

HCS HB 469 -- SCHOOL SAFETY AND LIABILITY

SPONSOR: Cunningham, 86 (Wallace)

COMMITTEE ACTION: Voted "do pass" by the Committee on Elementary and Secondary Education by a vote of 11 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) Broadens employee immunity from correctly following discipline policies to all policies;
- (2) Adds the use of force to protect persons or property to the provisions regarding spanking;
- (3) Exempts unqualified employees who refuse to administer medication or medical services from disciplinary action for refusing;
- (4) Exempts qualified employees from liability for administering medication or medical services, including cardiopulmonary resuscitation, in good faith and according to standard medical practices;
- (5) Adds chronic health conditions to the medication self-administration list;
- (6) 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;
- (7) 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;
- (8) Adds safety practice and training to the facility safety accreditation standards;
- (9) Allows school boards to commission certified law officers under specified conditions;
- (10) Adds prevention-focused criteria to the existing criteria for safe schools grants;
- (11) Changes the requirement for the St. Louis City School District to consider school uniforms and dress codes to allow all districts to impose dress codes;

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

(13) Replaces, in the residency provisions, the definition of "homeless children" with the federal definition, allows a person other than a legal guardian to request a residency review, and clarifies which educational records are needed;

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

(15) Requires the Missouri Children's Services Commission to recommend best practices on interagency communications regarding students receiving state services by July 1, 2008; and

(16) Disallows the use of guardianship to circumvent school residency requirements.

FISCAL NOTE: No impact on state funds in FY 2008, FY 2009, and FY 2010.

PROPOSERS: Supporters say that these measures make it possible for school employees and volunteers to do their jobs without frivolous lawsuits. Making the school environment safer for students and employees is a good goal; and if employees follow policy, they can concentrate on teaching.

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

OPPOSERS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say that Missouri law doesn't distinguish between negligence and gross negligence. It is important to render a standard of care.

Testifying on the bill was Missouri Association of Trial Attorneys.