

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 1750, Page 1, Section A, Line 2, by
2 inserting after all of the said section and line the following:

3
4 "160.261. 1. The local board of education of each school district shall clearly establish a
5 written policy of discipline, including the district's determination on the use of corporal punishment
6 and the procedures in which punishment will be applied. A written copy of the district's discipline
7 policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent
8 or legal guardian of every pupil enrolled in the district at the beginning of each school year and also
9 made available in the office of the superintendent of such district, during normal business hours, for
10 public inspection. All employees of the district shall annually receive instruction related to the
11 specific contents of the policy of discipline and any interpretations necessary to implement the
12 provisions of the policy in the course of their duties, including but not limited to approved methods
13 of dealing with acts of school violence, disciplining students with disabilities and instruction in the
14 necessity and requirements for confidentiality.

15 2. The policy shall require school administrators to report acts of school violence to all
16 teachers at the attendance center and, in addition, to other school district employees with a need to
17 know. For the purposes of this chapter or chapter 167, "need to know" is defined as school
18 personnel who are directly responsible for the student's education or who otherwise interact with the
19 student on a professional basis while acting within the scope of their assigned duties. As used in
20 this section, the phrase "act of school violence" or "violent behavior" means the exertion of physical
21 force by a student with the intent to do serious physical injury as defined in section 556.061 to
22 another person while on school property, including a school bus in service on behalf of the district,
23 or while involved in school activities. The policy shall at a minimum require school administrators
24 to report, as soon as reasonably practical, to the appropriate law enforcement agency any of the
25 following crimes, or any act which if committed by an adult would be one of the following crimes:

- 26 (1) First degree murder under section 565.020;
27 (2) Second degree murder under section 565.021;
28 (3) Kidnapping under section 565.110 as it existed prior to January 1, 2017, or kidnapping
29 in the first degree under section 565.110;
30 (4) First degree assault under section 565.050;

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- 1 (5) Rape in the first degree under section 566.030;
- 2 (6) Sodomy in the first degree under section 566.060;
- 3 (7) Burglary in the first degree under section 569.160;
- 4 (8) Burglary in the second degree under section 569.170;
- 5 (9) Robbery in the first degree under section 569.020 as it existed prior to January 1, 2017,
- 6 or robbery in the first degree under section 570.023;
- 7 (10) Distribution of drugs under section 195.211 as it existed prior to January 1, 2017, or
- 8 manufacture of a controlled substance under section 579.055;
- 9 (11) Distribution of drugs to a minor under section 195.212 as it existed prior to January 1,
- 10 2017, or delivery of a controlled substance under section 579.020;
- 11 (12) Arson in the first degree under section 569.040;
- 12 (13) Voluntary manslaughter under section 565.023;
- 13 (14) Involuntary manslaughter under section 565.024 as it existed prior to January 1, 2017,
- 14 involuntary manslaughter in the first degree under section 565.024, or involuntary manslaughter in
- 15 the second degree under section 565.027;
- 16 (15) Second degree assault under section 565.060 as it existed prior to January 1, 2017, or
- 17 second degree assault under section 565.052;
- 18 (16) Rape in the second degree under section 566.031;
- 19 (17) Felonious restraint under section 565.120 as it existed prior to January 1, 2017, or
- 20 kidnapping in the second degree under section 565.120;
- 21 (18) Property damage in the first degree under section 569.100;
- 22 (19) The possession of a weapon under chapter 571;
- 23 (20) Child molestation in the first degree pursuant to section 566.067 as it existed prior to
- 24 January 1, 2017, or child molestation in the first, second, or third degree pursuant to section
- 25 566.067, 566.068, or 566.069;
- 26 (21) Sodomy in the second degree pursuant to section 566.061;
- 27 (22) Sexual misconduct involving a child pursuant to section 566.083;
- 28 (23) Sexual abuse in the first degree pursuant to section 566.100;
- 29 (24) Harassment under section 565.090 as it existed prior to January 1, 2017, or harassment
- 30 in the first degree under section 565.090; or
- 31 (25) Stalking under section 565.225 as it existed prior to January 1, 2017, or stalking in the
- 32 first degree under section 565.225;

33 committed on school property, including but not limited to actions on any school bus in service on
34 behalf of the district or while involved in school activities. The policy shall require that any portion
35 of a student's individualized education program that is related to demonstrated or potentially violent
36 behavior shall be provided to any teacher and other school district employees who are directly
37 responsible for the student's education or who otherwise interact with the student on an educational
38 basis while acting within the scope of their assigned duties. The policy shall also contain the
39 consequences of failure to obey standards of conduct set by the local board of education, and the

1 importance of the standards to the maintenance of an atmosphere where orderly learning is possible
2 and encouraged.

3 3. The policy shall provide that any student who is on suspension for any of the offenses
4 listed in subsection 2 of this section or any act of violence or drug-related activity defined by school
5 district policy as a serious violation of school discipline pursuant to subsection 9 of this section shall
6 have as a condition of his or her suspension the requirement that such student is not allowed, while
7 on such suspension, to be within one thousand feet of any school property in the school district
8 where such student attended school or any activity of that district, regardless of whether or not the
9 activity takes place on district property unless:

10 (1) Such student is under the direct supervision of the student's parent, legal guardian, or
11 custodian and the superintendent or the superintendent's designee has authorized the student to be on
12 school property;

13 (2) Such student is under the direct supervision of another adult designated by the student's
14 parent, legal guardian, or custodian, in advance, in writing, to the principal of the school which
15 suspended the student and the superintendent or the superintendent's designee has authorized the
16 student to be on school property;

17 (3) Such student is enrolled in and attending an alternative school that is located within one
18 thousand feet of a public school in the school district where such student attended school; or

19 (4) Such student resides within one thousand feet of any public school in the school district
20 where such student attended school in which case such student may be on the property of his or her
21 residence without direct adult supervision.

22 4. Any student who violates the condition of suspension required pursuant to subsection 3 of
23 this section may be subject to expulsion or further suspension pursuant to the provisions of sections
24 167.161, 167.164, and 167.171. In making this determination consideration shall be given to
25 whether the student poses a threat to the safety of any child or school employee and whether such
26 student's unsupervised presence within one thousand feet of the school is disruptive to the
27 educational process or undermines the effectiveness of the school's disciplinary policy. Removal of
28 any pupil who is a student with a disability is subject to state and federal procedural rights. This
29 section shall not limit a school district's ability to:

30 (1) Prohibit all students who are suspended from being on school property or attending an
31 activity while on suspension;

32 (2) Discipline students for off-campus conduct that negatively affects the educational
33 environment to the extent allowed by law.

34 5. The policy shall provide for a suspension for a period of not less than one year, or
35 expulsion, for a student who is determined to have brought a weapon to school, including but not
36 limited to the school playground or the school parking lot, brought a weapon on a school bus or
37 brought a weapon to a school activity whether on or off of the school property in violation of district
38 policy, except that:

39 (1) The superintendent or, in a school district with no high school, the principal of the

1 school which such child attends may modify such suspension on a case-by-case basis; and

2 (2) This section shall not prevent the school district from providing educational services in
3 an alternative setting to a student suspended under the provisions of this section.

4 6. For the purpose of this section, the term "weapon" shall mean a firearm as defined under
5 18 U.S.C. Section 921 and the following items, as defined in section 571.010: a blackjack, a
6 concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles,
7 a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except
8 that this section shall not be construed to prohibit a school board from adopting a policy to allow a
9 Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so
10 long as the firearm is unloaded. The local board of education shall define weapon in the discipline
11 policy. Such definition shall include the weapons defined in this subsection but may also include
12 other weapons.

13 7. All school district personnel responsible for the care and supervision of students are
14 authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any
15 property of the school, on any school bus going to or returning from school, during school-
16 sponsored activities, or during intermission or recess periods.

17 8. Teachers and other authorized district personnel in public schools responsible for the care,
18 supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by
19 the school district, shall not be civilly liable when acting in conformity with the established policies
20 developed by each board, including but not limited to policies of student discipline or when
21 reporting to his or her supervisor or other person as mandated by state law acts of school violence or
22 threatened acts of school violence, within the course and scope of the duties of the teacher,
23 authorized district personnel or volunteer, when such individual is acting in conformity with the
24 established policies developed by the board. Nothing in this section shall be construed to create a
25 new cause of action against such school district, or to relieve the school district from liability for the
26 negligent acts of such persons.

27 9. Each school board shall define in its discipline policy acts of violence and any other acts
28 that constitute a serious violation of that policy. "Acts of violence" as defined by school boards
29 shall include but not be limited to exertion of physical force by a student with the intent to do
30 serious bodily harm to another person while on school property, including a school bus in service on
31 behalf of the district, or while involved in school activities. School districts shall for each student
32 enrolled in the school district compile and maintain records of any serious violation of the district's
33 discipline policy. Such records shall be made available to teachers and other school district
34 employees with a need to know while acting within the scope of their assigned duties, and shall be
35 provided as required in section 167.020 to any school district in which the student subsequently
36 attempts to enroll.

37 10. Spanking, when administered by certificated personnel and in the presence of a witness
38 who is an employee of the school district, or the use of reasonable force to protect persons or
39 property, when administered by personnel of a school district in a reasonable manner in accordance

1 with the local board of education's written policy of discipline, is not abuse within the meaning of
 2 chapter 210. ~~[The provisions of sections 210.110 to 210.165 notwithstanding, the children's division
 3 shall not have jurisdiction over or investigate any report of alleged child abuse arising out of or
 4 related to the use of reasonable force to protect persons or property when administered by personnel
 5 of a school district or any spanking administered in a reasonable manner by any certificated school
 6 personnel in the presence of a witness who is an employee of the school district pursuant to a written
 7 policy of discipline established by the board of education of the school district, as long as no
 8 allegation of sexual misconduct arises from the spanking or use of force.~~

9 11. If a student reports alleged sexual misconduct on the part of a teacher or other school
 10 employee to a person employed in a school facility who is required to report such misconduct to the
 11 children's division under section 210.115, such person and the superintendent of the school district
 12 shall report the allegation to the children's division as set forth in section 210.115. Reports made to
 13 the children's division under this subsection shall be investigated by the division in accordance with
 14 the provisions of sections 210.145 to 210.153 and shall not be investigated by the school district
 15 under subsections 12 to 20 of this section for purposes of determining whether the allegations
 16 should or should not be substantiated. The district may investigate the allegations for the purpose of
 17 making any decision regarding the employment of the accused employee.

18 ~~12.]~~ 11. Upon receipt of any reports of child abuse by the children's division ~~[other than~~
 19 ~~reports provided under subsection 11 of this section,]~~ pursuant to sections 210.110 to 210.165 which
 20 allegedly involve personnel of a school district, the children's division shall notify the
 21 superintendent of schools of the district or, if the person named in the alleged incident is the
 22 superintendent of schools, the president of the school board of the school district where the alleged
 23 incident occurred.

24 ~~[13. If, after an initial investigation, the superintendent of schools or the president of the~~
 25 ~~school board finds that the report involves an alleged incident of child abuse other than the~~
 26 ~~administration of a spanking by certificated school personnel or the use of reasonable force to~~
 27 ~~protect persons or property when administered by school personnel pursuant to a written policy of~~
 28 ~~discipline or that the report was made for the sole purpose of harassing a public school employee,~~
 29 ~~the superintendent of schools or the president of the school board shall immediately refer the matter~~
 30 ~~back to the children's division and take no further action. In all matters referred back to the~~
 31 ~~children's division, the division shall treat the report in the same manner as other reports of alleged~~
 32 ~~child abuse received by the division.~~

33 14. If the report pertains to an alleged incident which arose out of or is related to a spanking
 34 administered by certificated personnel or the use of reasonable force to protect persons or property
 35 when administered by personnel of a school district pursuant to a written policy of discipline or a
 36 report made for the sole purpose of harassing a public school employee, a notification of the
 37 reported child abuse shall be sent by the superintendent of schools or the president of the school
 38 board to the law enforcement in the county in which the alleged incident occurred.

39 15. The report shall be jointly investigated by the law enforcement officer and the

1 superintendent of schools or, if the subject of the report is the superintendent of schools, by a law
2 enforcement officer and the president of the school board or such president's designee.

3 16. The investigation shall begin no later than forty-eight hours after notification from the
4 children's division is received, and shall consist of, but need not be limited to, interviewing and
5 recording statements of the child and the child's parents or guardian within two working days after
6 the start of the investigation, of the school district personnel allegedly involved in the report, and of
7 any witnesses to the alleged incident.

8 17. The law enforcement officer and the investigating school district personnel shall issue
9 separate reports of their findings and recommendations after the conclusion of the investigation to
10 the school board of the school district within seven days after receiving notice from the children's
11 division.

12 18. The reports shall contain a statement of conclusion as to whether the report of alleged
13 child abuse is substantiated or is unsubstantiated.

14 19. The school board shall consider the separate reports referred to in subsection 17 of this
15 section and shall issue its findings and conclusions and the action to be taken, if any, within seven
16 days after receiving the last of the two reports. The findings and conclusions shall be made in
17 substantially the following form:

18 (1) The report of the alleged child abuse is unsubstantiated. The law enforcement officer
19 and the investigating school board personnel agree that there was not a preponderance of evidence
20 to substantiate that abuse occurred;

21 (2) The report of the alleged child abuse is substantiated. The law enforcement officer and
22 the investigating school district personnel agree that the preponderance of evidence is sufficient to
23 support a finding that the alleged incident of child abuse did occur;

24 (3) The issue involved in the alleged incident of child abuse is unresolved. The law
25 enforcement officer and the investigating school personnel are unable to agree on their findings and
26 conclusions on the alleged incident.

27 20. The findings and conclusions of the school board under subsection 19 of this section
28 shall be sent to the children's division. If the findings and conclusions of the school board are that
29 the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the
30 case closed, and no record shall be entered in the children's division central registry. If the findings
31 and conclusions of the school board are that the report of the alleged child abuse is substantiated, the
32 children's division shall report the incident to the prosecuting attorney of the appropriate county
33 along with the findings and conclusions of the school district and shall include the information in
34 the division's central registry. If the findings and conclusions of the school board are that the issue
35 involved in the alleged incident of child abuse is unresolved, the children's division shall report the
36 incident to the prosecuting attorney of the appropriate county along with the findings and
37 conclusions of the school board, however, the incident and the names of the parties allegedly
38 involved shall not be entered into the central registry of the children's division unless and until the
39 alleged child abuse is substantiated by a court of competent jurisdiction.

1 ~~21. Any superintendent of schools, president of a school board or such person's designee or~~
2 ~~law enforcement officer who knowingly falsifies any report of any matter pursuant to this section or~~
3 ~~who knowingly withholds any information relative to any investigation or report pursuant to this~~
4 ~~section is guilty of a class A misdemeanor.~~

5 ~~22.]~~ 12. In order to ensure the safety of all students, should a student be expelled for
6 bringing a weapon to school, violent behavior, or for an act of school violence, that student shall not,
7 for the purposes of the accreditation process of the Missouri school improvement plan, be
8 considered a dropout or be included in the calculation of that district's educational persistence
9 ratio."; and

10
11 Further amend said bill by amending the title, enacting clause, and intersectional references
12 accordingly.