information.**

135 11. Upon receipt of any reports of child abuse by the **children's** division [of family  
136 services] pursuant to sections 210.110 to 210.165, RSMo, which allegedly involves personnel  
137 of a school district, the **children's** division [of family services] shall notify the superintendent  
138 of schools of the district or, if the person named in the alleged incident is the superintendent of  
139 schools, the president of the school board of the school district where the alleged incident  
140 occurred.

141 12. If, after an initial investigation, the superintendent of schools or the president of the  
142 school board finds that the report involves an alleged incident of child abuse other than the  
143 administration of a spanking by certificated school personnel pursuant to a written policy of  
144 discipline or a report made for the sole purpose of harassing a public school employee, the  
145 superintendent of schools or the president of the school board shall immediately refer the matter  
146 back to the **children's** division [of family services] and take no further action. In all matters  
147 referred back to the **children's** division [of family services], the division [of family services]  
148 shall treat the report in the same manner as other reports of alleged child abuse received by the  
149 division.

150 13. If the report pertains to an alleged incident which arose out of or is related to a  
151 spanking administered by certificated personnel of a school district pursuant to a written policy  
152 of discipline or a report made for the sole purpose of harassing a public school employee, a  
153 notification of the reported child abuse shall be sent by the superintendent of schools or the

154 president of the school board to the juvenile officer of the county in which the alleged incident  
155 occurred.

156 **14.** The report shall be jointly investigated by the juvenile officer or a law enforcement  
157 officer designated by the juvenile officer and the superintendent of schools or, if the subject of  
158 the report is the superintendent of schools, by the juvenile officer or a law enforcement officer  
159 designated by the juvenile officer and the president of the school board or such president's  
160 designee.

161 **15.** The investigation shall begin no later than forty-eight hours after notification from  
162 the **children's** division [of family services] is received, and shall consist of, but need not be  
163 limited to, interviewing and recording statements of the child and the child's parents or guardian  
164 within two working days after the start of the investigation, of the school district personnel  
165 allegedly involved in the report, and of any witnesses to the alleged incident.

166 **16.** The juvenile officer or a law enforcement officer designated by the juvenile officer  
167 and the investigating school district personnel shall issue separate reports of their findings and  
168 recommendations after the conclusion of the investigation to the school board of the school  
169 district within seven days after receiving notice from the **children's** division [of family services].

170 **17.** The reports shall contain a statement of conclusion as to whether the report of alleged  
171 child abuse is substantiated or is unsubstantiated.

172 **18.** The school board shall consider the separate reports **referred to in subsection 16**  
173 **of this section** and shall issue its findings and conclusions and the action to be taken, if any,  
174 within seven days after receiving the last of the two reports. The findings and conclusions shall  
175 be made in substantially the following form:

176 (1) The report of the alleged child abuse is unsubstantiated. The juvenile officer or a law  
177 enforcement officer designated by the juvenile officer and the investigating school board  
178 personnel agree that [the evidence shows that no] **there was not a preponderance of evidence**  
179 **to substantiate that** abuse occurred;

180 (2) The report of the alleged child abuse is substantiated. The juvenile officer or a law  
181 enforcement officer designated by the juvenile officer and the investigating school district  
182 personnel agree that the **preponderance of** evidence is sufficient to support a finding that the  
183 alleged incident of child abuse did occur;

184 (3) The issue involved in the alleged incident of child abuse is unresolved. The juvenile  
185 officer or a law enforcement officer designated by the juvenile officer and the investigating  
186 school personnel are unable to agree on their findings and conclusions on the alleged incident.

187 [11.] **19.** The findings and conclusions of the school board **under subsection 18 of this**  
188 **section** shall be sent to the **children's** division [of family services]. If the findings and  
189 conclusions of the school board are that the report of the alleged child abuse is unsubstantiated,

190 the investigation shall be terminated, the case closed, and no record shall be entered in the  
191 **children's** division [of family services] central registry **unless the allegations contain an**  
192 **element of sexual misconduct, in which case the record of the allegations and the report of**  
193 **it being unsubstantiated shall be retained in a closed record.** If the findings and conclusions  
194 of the school board are that the report of the alleged child abuse is substantiated, the **children's**  
195 division [of family services] shall report the incident to the prosecuting attorney of the  
196 appropriate county along with the findings and conclusions of the school district and shall  
197 include the information in the division's central registry. If the findings and conclusions of the  
198 school board are that the issue involved in the alleged incident of child abuse is unresolved, the  
199 **children's** division [of family services] shall report the incident to the prosecuting attorney of  
200 the appropriate county along with the findings and conclusions of the school board[,]; however,  
201 the incident and the names of the parties allegedly involved shall not be entered into the  
202 **division's** central registry [of the division of family services] unless and until the alleged child  
203 abuse is substantiated by a court of competent jurisdiction **except if the allegations contain an**  
204 **element of sexual misconduct, in which case the record of the allegations and the report of**  
205 **it being unresolved shall be retained in a closed record.**

206 [12.] **20.** Any superintendent of schools, president of a school board or such person's  
207 designee or juvenile officer who knowingly falsifies any report of any matter pursuant to this  
208 section or who knowingly withholds any information relative to any investigation or report  
209 pursuant to this section is guilty of a class A misdemeanor.

210 [13.] **21.** In order to ensure the safety of all students, should a student be expelled for  
211 bringing a weapon to school, violent behavior, or for an act of school violence, that student shall  
212 not, for the purposes of the accreditation process of the Missouri school improvement plan, be  
213 considered a dropout or be included in the calculation of that district's educational persistence  
214 ratio.

**160.262. 1. The office of the child advocate as created in section 37.705, RSMo,**  
2 **shall be authorized to coordinate mediation efforts between school districts and students**  
3 **when requested by either party, as part of its duties under subdivision (8) of subsection 2**  
4 **of section 37.710, RSMo, when allegations of child abuse arise in a school setting. The**  
5 **office of the child advocate shall maintain a list of individuals who are qualified mediators.**  
6 **The child care advocate shall be available as one of the mediators on the list from which**  
7 **parents can choose.**

8 **2. Mediation procedures shall meet the following requirements:**

9 **(1) The mediation process shall not be used to deny or delay any other complaint**  
10 **process available to the parties; and**

11           **(2) The mediation process shall be conducted by a qualified and impartial mediator**  
12 **trained in effective mediation techniques who is not affiliated with schools or school**  
13 **professional associations and who is available as a public service.**

14           **3. No student or parent of a student shall be required to enter into mediation, but**  
15 **a school district shall be required to participate in mediation if a parent asks for it on**  
16 **behalf of a student who has reported sexual abuse. A goal of protecting a student from**  
17 **unwarranted attention shall be a priority, up to and including attendance by contract at**  
18 **a different school or school district. Participation by a student in student activities at such**  
19 **school or in such school district under this section shall be on the basis of a resident student**  
20 **of the school or district.**

21           **4. Each session in the mediation process shall be scheduled in a timely manner and**  
22 **be held in a location that is convenient to the parties in dispute.**

23           **5. Discussions that occur during the mediation process shall be confidential and**  
24 **may not be used as evidence in any subsequent administrative proceeding, administrative**  
25 **hearing, or civil proceeding of any federal or state court.**

26           **6. If the parties resolve a dispute through the mediation process, the parties shall**  
27 **execute a legally binding agreement that sets forth the resolution and:**

28           **(1) States that all discussions that occurred during the mediation process shall**  
29 **remain confidential and may not be used as evidence in any subsequent administrative**  
30 **proceeding, administrative hearing, or civil proceeding of any federal or state court; and**

31           **(2) Is signed by a representative of each party who has authority to bind the party.**

**162.068. 1. Beginning July 1, 2009, for any employee who is required under section**  
2 **168.133, RSMo, to undergo a background check and register with the family care safety**  
3 **registry, a school district shall include in the employment application a waiver that, when**  
4 **signed by the applicant, will permit the school district to access any closed records relating**  
5 **to the applicant in the child abuse registry. The department of social services shall develop**  
6 **the waiver form and cooperate with the department of elementary and secondary**  
7 **education to ensure its distribution for use by school districts. No applicant for**  
8 **employment shall be required to sign the waiver to be considered for employment.**

9           **2. By July 1, 2009, every school district shall adopt a written policy on information**  
10 **that the district provides about former employees, both certificated and noncertificated,**  
11 **to other potential employers. The policy shall include who is permitted to respond to**  
12 **requests for information from potential employers, and the policy shall include a provision**  
13 **that allows employees to indicate whether they will permit employee evaluation**  
14 **information and reasons for termination to be communicated to potential employers. The**  
15 **policy shall require that notice of this provision be provided to all current employees and**

16 to all potential employers who contact the school district regarding the possible  
17 employment of a school district employee.

18       **3. Any school district employee who reports on or discusses employee job**  
19 **performance for the purposes of making employment decisions that affect the safety and**  
20 **overall well-being of students and who does so in conformity with district policy, in good**  
21 **faith, and without malice shall not be subject to an action for civil damages as a result**  
22 **thereof, and no cause of action shall arise against him or her as a result of his or her**  
23 **conduct under this section. The attorney general shall defend such persons in any such**  
24 **action or proceeding, except that if the attorney general represents the school district or**  
25 **the department of elementary and secondary education in a pending licensing matter**  
26 **under section 168.071, RSMo, the attorney general shall not represent the school district**  
27 **employee.**

28       **4. If a district that has employed any employee whose job involves contact with**  
29 **children and dismisses the employee or allows the employee to resign in lieu of being fired**  
30 **because of allegations of sexual misconduct and fails to disclose the allegations of sexual**  
31 **misconduct when furnishing a reference for the former employee, the district shall be**  
32 **directly liable for damages to any student of a subsequent employing district who is found**  
33 **by a court of competent jurisdiction to be a victim of the former employee's sexual**  
34 **misconduct, and the district shall bear third-party liability to the employing district for a**  
35 **failure to disclose the information.**

**162.069. 1. Every school district shall, by January 1, 2009, promulgate a written**  
2 **policy concerning teacher-student communication and employee-student communication.**  
3 **Such policy shall contain at least the following elements:**

4       **(1) Appropriate oral and nonverbal personal communication, which may be**  
5 **combined with or included in any policy on sexual harassment; and**

6       **(2) Appropriate use of electronic media such as text messaging and Internet sites**  
7 **for both instructional and personal purposes, with an element concerning use of social**  
8 **networking sites no less stringent than the provisions of subsections 2, 3, and 4 of this**  
9 **section.**

10       **2. As used in this section, the following terms shall mean:**

11       **(1) "Exclusive access", the information on the web site is available only to the**  
12 **owner (teacher) and user (student) by mutual explicit consent and where third parties have**  
13 **no access to the information on the web site absent an explicit consent agreement with the**  
14 **owner (teacher);**

15           (2) **"Former student", any person who was at one time a student at the school at**  
16 **which the teacher is employed and who is eighteen years of age or less and who has not**  
17 **graduated;**

18           (3) **"Nonwork-related Internet site", any Internet web site or web pages used by**  
19 **a teacher primarily for personal purposes and not for educational purposes;**

20           (4) **"Work-related Internet site", any Internet web site or web pages used by a**  
21 **teacher for educational purposes.**

22           **3. No teacher shall establish, maintain, or use a work-related Internet site unless**  
23 **such site is publically available on at least one open access network.**

24           **4. No teacher shall establish, maintain, or use a nonwork-related Internet site which**  
25 **allows exclusive access with a current or former student.**

26           **5. Every school district shall, by July 1, 2009, include in its teacher and employee**  
27 **training, a component that provides up-to-date and reliable information on identifying**  
28 **signs of sexual abuse in children and danger signals of potentially abusive relationships**  
29 **between children and adults. The training shall emphasize the importance of mandatory**  
30 **reporting of abuse under section 210.115, RSMo, and how to establish an atmosphere of**  
31 **trust so that students feel their school has concerned adults with whom they feel**  
32 **comfortable discussing matters related to abuse.**

          168.021. 1. Certificates of license to teach in the public schools of the state shall be  
2 granted as follows:

3           (1) By the state board, under rules and regulations prescribed by it,

4           (a) Upon the basis of college credit;

5           (b) Upon the basis of examination;

6           (2) By the state board, under rules and regulations prescribed by the state board with  
7 advice from the advisory council established by section 168.015 to any individual who presents  
8 to the state board a valid doctoral degree from an accredited institution of higher education  
9 accredited by a regional accrediting association such as North Central Association. Such  
10 certificate shall be limited to the major area of postgraduate study of the holder, shall be issued  
11 only after successful completion of the examination required for graduation pursuant to rules  
12 adopted by the state board of education, and shall be restricted to those certificates established  
13 pursuant to subdivision (1) of subsection 3 of this section; or

14           (3) By the state board, which shall issue the professional certificate classification in both  
15 the general and specialized areas most closely aligned with the current areas of certification  
16 approved by the state board, commensurate with the years of teaching experience of the  
17 applicant, and based upon the following criteria:

18 (a) Recommendation of a state-approved baccalaureate-level teacher preparation  
19 program;

20 (b) Successful attainment of the Missouri qualifying score on the exit assessment for  
21 teachers or administrators designated by the state board of education. Applicants who have not  
22 successfully achieved a qualifying score on the designated examinations will be issued a  
23 two-year nonrenewable provisional certificate; and

24 (c) Upon completion of a background check **as prescribed in section 168.133** and  
25 possession of a valid teaching certificate in the state from which the applicant's teacher  
26 preparation program was completed.

27 2. All valid teaching certificates issued pursuant to law or state board policies and  
28 regulations prior to September 1, 1988, shall be exempt from the professional development  
29 requirements of this section and shall continue in effect until they expire, are revoked or  
30 suspended, as provided by law. When such certificates are required to be renewed, the state  
31 board or its designee shall grant to each holder of such a certificate the certificate most nearly  
32 equivalent to the one so held. Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II,  
33 or continuous professional certificate shall, upon expiration of his or her current certificate, be  
34 issued the appropriate level of certificate based upon the classification system established  
35 pursuant to subsection 3 of this section.

36 3. Certificates of license to teach in the public schools of the state shall be based upon  
37 minimum requirements prescribed by the state board of education **which shall include**  
38 **successful completion of a background check as prescribed in section 168.133**. The state  
39 board shall provide for the following levels of professional certification: an initial professional  
40 certificate and a career continuous professional certificate.

41 (1) The initial professional certificate shall be issued upon completion of requirements  
42 established by the state board of education and shall be valid based upon verification of actual  
43 teaching within a specified time period established by the state board of education. The state  
44 board shall require holders of the four-year initial professional certificate to:

45 (a) Participate in a mentoring program approved and provided by the district for a  
46 minimum of two years;

47 (b) Complete thirty contact hours of professional development, which may include hours  
48 spent in class in an appropriate college curriculum; and

49 (c) Participate in a beginning teacher assistance program;

50 (2) (a) The career continuous professional certificate shall be issued upon verification  
51 of completion of four years of teaching under the initial professional certificate and upon  
52 verification of the completion of the requirements articulated in paragraphs (a), (b), and (c) of  
53 subdivision (1) of this subsection.

54 (b) The career continuous professional certificate shall be continuous based upon  
55 verification of actual employment in an educational position as provided for in state board  
56 guidelines and completion of fifteen contact hours of professional development per year which  
57 may include hours spent in class in an appropriate college curriculum. Should the possessor of  
58 a valid career continuous professional certificate fail, in any given year, to meet the fifteen-hour  
59 professional development requirement, the possessor may, within two years, make up the  
60 missing hours. In order to make up for missing hours, the possessor shall first complete the  
61 fifteen-hour requirement for the current year and then may count hours in excess of the current  
62 year requirement as make-up hours. Should the possessor fail to make up the missing hours  
63 within two years, the certificate shall become inactive. In order to reactivate the certificate, the  
64 possessor shall complete twenty-four contact hours of professional development which may  
65 include hours spent in the classroom in an appropriate college curriculum within the six months  
66 prior to or after reactivating his or her certificate. The requirements of this paragraph shall be  
67 monitored and verified by the local school district which employs the holder of the career  
68 continuous professional certificate.

69 (c) A holder of a career continuous professional certificate shall be exempt from the  
70 professional development contact hour requirements of paragraph (b) of this subdivision if such  
71 teacher has a local professional development plan in place within such teacher's school district  
72 and meets two of the three following criteria:

73 a. Has ten years of teaching experience as defined by the state board of education;

74 b. Possesses a master's degree; or

75 c. Obtains a rigorous national certification as approved by the state board of education.

76 4. Policies and procedures shall be established by which a teacher who was not retained  
77 due to a reduction in force may retain the current level of certification. There shall also be  
78 established policies and procedures allowing a teacher who has not been employed in an  
79 educational position for three years or more to reactivate his or her last level of certification by  
80 completing twenty-four contact hours of professional development which may include hours  
81 spent in the classroom in an appropriate college curriculum within the six months prior to or after  
82 reactivating his or her certificate.

83 5. The state board shall, upon [an appropriate] **completion of a background check as**  
84 **prescribed in section 168.133**, issue a professional certificate classification in the areas most  
85 closely aligned with an applicant's current areas of certification, commensurate with the years  
86 of teaching experience of the applicant, to any person who is hired to teach in a public school in  
87 this state and who possesses a valid teaching certificate from another state, provided that the  
88 certificate holder shall annually complete the state board's requirements for such level of  
89 certification, and shall establish policies by which residents of states other than the state of

90 Missouri may be assessed a fee for a certificate license to teach in the public schools of Missouri.  
91 Such fee shall be in an amount sufficient to recover any or all costs associated with the issuing  
92 of a certificate of license to teach.

93         6. The state board may assess to holders of an initial professional certificate a fee, to be  
94 deposited into the excellence in education revolving fund established pursuant to section  
95 160.268, RSMo, for the issuance of the career continuous professional certificate. However,  
96 such fee shall not exceed the combined costs of issuance and any criminal background check  
97 required as a condition of issuance.

98         7. Any member of the public school retirement system of Missouri who entered covered  
99 employment with ten or more years of educational experience in another state or states and held  
100 a certificate issued by another state and subsequently worked in a school district covered by the  
101 public school retirement system of Missouri for ten or more years who later became certificated  
102 in Missouri shall have that certificate dated back to his or her original date of employment in a  
103 Missouri public school.

168.071. 1. The state board of education may refuse to issue or renew a certificate, or  
2 may, upon hearing, discipline the holder of a certificate of license to teach for the following  
3 causes:

4         (1) A certificate holder or applicant for a certificate has pleaded to or been found guilty  
5 of a felony or crime involving moral turpitude under the laws of this state, any other state, of the  
6 United States, or any other country, whether or not sentence is imposed;

7         (2) The certification was obtained through use of fraud, deception, misrepresentation or  
8 bribery;

9         (3) There is evidence of incompetence, immorality, or neglect of duty by the certificate  
10 holder;

11         (4) A certificate holder has been subject to disciplinary action relating to certification  
12 issued by another state, territory, federal agency, or country upon grounds for which discipline  
13 is authorized in this section; or

14         (5) If charges are filed by the local board of education, based upon the annulling of a  
15 written contract with the local board of education, for reasons other than election to the general  
16 assembly, without the consent of the majority of the members of the board that is a party to the  
17 contract.

18         2. A public school district may file charges seeking the discipline of a holder of a  
19 certificate of license to teach based upon any cause or combination of causes outlined in  
20 subsection 1 of this section, including annulment of a written contract. Charges shall be in  
21 writing, specify the basis for the charges, and be signed by the chief administrative officer of the  
22 district, or by the president of the board of education as authorized by a majority of the board of

23 education. The board of education may also petition the office of the attorney general to file  
24 charges on behalf of the school district for any cause other than annulment of contract, with  
25 acceptance of the petition at the discretion of the attorney general.

26 3. The department of elementary and secondary education may file charges seeking the  
27 discipline of a holder of a certificate of license to teach based upon any cause or combination of  
28 causes outlined in subsection 1 of this section, other than annulment of contract. Charges shall  
29 be in writing, specify the basis for the charges, and be signed by legal counsel representing the  
30 department of elementary and secondary education.

31 4. If the underlying conduct or actions which are the basis for charges filed pursuant to  
32 this section are also the subject of a pending criminal charge against the person holding such  
33 certificate, the certificate holder may request, in writing, a delayed hearing on advice of counsel  
34 under the fifth amendment of the Constitution of the United States. Based upon such a request,  
35 no hearing shall be held until after a trial has been completed on this criminal charge.

36 5. The certificate holder shall be given not less than thirty days' notice of any hearing  
37 held pursuant to this section.

38 6. Other provisions of this section notwithstanding, the certificate of license to teach  
39 shall be revoked or, in the case of an applicant, a certificate shall not be issued, if the certificate  
40 holder or applicant has pleaded guilty to or been found guilty of any of the following offenses  
41 established pursuant to Missouri law or offenses of a similar nature established under the laws  
42 of any other state or of the United States, or any other country, whether or not the sentence is  
43 imposed:

44 (1) Any dangerous felony as defined in section 556.061, RSMo, or murder in the first  
45 degree **under section 565.020, RSMo;**

46 (2) Any of the following sexual offenses: rape **under section 566.030, RSMo;** statutory  
47 rape in the first degree **under section 566.032, RSMo;** statutory rape in the second degree **under**  
48 **section 566.034, RSMo;** sexual assault **under section 566.040, RSMo;** forcible sodomy **under**  
49 **section 566.060, RSMo;** statutory sodomy in the first degree **under section 566.062, RSMo;**  
50 statutory sodomy in the second degree **under section 566.064, RSMo;** child molestation in the  
51 first degree **under section 566.067, RSMo;** child molestation in the second degree **under**  
52 **section 566.068, RSMo;** deviate sexual assault **under section 566.070, RSMo;** sexual  
53 misconduct involving a child **under section 566.083, RSMo;** sexual contact with a student  
54 **while on public school property under section 566.086, RSMo;** sexual misconduct in the first  
55 degree **under section 566.090, RSMo;** sexual misconduct in the second degree **under section**  
56 **566.093, RSMo;** sexual misconduct in the third degree **under section 566.095, RSMo;** sexual  
57 abuse **under section 565.100, RSMo;** enticement of a child **under section 566.151, RSMo;** or  
58 attempting to entice a child;

59 (3) Any of the following offenses against the family and related offenses: incest **under**  
60 **section 568.020, RSMo**; abandonment of child in the first degree **under section 568.030,**  
61 **RSMo**; abandonment of child in the second degree **under section 568.032, RSMo**; endangering  
62 the welfare of a child in the first degree **under section 568.045, RSMo**; abuse of a child **under**  
63 **section 568.060, RSMo**; child used in a sexual performance **under section 568.080, RSMo**;  
64 promoting sexual performance by a child **under section 568.090, RSMo**; or trafficking in  
65 children **under section 568.175, RSMo**; and

66 (4) Any of the following offenses involving child pornography and related offenses:  
67 promoting obscenity in the first degree **under section 573.020, RSMo**; promoting obscenity in  
68 the second degree when the penalty is enhanced to a class D felony **under section 573.030,**  
69 **RSMo**; promoting child pornography in the first degree **under section 573.025, RSMo**;  
70 promoting child pornography in the second degree **under section 573.035, RSMo**; possession  
71 of child pornography [in the first degree] **under section 573.037, RSMo**; [possession of child  
72 pornography in the second degree; furnishing child pornography to a minor;] furnishing  
73 pornographic materials to minors **under section 573.040, RSMo**; or coercing acceptance of  
74 obscene material **under section 573.065, RSMo**.

75 7. When a certificate holder pleads guilty or is found guilty of any offense that would  
76 authorize the state board of education to seek discipline against that holder's certificate of license  
77 to teach, the local board of education or the department of elementary and secondary education  
78 shall immediately provide written notice to the state board of education and the attorney general  
79 regarding the plea of guilty or finding of guilty.

80 8. The certificate holder whose certificate was revoked pursuant to subsection 6 of this  
81 section may appeal such revocation to the state board of education. Notice of this appeal must  
82 be received by the commissioner of education within ninety days of notice of revocation pursuant  
83 to this subsection. Failure of the certificate holder to notify the commissioner of the intent to  
84 appeal waives all rights to appeal the revocation. Upon notice of the certificate holder's intent  
85 to appeal, an appeal hearing shall be held by a hearing officer designated by the commissioner  
86 of education, with the final decision made by the state board of education, based upon the record  
87 of that hearing. The certificate holder shall be given not less than thirty days' notice of the  
88 hearing, and an opportunity to be heard by the hearing officer, together with witnesses.

89 9. In the case of any certificate holder who has surrendered or failed to renew his or her  
90 certificate of license to teach, the state board of education may refuse to issue or renew, or may  
91 suspend or revoke, such certificate for any of the reasons contained in this section.

92 10. In those cases where the charges filed pursuant to this section are based upon an  
93 allegation of misconduct involving a minor child, the hearing officer may accept into the record

94 the sworn testimony of the minor child relating to the misconduct received in any court or  
95 administrative hearing.

96 11. Hearings, appeals or other matters involving certificate holders, licensees or  
97 applicants pursuant to this section may be informally resolved by consent agreement or agreed  
98 settlement or voluntary surrender of the certificate of license pursuant to the rules promulgated  
99 by the state board of education.

100 12. The final decision of the state board of education is subject to judicial review  
101 pursuant to sections 536.100 to 536.140, RSMo.

102 13. A certificate of license to teach to an individual who has been convicted of a felony  
103 or crime involving moral turpitude, whether or not sentence is imposed, shall be issued only  
104 upon motion of the state board of education adopted by a unanimous affirmative vote of those  
105 members present and voting.

168.133. 1. The school district shall ensure that a criminal background check is  
2 conducted on any person employed after January 1, 2005, authorized to have contact with pupils  
3 and prior to the individual having contact with any pupil. Such persons include, but are not  
4 limited to, administrators, teachers, aides, paraprofessionals, assistants, secretaries, custodians,  
5 cooks, and nurses. The school district shall also ensure that a criminal background check is  
6 conducted for school bus drivers. The district may allow such drivers to operate buses pending  
7 the result of the criminal background check. For bus drivers, the background check shall be  
8 conducted on drivers employed by the school district or employed by a pupil transportation  
9 company under contract with the school district. **Personnel who have successfully undergone**  
10 **a criminal background check and a check of the family care safety registry as part of the**  
11 **professional license application process under section 168.021 and who have received**  
12 **clearance on the checks within the past year shall be considered to have completed the**  
13 **background check requirement.**

14 2. In order to facilitate the criminal history background check on any person employed  
15 after January 1, 2005, the applicant shall submit two sets of fingerprints collected pursuant to  
16 standards determined by the Missouri highway patrol. One set of fingerprints shall be used by  
17 the highway patrol to search the criminal history repository [and the family care safety registry  
18 pursuant to sections 210.900 to 210.936, RSMo,] and the second set shall be forwarded to the  
19 Federal Bureau of Investigation for searching the federal criminal history files. **In addition to**  
20 **the state and federal criminal background check, any employee employed after January**  
21 **1, 2009, and required by the provisions of subsection 1 of this section to undergo a criminal**  
22 **background check shall be required to register with the family care safety registry under**  
23 **the provisions of sections 210.900 to 210.936, RSMo, and to be cleared through its**  
24 **database.**

25           3. The applicant shall pay the fee for the state criminal history record information  
26 pursuant to section 43.530, RSMo, and sections 210.900 to 210.936, RSMo, and pay the  
27 appropriate fee determined by the Federal Bureau of Investigation for the federal criminal history  
28 record when he or she applies for a position authorized to have contact with pupils pursuant to  
29 this section. The department shall distribute the fees collected for the state and federal criminal  
30 histories to the Missouri highway patrol.

31           4. **The highway patrol, the department of health and senior services, the**  
32 **department of social services, and the department of elementary and secondary education**  
33 **shall develop procedures that permit an annual check of employed persons holding current**  
34 **active certificates under section 168.021 against criminal history records in the central**  
35 **repository under section 43.530, RSMo, and the family care safety registry under sections**  
36 **210.900 to 210.936, RSMo. The department of elementary and secondary education shall**  
37 **facilitate the development of procedures for school districts to submit personnel**  
38 **information annually for persons employed by the school districts who do not hold a**  
39 **current valid certificate who are required by subsection 1 of this section to undergo a**  
40 **criminal background check, and family care safety registry check.**

41           5. The school district may adopt a policy to provide for reimbursement of expenses  
42 incurred by an employee for state and federal criminal history information pursuant to section  
43 43.530, RSMo.

44           [5.] 6. If, as a result of the criminal history background check mandated by this section,  
45 it is determined that the holder of a certificate issued pursuant to section 168.021 has pled guilty  
46 or nolo contendere to, or been found guilty of a crime or offense listed in section 168.071, or a  
47 similar crime or offense committed in another state, the United States, or any other country,  
48 regardless of imposition of sentence, such information shall be reported to the department of  
49 elementary and secondary education.

50           [6.] 7. Any school official making a report to the department of elementary and  
51 secondary education in conformity with this section shall not be subject to civil liability for such  
52 action.

53           [7.] 8. For any teacher who is employed by a school district on a substitute or part-time  
54 basis within one year of such teacher's retirement from a Missouri school, the state of Missouri  
55 shall not require such teacher to be subject to any additional background checks prior to having  
56 contact with pupils. Nothing in this subsection shall be construed as prohibiting or otherwise  
57 restricting a school district from requiring additional background checks for such teachers  
58 employed by the school district.

59           [8.] 9. Nothing in this section shall be construed to alter the standards for suspension,  
60 denial, or revocation of a certificate issued pursuant to this chapter.

61 [9.] **10.** The state board of education may promulgate rules for criminal history  
62 background checks made pursuant to this section. Any rule or portion of a rule, as that term is  
63 defined in section 536.010, RSMo, that is created under the authority delegated in this section  
64 shall become effective only if it complies with and is subject to all of the provisions of chapter  
65 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo,  
66 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter  
67 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are  
68 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed  
69 or adopted after January 1, 2005, shall be invalid and void.

210.135. **1.** Any person, official, or institution complying with the provisions of sections  
2 210.110 to 210.165 in the making of a report, the taking of color photographs, or the making of  
3 radiologic examinations pursuant to sections 210.110 to 210.165, or both such taking of color  
4 photographs and making of radiologic examinations, or the removal or retaining a child pursuant  
5 to sections 210.110 to 210.165, or in cooperating with the division, or any other law enforcement  
6 agency, juvenile office, court, or child-protective service agency of this or any other state, in any  
7 of the activities pursuant to sections 210.110 to 210.165, or any other allegation of child abuse,  
8 neglect or assault, pursuant to sections 568.045 to 568.060, RSMo, shall have immunity from  
9 any liability, civil or criminal, that otherwise might result by reason of such actions. Provided,  
10 however, any person, official or institution intentionally filing a false report, acting in bad faith,  
11 or with ill intent, shall not have immunity from any liability, civil or criminal. Any such person,  
12 official, or institution shall have the same immunity with respect to participation in any judicial  
13 proceeding resulting from the report.

14 **2. Any person, who is not a school district employee, who makes a report to a school**  
15 **administrator of child abuse by a school employee shall have immunity from any liability,**  
16 **civil or criminal, that otherwise might result because of such report. Provided, however,**  
17 **that any such person who makes a false report, knowing that the report is false, or who**  
18 **acts in bad faith or with ill intent in making such report shall not have immunity from any**  
19 **liability, civil or criminal. Any such person shall have the same immunity with respect to**  
20 **participation in any judicial proceeding resulting from the report.**

210.915. The department of corrections, the department of public safety, the department  
2 of social services, **the department of elementary and secondary education**, and the  
3 department of mental health shall collaborate with the department to compare records on  
4 child-care, elder-care and personal-care workers, **including those individuals required to**  
5 **undergo a background check under the provisions of section 168.133, RSMo**, and the  
6 records of persons with criminal convictions and the background checks pursuant to subdivisions  
7 (1) to (6) of subsection 2 of section 210.903, and to enter into any interagency agreements

8 necessary to facilitate the receipt of such information and the ongoing updating of such  
9 information. The department shall promulgate rules and regulations concerning such updating,  
10 including subsequent background reviews as listed in subsection 1 of section 210.909.

210.922. The department of health and senior services, department of mental health,  
2 **department of elementary and secondary education**, and department of social services may  
3 use the registry information to carry out the duties assigned to the department pursuant to this  
4 chapter and chapters **168**, 190, 195, 197, 198, 630, and 660, RSMo.

556.037. Notwithstanding the provisions of section 556.036, prosecutions for unlawful  
2 sexual offenses involving a person eighteen years of age or under [must] **may** be commenced  
3 [within twenty years after the victim reaches the age of eighteen unless the prosecutions are for  
4 forcible rape, attempted forcible rape, forcible sodomy, kidnapping, or attempted forcible  
5 sodomy in which case such prosecutions may be commenced] at any time.

✓