

SECOND REGULAR SESSION

HOUSE BILL NO. 1911

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SCHAD (Sponsor), WALLACE, WELLS,
JONES (117) AND McNARY (Co-sponsors).

4629L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 168.133, RSMo, and to enact in lieu thereof one new section relating to background checks for school bus drivers.

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

Section A. Section 168.133, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 168.133, to read as follows:

168.133. 1. The school district shall ensure that a criminal background check is conducted on any person employed after January 1, 2005, authorized to have contact with pupils and prior to the individual having contact with any pupil. Such persons include, but are not limited to, administrators, teachers, aides, paraprofessionals, assistants, secretaries, custodians, cooks, and nurses. The school district shall also ensure that a criminal background check is conducted for school bus drivers. The district may allow such drivers to operate buses pending the result of the criminal background check. For bus drivers, **the school district shall be responsible for conducting** the background check [shall be conducted] on drivers employed by the school district [or] . **For bus drivers** employed by a pupil transportation company under contract with the school district **the background check shall be conducted as required in section 43.540 and conform to the requirements established in the National Child Protection Act of 1993, as amended by the Volunteers for Children Act.**

2. In order to facilitate the criminal history background check on any person employed after January 1, 2005, the applicant shall submit two sets of fingerprints collected pursuant to standards determined by the Missouri highway patrol. One set of fingerprints shall be used by the highway patrol to search the criminal history repository and the family care safety registry

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.

17 pursuant to sections 210.900 to 210.936, RSMo, and the second set shall be forwarded to the
18 Federal Bureau of Investigation for searching the federal criminal history files.

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

25 4. The school district may adopt a policy to provide for reimbursement of expenses
26 incurred by an employee for state and federal criminal history information pursuant to section
27 43.530, RSMo.

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

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

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

42 8. A criminal background check and fingerprint collection conducted under subsections
43 1 and 2 of this section shall be valid for at least a period of one year and transferrable from one
44 school district to another district. A teacher's change in type of certification shall have no effect
45 on the transferability or validity of such records.

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

48 10. The state board of education may promulgate rules for criminal history background
49 checks made pursuant to this section. Any rule or portion of a rule, as that term is defined in
50 section 536.010, RSMo, that is created under the authority delegated in this section shall become
51 effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo,
52 and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are

53 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536,
54 RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently
55 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
56 after January 1, 2005, shall be invalid and void.

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