

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 608
101ST GENERAL ASSEMBLY

1525H.02C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 168.133, RSMo, and to enact in lieu thereof two new sections relating to substitute teacher licensing.

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

Section A. Section 168.133, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 168.036 and 168.133, to read as follows:

168.036. 1. In addition to granting certificates of license to teach in public schools of the state as provided in section 168.021, the state board of education shall grant substitute teacher certificates as provided in this section to any individual seeking to substitute teach in any public school in this state.

2. (1) The state board shall not grant a certificate of license to teach under this section to any individual who has not completed a background check as described in section 168.133.

(2) A background check conducted under this subsection shall be valid for four years for purposes of the certificate granted under this section and shall be transferrable from one school district to another district except as provided in subdivision (3) of this subsection.

(3) A school district employing a substitute teacher who has a certificate granted under this section may require the teacher to complete the background check annually. A school district may require the background check required in this section for a newly hired substitute teacher to be conducted at the teacher's expense.

(4) The state board may refuse to issue or renew, suspend, or revoke any certificate sought or issued under this section in the same manner and for the same reasons as provided in section 168.071.

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.

19 **3. The state board may grant a certificate under this section to any individual who**
20 **has completed the background check required in this section and who has completed:**

21 **(1) At least thirty-six semester hours at an accredited institution of higher**
22 **education and the orientation required in subsection 6 of this section; or**

23 **(2) The twenty-hour online training program required in this section and who**
24 **possesses a high school diploma or the equivalent thereof.**

25 **4. The state board may grant a certificate under this section to any highly qualified**
26 **individual with expertise in a technical or business field or with experience in the Armed**
27 **Forces of the United States who has completed the background check required in this**
28 **section but does not meet any of the qualifications in subdivision (1) or (2) of subsection 3**
29 **of this section if the superintendent of the school district sponsors such individual and the**
30 **school board of the school district in which the individual seeks to substitute teach votes**
31 **to approve such individual to substitute teach.**

32 **5. (1) An individual to whom the state board grants a certificate under this section**
33 **may be a substitute teacher in any public school in the state if a school district**
34 **superintendent, school district assistant superintendent, or public school principal in this**
35 **state agrees to employ the individual as a substitute teacher.**

36 **(2) No individual to whom the state board grants a certificate under this section**
37 **and who is under twenty years of age shall be a substitute teacher in grades nine to twelve.**

38 **6. An individual to whom the state board grants a certificate under this section**
39 **shall complete an orientation developed and offered by the school district for which the**
40 **individual originally teaches. The orientation for such individual shall contain at least two**
41 **hours of subjects appropriate for substitute teachers and shall contain instruction on the**
42 **school district's best practices for classroom management. Such orientation completed in**
43 **any school district may be accepted by any subsequent district in which the individual**
44 **substitute teaches. A subsequent school district may require the individual to complete a**
45 **separate and distinct local orientation for the particular school district before the**
46 **individual may substitute teach in the subsequent school district.**

47 **7. A certificate granted under this section shall be valid for four years. A certificate**
48 **granted under this section shall expire at the end of any calendar year in which the**
49 **individual fails to substitute teach for at least five days or forty hours of in-seat instruction.**

50 **8. The department of elementary and secondary education shall develop an online**
51 **training program for individuals granted a certificate under subdivision (2) of subsection**
52 **3 of this section. The training program shall consist of twenty hours of training related to**
53 **subjects appropriate for substitute teachers as determined by the department. A substitute**

54 **teacher shall complete an orientation for substitute teachers provided by the school district**
55 **in which the substitute teacher teaches.**

56 **9. Any individual possessing a valid certificate of license to teach granted by the**
57 **state board shall be deemed to be a substitute teacher under this section if the individual**
58 **has completed a background check as required in this section.**

59 **10. The state board may exercise the board's authority as provided in chapter 161**
60 **to promulgate all necessary rules and regulations necessary for the administration of this**
61 **section.**

168.133. 1. As used in this section, "screened volunteer" shall mean any person who
2 assists a school by providing uncompensated service and who may periodically be left alone with
3 students. The school district shall ensure that a criminal background check is conducted for all
4 screened volunteers, who shall complete the criminal background check prior to being left alone
5 with a student. Screened volunteers include, but are not limited to, persons who regularly assist
6 in the office or library, mentor or tutor students, coach or supervise a school-sponsored activity
7 before or after school, or chaperone students on an overnight trip. Screened volunteers [~~may~~
8 ~~only~~] **shall** access student education records **only** when necessary to assist the district and while
9 supervised by staff members. Volunteers [~~that~~] **who** are not screened shall not be left alone with
10 a student or have access to student records.

11 2. The school district shall ensure that a criminal background check is conducted on any
12 person employed after January 1, 2005, authorized to have contact with pupils and prior to the
13 individual having contact with any pupil. Such persons include, but are not limited to,
14 administrators, teachers, **substitute teachers**, aides, paraprofessionals, assistants, secretaries,
15 custodians, cooks, screened volunteers, and nurses. The school district shall also ensure that a
16 criminal background check is conducted for school bus drivers. The district may allow such
17 drivers to operate buses pending the result of the criminal background check. For bus drivers,
18 the school district shall be responsible for conducting the criminal background check on drivers
19 employed by the school district. For drivers employed by a pupil transportation company under
20 contract with the school district, the criminal background check shall be conducted pursuant to
21 section 43.540 and conform to the requirements established in the National Child Protection Act
22 of 1993, as amended by the Volunteers for Children Act. Personnel who have successfully
23 undergone a criminal background check and a check of the family care safety registry as part of
24 the professional license application process under section 168.021 and who have received
25 clearance on the checks within one prior year of employment shall be considered to have
26 completed the background check requirement. A criminal background check under this section
27 shall include a search of any information publicly available in an electronic format through a
28 public index or single case display.

29 3. In order to facilitate the criminal history background check, the applicant shall submit
30 a set of fingerprints collected pursuant to standards determined by the Missouri highway patrol.
31 The fingerprints shall be used by the highway patrol to search the criminal history repository and
32 shall be forwarded to the Federal Bureau of Investigation for searching the federal criminal
33 history files.

34 4. The applicant shall pay the fee for the state criminal history record information
35 pursuant to section 43.530 and sections 210.900 to 210.936 and pay the appropriate fee
36 determined by the Federal Bureau of Investigation for the federal criminal history record when
37 ~~[he or she]~~ **the applicant** applies for a position authorized to have contact with pupils pursuant
38 to this section. The department shall distribute the fees collected for the state and federal
39 criminal histories to the Missouri highway patrol.

40 5. **For each school district that is not enrolled in the Missouri Rap Back program**
41 **under chapter 43**, the department of elementary and secondary education shall facilitate an
42 annual check of employed persons holding current active certificates under ~~[section]~~ **sections**
43 **168.021 and 168.036** against criminal history records in the central repository under section
44 43.530, the sexual offender registry under sections 589.400 to 589.426, and child abuse central
45 registry under sections 210.109 to 210.183. The department of elementary and secondary
46 education shall facilitate procedures for school districts to submit personnel information annually
47 for persons employed by the school districts who do not hold a current valid certificate who are
48 required by subsection 1 of this section to undergo a criminal background check, sexual offender
49 registry check, and child abuse central registry check. The Missouri state highway patrol shall
50 provide ongoing electronic updates to criminal history background checks of those persons
51 previously submitted, both those who have an active certificate and those who do not have an
52 active certificate, by the department of elementary and secondary education. This shall fulfill
53 the annual check against the criminal history records in the central repository under section
54 43.530.

55 6. The school district may adopt a policy to provide for reimbursement of expenses
56 incurred by an employee for state and federal criminal history information pursuant to section
57 43.530.

58 7. If, as a result of the criminal history background check mandated by this section, it is
59 determined that the holder of a certificate issued pursuant to ~~[section]~~ **sections 168.021 and**
60 **168.036** has pled guilty or nolo contendere to, or been found guilty of a crime or offense listed
61 in section 168.071, or a similar crime or offense committed in another state, the United States,
62 or any other country, regardless of imposition of sentence, such information shall be reported to
63 the department of elementary and secondary education.

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

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

72 10. A criminal background check and fingerprint collection conducted under subsections
73 1 to 3 of this section shall be valid for at least a period of one year and transferrable from one
74 school district to another district. A school district may, in its discretion, conduct a new criminal
75 background check and fingerprint collection under subsections 1 to 3 **of this section** for a newly
76 hired employee at the district's expense. A teacher's change in type of certification shall have no
77 effect on the transferability or validity of such records.

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

80 12. **Beginning on January 1, 2022, any substitute teacher may, at the time such**
81 **substitute teacher submits the fingerprints and information required for the Missouri**
82 **criminal record review under subsections 2 and 3 of this section, designate up to five school**
83 **districts to which the results of the substitute teacher's criminal history background check**
84 **and fingerprint collection shall be disseminated. The substitute teacher shall pay an**
85 **additional five-dollar fee for such records to be disseminated to the second and third school**
86 **districts and an additional five-dollar fee for such records to be disseminated to the fourth**
87 **and fifth school districts.**

88 13. The state board of education may promulgate rules for criminal history background
89 checks made pursuant to this section. Any rule or portion of a rule, as that term is defined in
90 section 536.010, that is created under the authority delegated in this section shall become
91 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
92 applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the
93 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
94 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
95 rulemaking authority and any rule proposed or adopted after January 1, 2005, shall be invalid and
96 void.

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