

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

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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.

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**AN ACT**

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

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*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Section A. Section 168.133, RSMo, is repealed and one new section 2 enacted in lieu thereof, to be known as section 168.133, to read as follows: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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Bill

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