

SENATE BILL NO. 1343

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR ARTHUR.

4691S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 162.068 and 210.115, RSMo, and to enact in lieu thereof two new sections relating to reporting of certain violations of state law involving children in elementary and secondary education.

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

Section A. Sections 162.068 and 210.115, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 162.068 and 210.115, to read as follows:

162.068. 1. (1) **As used in this section, "screened**
2 **volunteer" means any individual who assists a school by**
3 **providing uncompensated service, who may periodically be**
4 **left alone with students, who has successfully completed a**
5 **criminal background check before being left alone with a**
6 **student, and who is allowed to access student education**
7 **records only when necessary to assist the district and while**
8 **supervised by staff members. "Screened volunteer" includes,**
9 **but is not limited to, individuals who regularly assist in**
10 **the office or library, mentor or tutor students, coach or**
11 **supervise a school-sponsored activity before or after**
12 **school, or chaperone students on an overnight trip.**

13 (2) By July 1, 2012, every school district shall adopt
14 a written policy on information that the district provides
15 about former employees, both certificated and
16 noncertificated, to other public schools. By July 1, 2014,
17 every charter school shall adopt a written policy on

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

18 information that the charter school provides about former
19 employees, both certificated and noncertificated, to other
20 public schools. **Beginning January 1, 2025, such written**
21 **policy and the information provided under such policy shall**
22 **include information about screened volunteers.**

23 (3) The policy **described under this subsection** shall
24 include who is permitted to respond to requests for
25 information from potential employers and the information the
26 district or charter school would provide when responding to
27 such a request. The policy shall require that notice of
28 this provision be provided to all current employees **and**
29 **screened volunteers** and to all potential employers who
30 contact the school district or charter school regarding the
31 possible employment of an employee **or the possible service**
32 **of an individual as a screened volunteer. The policy shall**
33 **state that any information obtained through a criminal**
34 **background check pursuant to the provisions of section**
35 **168.133 shall not be disclosed to a potential employer**
36 **unless such potential employer is a public school district**
37 **or charter school in the state of Missouri, as provided in**
38 **subsection 5 of section 43.540.**

39 [(2)] (4) The policy described under this subsection
40 shall require the district or charter school to disclose, to
41 any public school that contacts such district or charter
42 school about a former employee **or screened volunteer,**
43 information regarding any violation of the published
44 regulations of the board of education of the district or the
45 governing body of the charter school by the former employee
46 **or screened volunteer** if such violation related to
47 **allegations of** sexual misconduct with a student and, **in the**
48 **case of a former employee, if the violation** was determined
49 to be an actual violation by the board of the district or

50 the governing body of the charter school after a contested
51 case due process hearing conducted pursuant to board policy.

52 2. Any school district or charter school that employs
53 **or allows service as a screened volunteer by** a person about
54 whom the children's division conducts an investigation
55 involving allegations of sexual misconduct with a student
56 and reaches a finding of substantiated shall immediately
57 suspend the employment **or volunteer service** of such person,
58 notwithstanding any other provision of law, but the district
59 or charter school may return the person to **[his or her] such**
60 **person's** employment **or service as a screened volunteer** if
61 the child abuse and neglect review board's finding that the
62 allegation is substantiated is reversed by a court on appeal
63 and becomes final. Nothing shall preclude a school district
64 or charter school from otherwise lawfully terminating the
65 employment of any employee **or volunteer service of a**
66 **screened volunteer** about whom there has been a finding of
67 unsubstantiated resulting from an investigation by the
68 children's division involving allegations of sexual
69 misconduct with a student.

70 3. Any employee who is permitted to respond to
71 requests for information regarding former employees **or**
72 **screened volunteers** under a policy adopted by **[his or her]**
73 **such employee's** school district or charter school under this
74 section and who communicates only the information which such
75 policy directs, and who acts in good faith and without
76 malice shall be immune against any civil action for damages
77 brought by the former employee **or screened volunteer** arising
78 out of the communication of such information. If any such
79 action is brought, the employee may, at **[his or her] such**
80 **employee's** option, request the attorney general to defend
81 **[him or her] such employee** in such suit and the attorney

82 general shall provide such defense, except that **the attorney**
83 **general shall not represent a screened volunteer, and** if the
84 attorney general represents the school district or the
85 department of elementary and secondary education in a
86 pending licensing matter under section 168.071, the attorney
87 general shall not represent the school district employee.

88 4. Notwithstanding the provisions of subsection 2 of
89 this section, if a district or charter school that has
90 employed any employee **or allowed an individual to serve as a**
91 **screened volunteer** whose job **or volunteer service** involves
92 contact with children receives allegations of sexual
93 misconduct, as provided in section 566.083, concerning the
94 employee **or screened volunteer** and, as a result of such
95 allegations or as a result of such allegations being
96 substantiated by the child abuse and neglect review board,
97 dismisses the employee **or screened volunteer** or allows the
98 employee to resign in lieu of being fired **or allows the**
99 **screened volunteer to discontinue volunteer service on such**
100 **volunteer's own volition** and fails to disclose the
101 allegations of sexual misconduct when furnishing a reference
102 for the former employee **or screened volunteer** or responding
103 to a potential employer's request for information regarding
104 such employee **or screened volunteer**, the district or charter
105 school shall be directly liable for damages to any student
106 of a subsequent employing district or charter school who is
107 found by a court of competent jurisdiction to be a victim of
108 the former employee's **or screened volunteer's** sexual
109 misconduct, and the district or charter school shall bear
110 third-party liability to the employing district or charter
111 school for any legal liability, legal fees, costs, and
112 expenses incurred by the employing district or charter

113 school caused by the failure to disclose such information to
114 the employing district or charter school.

115 5. If a school district or charter school has
116 previously employed a person **or allowed an individual to**
117 **serve as a screened volunteer** about whom the children's
118 division has conducted an investigation involving
119 allegations of sexual misconduct with a student and has
120 reached a finding of substantiated and another public school
121 contacts the district or charter school for a reference for
122 the former employee **or screened volunteer**, the district or
123 charter school shall disclose the results of the children's
124 division's investigation to the public school.

125 6. Any school district or charter school employee **or**
126 **screened volunteer**, acting in good faith, who reports
127 alleged sexual misconduct on the part of a teacher or other
128 school employee **or screened volunteer** shall not be
129 discharged or otherwise discriminated against in any fashion
130 because of such reporting.

131 7. Any school district or charter school shall, before
132 offering employment **or allowing service as a screened**
133 **volunteer** to any teacher **or individual** who was employed by
134 **or served as a screened volunteer in** a Missouri school
135 district or charter school, contact the department of
136 elementary and secondary education to determine the school
137 district or charter school that previously employed such
138 employee **or allowed such individual to serve as a screened**
139 **volunteer**. School districts and charter schools contacting
140 the department under this subsection shall request, from the
141 most recent, information as outlined in this section
142 regarding the former employee **or screened volunteer**.

143 8. **Each school district and charter school shall**
144 **report the information maintained by such school district**

145 and charter school under this section to the department of
146 elementary and secondary education.

147 9. The department of elementary and secondary
148 education shall maintain a database listing screened
149 volunteers who have been dismissed from volunteer service
150 due to inappropriate behavior, with an emphasis on
151 dismissals due to allegations of sexual misconduct with
152 students or children. The department shall disclose such
153 information collected and maintained to school districts and
154 charter schools that contact the department as provided in
155 subsection 7 of this section.

156 10. The department of elementary and secondary
157 education may promulgate all necessary rules and regulations
158 for the administration of this section. Any rule or portion
159 of a rule, as that term is defined in section 536.010, that
160 is created under the authority delegated in this section
161 shall become effective only if it complies with and is
162 subject to all of the provisions of chapter 536 and, if
163 applicable, section 536.028. This section and chapter 536
164 are nonseverable and if any of the powers vested with the
165 general assembly pursuant to chapter 536 to review, to delay
166 the effective date, or to disapprove and annul a rule are
167 subsequently held unconstitutional, then the grant of
168 rulemaking authority and any rule proposed or adopted after
169 August 28, 2024, shall be invalid and void.

210.115. 1. When any physician, medical examiner,
2 coroner, dentist, chiropractor, optometrist, podiatrist,
3 resident, intern, nurse, hospital or clinic personnel that
4 are engaged in the examination, care, treatment or research
5 of persons, and any other health practitioner, psychologist,
6 mental health professional, social worker, day care center
7 worker or other child-care worker, juvenile officer,

8 probation or parole officer, jail or detention center
9 personnel, teacher, principal or other school official,
10 **employee of a statewide athletic association or athletic**
11 **organization that receives any public moneys and that has at**
12 **least one public school district as a member,** minister as
13 provided by section 352.400, peace officer or law
14 enforcement official, volunteer or personnel of a community
15 service program that offers support services for families in
16 crisis to assist in the delegation of any powers regarding
17 the care and custody of a child by a properly executed power
18 of attorney pursuant to sections 475.600 to 475.604, or
19 other person with responsibility for the care of children
20 has reasonable cause to suspect that a child has been or may
21 be subjected to abuse or neglect or observes a child being
22 subjected to conditions or circumstances which would
23 reasonably result in abuse or neglect, that person shall
24 immediately report to the division in accordance with the
25 provisions of sections 210.109 to 210.183. No internal
26 investigation shall be initiated until such a report has
27 been made. As used in this section, the term "abuse" is not
28 limited to abuse inflicted by a person responsible for the
29 child's care, custody and control as specified in section
30 210.110, but shall also include abuse inflicted by any other
31 person.

32 2. If two or more members of a medical institution who
33 are required to report jointly have knowledge of a known or
34 suspected instance of child abuse or neglect, a single
35 report may be made by a designated member of that medical
36 team. Any member who has knowledge that the member
37 designated to report has failed to do so shall thereafter
38 immediately make the report. Nothing in this section,

39 however, is meant to preclude any person from reporting
40 abuse or neglect.

41 3. The reporting requirements under this section are
42 individual, and no supervisor or administrator may impede or
43 inhibit any reporting under this section. No person making
44 a report under this section shall be subject to any
45 sanction, including any adverse employment action, for
46 making such report. Every employer shall ensure that any
47 employee required to report pursuant to subsection 1 of this
48 section has immediate and unrestricted access to
49 communications technology necessary to make an immediate
50 report and is temporarily relieved of other work duties for
51 such time as is required to make any report required under
52 subsection 1 of this section.

53 4. Notwithstanding any other provision of sections
54 210.109 to 210.183, any child who does not receive specified
55 medical treatment by reason of the legitimate practice of
56 the religious belief of the child's parents, guardian, or
57 others legally responsible for the child, for that reason
58 alone, shall not be found to be an abused or neglected
59 child, and such parents, guardian or other persons legally
60 responsible for the child shall not be entered into the
61 central registry. However, the division may accept reports
62 concerning such a child and may subsequently investigate or
63 conduct a family assessment as a result of that report.
64 Such an exception shall not limit the administrative or
65 judicial authority of the state to ensure that medical
66 services are provided to the child when the child's health
67 requires it.

68 5. In addition to those persons and officials required
69 to report actual or suspected abuse or neglect, any other
70 person may report in accordance with sections 210.109 to

71 210.183 if such person has reasonable cause to suspect that
72 a child has been or may be subjected to abuse or neglect or
73 observes a child being subjected to conditions or
74 circumstances which would reasonably result in abuse or
75 neglect.

76 6. Any person or official required to report pursuant
77 to this section, including employees of the division, who
78 has probable cause to suspect that a child who is or may be
79 under the age of eighteen, who is eligible to receive a
80 certificate of live birth, has died shall report that fact
81 to the appropriate medical examiner or coroner. If, upon
82 review of the circumstances and medical information, the
83 medical examiner or coroner determines that the child died
84 of natural causes while under medical care for an
85 established natural disease, the coroner, medical examiner
86 or physician shall notify the division of the child's death
87 and that the child's attending physician shall be signing
88 the death certificate. In all other cases, the medical
89 examiner or coroner shall accept the report for
90 investigation, shall immediately notify the division of the
91 child's death as required in section 58.452 and shall report
92 the findings to the child fatality review panel established
93 pursuant to section 210.192.

94 7. Any person or individual required to report may
95 also report the suspicion of abuse or neglect to any law
96 enforcement agency or juvenile office. Such report shall
97 not, however, take the place of reporting to the division.

98 8. If an individual required to report suspected
99 instances of abuse or neglect pursuant to this section has
100 reason to believe that the victim of such abuse or neglect
101 is a resident of another state or was injured as a result of
102 an act which occurred in another state, the person required

103 to report such abuse or neglect may, in lieu of reporting to
104 the Missouri children's division, make such a report to the
105 child protection agency of the other state with the
106 authority to receive such reports pursuant to the laws of
107 such other state. If such agency accepts the report, no
108 report is required to be made, but may be made, to the
109 children's division.

110 9. For the purposes of providing supportive services
111 or verifying the status of a youth as unaccompanied or
112 homeless for the purposes of accessing supportive services,
113 the fact that a child is an unaccompanied youth as defined
114 in 42 U.S.C. Section 11434a(6) is not, in and of itself, a
115 sufficient basis for reporting child abuse or neglect,
116 unless the child is under sixteen years of age or is an
117 incapacitated person, as defined in section 475.010.
118 Nothing in this subsection shall limit a mandated reporter
119 from making a report under this section if the mandated
120 reporter knows or has reasonable cause to suspect that an
121 unaccompanied youth has been or may be a victim of abuse or
122 neglect.

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