

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1449
93RD GENERAL ASSEMBLY

Reported from the Committee on Education, April 12, 2006, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

4369S.03C

TERRY L. SPIELER, Secretary.

AN ACT

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

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Section A. Section 168.133, RSMo, is repealed and one new section
2 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
2 check is conducted on any person employed after January 1, 2005, authorized to
3 have contact with pupils and prior to the individual having contact with any
4 pupil. Such persons include, but are not limited to, administrators, teachers,
5 aides, paraprofessionals, assistants, secretaries, custodians, cooks, and
6 nurses. The school district shall also ensure that a criminal background check
7 is conducted for school bus drivers. The district may allow such drivers to
8 operate buses pending the result of the criminal background check. For bus
9 drivers, the background check shall be conducted on drivers employed by the
10 school district or employed by a pupil transportation company under contract
11 with the school district.

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

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

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

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

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

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

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

49 [8.] 9. The state board of education may promulgate rules for criminal
50 history background checks made pursuant to this section. Any rule or portion of
51 a rule, as that term is defined in section 536.010, RSMo, that is created under the
52 authority delegated in this section shall become effective only if it complies with
53 and is subject to all of the provisions of chapter 536, RSMo, and, if applicable,

54 section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
55 and if any of the powers vested with the general assembly pursuant to chapter
56 536, RSMo, to review, to delay the effective date, or to disapprove and annul a
57 rule are subsequently held unconstitutional, then the grant of rulemaking
58 authority and any rule proposed or adopted after January 1, 2005, shall be
59 invalid and void.

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