

HCS HB 96 -- SCHOOL PROTECTION MEASURES

SPONSOR: Wallace

COMMITTEE ACTION: Voted "do pass" by the Committee on Elementary and Secondary Education by a vote of 13 to 0.

This substitute changes the laws regarding school employee liability, safety practices, and reporting acts of violence. In its main provisions, the substitute:

- (1) Expands employee immunity from correctly following discipline policies to following all policies;
- (2) Adds the use of force to protect persons or property to the provisions regarding spanking, which is not to be regarded as abuse which would be investigated by the Children's Division within the Department of Social Services as long as the spanking or use of force does not give rise to an allegation of sexual misconduct and requires another employee to witness the spanking;
- (3) Specifies that a suspended student who is not allowed on school property without specific permission is also prohibited from attending school events occurring off school property;
- (4) Requires, by July 1, 2011, the State Board of Education to add to any school facilities and safety criteria developed for the Missouri School Improvement Program provisions suggesting drills required regarding standards for safe facilities occur at least annually and requires that all staff receive sufficient training on the school's security and crisis management plan;
- (5) Exempts unqualified employees who refuse to administer medication or medical services from disciplinary action for the refusal;
- (6) Exempts qualified employees from any civil liability for administering medication or medical services, including cardiopulmonary resuscitation and other lifesaving methods, in good faith and according to standard medical practices;
- (7) Adds chronic health condition to the list for which a student may self-administer medication;
- (8) Adds employees trained and supervised by the school nurse to the list of individuals who are authorized to use an epinephrine auto-syringe on a student and clarifies the employees' civil liability;
- (9) Allows the Blue Springs school board to commission certified

law officers under specified conditions;

(10) Changes the requirement of the St. Louis City School District to consider school uniforms and dress codes to allow all districts to impose dress codes;

(11) Expands the reporting of acts of violence to all teachers at the student's school building and other employees who need to know;

(12) Revises, in the residency provisions, the meaning of "homeless children and youths" to be consistent with the federal definition and specifies which educational records are needed;

(13) Changes the current requirement for forwarding educational records from 48 hours to two business days, adds individual education plans and health records to the requirement, and adds private and parochial schools to the entities that can request records;

(14) Requires a notice of reportable offenses to be attached to an offending student's record and transcript;

(15) Consolidates provisions regarding expulsion and suspension;

(16) Allows the criminal background check and fingerprint collection required of student-contact educational employees to be transferrable from one district or private school to another for a period of one year; and

(17) Requires the Children's Services Commission to recommend best practices on interagency communications regarding students receiving state services by July 1, 2010.

FISCAL NOTE: No impact on state funds in FY 2010, FY 2011, and FY 2012.

PROPOSERS: Supporters say that these measures will make it possible for school employees to focus on teaching without worrying about litigation. Making the school environment safer for students and employees is a good goal.

Testifying for the bill were Representative Wallace; Missouri State Teachers Association; Missouri National Education Association; Missouri School Boards' Association; Penney Rector, School Administrators Coalition; and Cooperating School Districts of Greater St. Louis.

OPPOSERS: There was no opposition voiced to the committee.