

SECOND REGULAR SESSION

HOUSE BILL NO. 1040

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES CUNNINGHAM (86) (Sponsor), BAKER, NIEVES, SANDER, LEMBKE, BROWN, MUNZLINGER, BIVINS, REINHART, DIXON, MORRIS, GUEST, MOORE, STEVENSON, COOPER (155), LUETKEMEYER, BEARDEN, QUINN, PHILLIPS, BRUNS, VILLA, HANAWAY, JETTON, HAYWOOD, PORTWOOD, KINGERY, SHOEMAKER, ICET, DEEKEN, ERVIN AND HUNTER (Co-sponsors).

Read 1st time January 12, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3701L.011

AN ACT

To repeal sections 160.518, 160.545, 162.261, 167.031, 167.051, 167.231, 171.031, and 210.145, RSMo, and to enact in lieu thereof ten new sections relating to education accountability.

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

Section A. Sections 160.518, 160.545, 162.261, 167.031, 167.051, 167.231, 171.031, and 210.145, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 160.518, 160.545, 161.089, 161.209, 162.261, 167.031, 167.051, 167.231, 171.031, and 210.145, to read as follows:

160.518. 1. Consistent with the provisions contained in section 160.526, the state board of education shall develop a statewide assessment system that provides maximum flexibility for local school districts to determine the degree to which students in the public schools of the state are proficient in the knowledge, skills, and competencies adopted by such board pursuant to subsection 1 of section 160.514. The statewide assessment system shall assess problem solving, analytical ability, evaluation, creativity, and application ability in the different content areas and shall be performance-based to identify what students know, as well as what they are able to do, and shall enable teachers to evaluate actual academic performance. The assessment system shall neither promote nor prohibit rote memorization and shall not include existing versions of tests approved for use pursuant to the provisions of section 160.257, nor enhanced versions of such

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

11 tests. The statewide assessment shall measure, where appropriate by grade level, a student's
12 knowledge of academic subjects including, but not limited to, reading skills, writing skills,
13 mathematics skills, world and American history, forms of government, geography and science.

14 2. The assessment system shall only permit the academic performance of students in each
15 school in the state to be tracked against prior academic performance in the same school.

16 3. The state board of education shall suggest criteria for a school to demonstrate that its
17 students learn the knowledge, skills and competencies at exemplary levels worthy of imitation
18 by students in other schools in the state and nation. "Exemplary levels" shall be measured by the
19 assessment system developed pursuant to subsection 1 of this section, or until said assessment
20 is available, by indicators approved for such use by the state board of education. The provisions
21 of other law to the contrary notwithstanding, the commissioner of education may, upon request
22 of the school district, present a plan for the waiver of rules and regulations to any such school,
23 to be known as "Outstanding Schools Waivers", consistent with the provisions of subsection 4
24 of this section.

25 4. For any school that meets the criteria established by the state board of education for
26 three successive school years pursuant to the provisions of subsection 3 of this section, by
27 August first following the third such school year, the commissioner of education shall present
28 a plan to the superintendent of the school district in which such school is located for the waiver
29 of rules and regulations to promote flexibility in the operations of the school and to enhance and
30 encourage efficiency in the delivery of instructional services. The provisions of other law to the
31 contrary notwithstanding, the plan presented to the superintendent shall provide a summary
32 waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257, in the
33 school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail
34 a means for the waiver of requirements otherwise imposed on the school related to the authority
35 of the state board of education to classify school districts pursuant to subdivision (9) of section
36 161.092, RSMo, and such other rules and regulations as determined by the commissioner of
37 education, excepting such waivers shall be confined to the school and not other schools in the
38 district unless such other schools meet the criteria established by the state board of education
39 consistent with subsection 3 of this section and the waivers shall not include the requirements
40 contained in this section and section 160.514. Any waiver provided to any school as outlined
41 in this subsection shall be void on June thirtieth of any school year in which the school fails to
42 meet the criteria established by the state board of education consistent with subsection 3 of this
43 section.

44 5. The score on any assessment test developed pursuant to this section or this chapter of
45 any student for whom English is a second language shall not be counted until such time as such
46 student has been educated for three full school years in a school in this state, or in any other state,

47 in which English is the primary language.

48 6. The state board of education shall identify or, if necessary, establish one or more
49 developmentally appropriate alternate assessments for students who receive special educational
50 services, as that term is defined pursuant to section 162.675, RSMo. In the development of such
51 alternate assessments, the state board shall establish an advisory panel consisting of a majority
52 of active special education teachers and other education professionals as appropriate to research
53 available assessment options. The advisory panel shall attempt to identify preexisting
54 developmentally appropriate alternate assessments but shall, if necessary, develop alternate
55 assessments and recommend one or more alternate assessments for adoption by the state board.
56 The state board shall consider the recommendations of the advisory council in establishing such
57 alternate assessment or assessments. Any student who receives special educational services, as
58 that term is defined pursuant to section 162.675, RSMo, shall be assessed by an alternate
59 assessment established pursuant to this subsection upon a determination by the student's
60 individualized education program team that such alternate assessment is more appropriate to
61 assess the student's knowledge, skills and competencies than the assessment developed pursuant
62 to subsection 1 of this section. The alternate assessment shall evaluate the student's independent
63 living skills, which include how effectively the student addresses common life demands and how
64 well the student meets standards for personal independence expected for someone in the student's
65 age group, sociocultural background, and community setting.

66 **7. School districts may incorporate a student's performance on the statewide**
67 **assessment into the student's class ranking or requirements for graduation in any one or**
68 **both of the following ways:**

69 **(1) Based on rules to be promulgated by the department of elementary and**
70 **secondary education, the performance level on an individual subject assessment may be**
71 **reflected in a student's grade point average or class ranking by giving a weight to the level**
72 **in proportion to a student's performance; or**

73 **(2) If a student scores below the level of proficiency, the high school may require**
74 **the student to undertake additional course work to be eligible to graduate.**

75

76 **If a district adopts a policy as described in this subsection, the district shall ensure that the**
77 **written policy is included in the student handbook and is publicized to parents. The**
78 **department shall make available to school districts a list of practices that it finds have**
79 **proved effective in promoting awareness of students' accountability for their performance**
80 **and shall solicit from districts examples of such practices.**

81 **8. By January 1, 2006, the state board of education shall align the performance and**
82 **accountability standards of the statewide assessment system to standards that are**

83 **comparable to those deriving from the National Assessment of Educational Progress.**

84 **9. By July 1, 2006, the department of elementary and secondary education shall**
85 **examine its rules and regulations and revise them to permit waivers of resource and**
86 **process standards based upon achievement of performance profiles consistent with**
87 **accreditation status.**

160.545. 1. There is hereby established within the department of elementary and
2 secondary education the "A+ Schools Program" to be administered by the commissioner of
3 education. The program shall consist of grant awards made to public secondary schools that
4 demonstrate a commitment to ensure that:

5 (1) All students be graduated from school;

6 (2) All students complete a selection of high school studies that is challenging and for
7 which there are identified learning expectations; and

8 (3) All students proceed from high school graduation to a college or postsecondary
9 vocational or technical school or high-wage job with work place skill development opportunities.

10 2. The state board of education shall promulgate rules and regulations for the approval
11 of grants made under the program to schools that:

12 (1) Establish measurable districtwide performance standards for the goals of the program
13 outlined in subsection 1 of this section; and

14 (2) Specify the knowledge, skills and competencies, in measurable terms, that students
15 must demonstrate to successfully complete any individual course offered by the school, and any
16 course of studies which will qualify a student for graduation from the school; and

17 (3) Do not offer a general track of courses that, upon completion, can lead to a high
18 school diploma; and

19 (4) Require rigorous coursework with standards of competency in basic academic
20 subjects for students pursuing vocational and technical education as prescribed by rule and
21 regulation of the state board of education; and

22 (5) Have a partnership plan developed in cooperation and with the advice of local
23 business persons, labor leaders, parents, and representatives of college and postsecondary
24 vocational and technical school representatives, with the plan then approved by the local board
25 of education. The plan shall specify a mechanism to receive information on an annual basis from
26 those who developed the plan in addition to senior citizens, community leaders, and teachers to
27 update the plan in order to best meet the goals of the program as provided in subsection 1 of this
28 section. Further, the plan shall detail the procedures used in the school to identify students that
29 may drop out of school and the intervention services to be used to meet the needs of such
30 students. The plan shall outline counseling and mentoring services provided to students who will
31 enter the work force upon graduation from high school, address apprenticeship and intern

32 programs, and shall contain procedures for the recruitment of volunteers from the community
33 of the school to serve in schools receiving program grants.

34 3. By rule and regulation, the state board of education may determine a local school
35 district variable fund match requirement in order for a school or schools in the district to receive
36 a grant under the program. However, no school in any district shall receive a grant under the
37 program unless the district designates a salaried employee to serve as the program coordinator,
38 with the district assuming a minimum of one-half the cost of the salary and other benefits
39 provided to the coordinator. Further, no school in any district shall receive a grant under the
40 program unless the district makes available facilities and services for adult literacy training as
41 specified by rule of the state board of education.

42 4. For any school that meets the requirements for the approval of the grants authorized
43 by this section and specified in subsection 2 of this section for three successive school years, by
44 August first following the third such school year, the commissioner of education shall present
45 a plan to the superintendent of the school district in which such school is located for the waiver
46 of rules and regulations to promote flexibility in the operations of the school and to enhance and
47 encourage efficiency in the delivery of instructional services in the school. The provisions of
48 other law to the contrary notwithstanding, the plan presented to the superintendent shall provide
49 a summary waiver, with no conditions, for the pupil testing requirements pursuant to section
50 160.257 in the school. Further, the provisions of other law to the contrary notwithstanding, the
51 plan shall detail a means for the waiver of requirements otherwise imposed on the school related
52 to the authority of the state board of education to classify school districts pursuant to subdivision
53 (9) of section 161.092, RSMo, and such other rules and regulations as determined by the
54 commissioner of education, except such waivers shall be confined to the school and not other
55 schools in the school district unless such other schools meet the requirements of this subsection.
56 However, any waiver provided to any school as outlined in this subsection shall be void on June
57 thirtieth of any school year in which the school fails to meet the requirements for the approval
58 of the grants authorized by this section as specified in subsection 2 of this section.

59 5. For any school year, grants authorized by subsections 1 to 3 of this section shall be
60 funded with the amount appropriated for this program, less those funds necessary to reimburse
61 eligible students pursuant to subsection 6 of this section.

62 6. The commissioner of education shall, by rule and regulation of the state board of
63 education and with the advice of the coordinating board for higher education, establish a
64 procedure for the reimbursement of the cost of tuition, books and fees to any public community
65 college or vocational or technical school for any student:

66 (1) Who has attended a public high school in the state for at least three years immediately
67 prior to graduation that meets the requirements of subsection 2 of this section, except that

68 students who are active duty military dependents who, in the school year immediately preceding
69 graduation, meet all other requirements of this subsection and are attending a school that meets
70 the requirements of subsection 2 of this section shall be exempt from the three-year attendance
71 requirement of this subdivision; and

72 (2) Who has made a good faith effort to first secure all available federal sources of
73 funding that could be applied to the reimbursement described in this subsection; and

74 (3) Who has earned a minimal grade average while in high school as determined by rule
75 of the state board of education, and other requirements for the reimbursement authorized by this
76 subsection as determined by rule and regulation of said board.

77 **7. Beginning in school year 2007-2008, the department of elementary and secondary**
78 **education may promulgate rules for the administration of this section to permit**
79 **participation of any student who meets the other eligibility criteria of subsection 6 of this**
80 **section for participation in the A+ program, regardless of the status of such student's high**
81 **school in respect to the requirements of subsection 2 of this section. Such eligibility**
82 **requirements may include, but shall not be limited to, a minimum required grade point**
83 **average or other means of qualification based on academic performance and may also**
84 **include revisions to existing eligibility requirements pursuant to subsection 6 of this section**
85 **to qualify additional students without substantially increasing the appropriation for the**
86 **program.**

87 **8.** The commissioner of education shall develop a procedure for evaluating the
88 effectiveness of the program described in this section. Such evaluation shall be conducted
89 annually with the results of the evaluation provided to the governor, speaker of the house, and
90 president pro tempore of the senate.

161.089. 1. The Missouri school improvement program or successor accreditation
2 **program shall not use a scoring rubric on performance that requires a score for Parents**
3 **as Teachers.**

4 **2.** The scoring rubric for advanced placement courses in the Missouri school
5 **improvement program or successor accreditation program shall recognize the difficulty**
6 **of providing such courses in districts that have a sparse population. The department of**
7 **elementary and secondary education shall develop such a rubric, taking into account**
8 **population density in districts and localized teacher shortages in academic specializations,**
9 **and differentially rewarding districts for accomplishing delivery of such courses through**
10 **electronic media under such circumstances.**

161.209. The department of elementary and secondary education has an affirmative
2 **duty to seek comment on its rules, regulations, and policies after their final approval or**
3 **implementation. The department shall undertake such review on existing rules,**

4 **regulations, and policies on an ad hoc, periodic basis with a priority given to such rules,**
5 **regulations, and policies that could successfully be revised without affecting student**
6 **achievement to accommodate periods of any increase less than the rate of inflation in basic**
7 **state aid funding pursuant to section 163.031.**

162.261. 1. The government and control of a seven-director school district, other than
2 an urban district, is vested in a board of education of seven members, who hold their office for
3 three years, except as provided in section 162.241, and until their successors are duly elected and
4 qualified. Any vacancy occurring in the board shall be filled by the remaining members of the
5 board; except that if there are more than two vacancies at any one time, the county commission
6 upon receiving written notice of the vacancies shall fill the vacancies by appointment. The
7 person appointed shall hold office until the next municipal election, when a director shall be
8 elected for the unexpired term.

9 2. No seven-director, urban, or metropolitan school district board of education shall hire
10 a spouse of any member of such board for a vacant or newly created position unless the position
11 has been advertised pursuant to board policy and the superintendent of schools submits a written
12 recommendation for the employment of the spouse to the board of education. The names of all
13 applicants as well as the name of the applicant hired for the position are to be included in the
14 board minutes.

15 **3. The provisions of article VII, section 6 of the Missouri Constitution apply to**
16 **school districts.**

167.031. 1. Every parent, guardian or other person in this state having charge, control
2 or custody of a child not enrolled in a public, private, parochial, parish school or full-time
3 equivalent attendance in a combination of such schools and between the ages of seven and
4 sixteen years is responsible for enrolling the child in a program of academic instruction which
5 complies with subsection 2 of this section. Any parent, guardian or other person who enrolls a
6 child between the ages of five and seven years in a public school program of academic
7 instruction shall cause such child to attend the academic program on a regular basis, according
8 to this section. Nonattendance by such child shall cause such parent, guardian or other
9 responsible person to be in violation of the provisions of section 167.061, except as provided by
10 this section. A parent, guardian or other person in this state having charge, control, or custody
11 of a child between the ages of seven and sixteen years of age shall cause the child to attend
12 regularly some public, private, parochial, parish, home school or a combination of such schools
13 not less than the entire school term of the school which the child attends; except that

14 (1) A child who, to the satisfaction of the superintendent of public schools of the district
15 in which he **or she** resides, or if there is no superintendent then the chief school officer, is
16 determined to be mentally or physically incapacitated may be excused from attendance at school

17 for the full time required, or any part thereof;

18 (2) A child between fourteen and sixteen years of age may be excused from attendance
19 at school for the full time required, or any part thereof, by the superintendent of public schools
20 of the district, or if there is none then by a court of competent jurisdiction, when legal
21 employment has been obtained by the child and found to be desirable, and after [the] **all**
22 **custodial** parents or [guardian] **guardians** of the child have been advised of the pending action
23 **and agreed in writing; [or]**

24 (3) A child between five and seven years of age shall be excused from attendance at
25 school if [a parent, guardian or other person] **all custodial parents, guardians, or other**
26 **persons** having charge, control or custody of the child [makes] **make** a written request that the
27 child be dropped from the school's rolls;

28 (4) **A child who successfully completes all elementary and secondary grade levels**
29 **prior to age sixteen or who has obtained a certificate by successfully completing the general**
30 **educational development test shall not be subject to the provisions of this section; or**

31 (5) **If a parent or guardian of a child required to be enrolled in school pursuant to**
32 **this section objects in writing to the child's school administrator against such required**
33 **school enrollment because of religious beliefs, the child shall not be subject to the**
34 **provisions of this section.**

35 2. (1) As used in sections 167.031 to 167.071, a "home school" is a school, whether
36 incorporated or unincorporated, that:

37 (a) Has as its primary purpose the provision of private or religious-based instruction;

38 (b) Enrolls pupils between the ages of seven and sixteen years, of which no more than
39 four are unrelated by affinity or consanguinity in the third degree; and

40 (c) Does not charge or receive consideration in the form of tuition, fees, or other
41 remuneration in a genuine and fair exchange for provision of instruction;

42 (2) As evidence that a child is receiving regular instruction, the parent shall:

43 (a) Maintain the following records:

44 a. A plan book, diary, or other written record indicating subjects taught and activities
45 engaged in; and

46 b. A portfolio of samples of the child's academic work; and

47 c. A record of evaluations of the child's academic progress; or

48 d. Other written, or credible evidence equivalent to subparagraphs a., b. and c.; and

49 (b) Offer at least one thousand hours of instruction, at least six hundred hours of which
50 will be in reading, language arts, mathematics, social studies and science or academic courses
51 that are related to the aforementioned subject areas and consonant with the pupil's age and
52 ability. At least four hundred of the six hundred hours shall occur at the regular home school

53 location.

54 3. Nothing in this section shall require a private, parochial, parish or home school to
55 include in its curriculum any concept, topic, or practice in conflict with the school's religious
56 doctrines or to exclude from its curriculum any concept, topic, or practice consistent with the
57 school's religious doctrines. Any other provision of the law to the contrary notwithstanding, all
58 departments or agencies of the state of Missouri shall be prohibited from dictating through rule,
59 regulation or other device any statewide curriculum for private, parochial, parish or home
60 schools.

61 4. A school year begins on the first day of July and ends on the thirtieth day of June
62 following.

63 5. The production by a parent of a daily log showing that a home school has a course of
64 instruction which satisfies the requirements of this section shall be a defense to any prosecution
65 under this section and to any charge or action for educational neglect brought pursuant to chapter
66 210, RSMo.

67 **6. Parents, guardians, and other persons having charge, control, or custody of a**
68 **child may submit a written request, signed by all such custodial parents, guardians,**
69 **juvenile officers, or other persons who have legal custody of that child, to their local**
70 **superintendent of public schools, or a court of competent jurisdiction, requesting that the**
71 **provisions of this section apply to said child up to his or her eighteenth birthday.**

167.051. [1.] If a school board establishes part-time schools or classes for children under
2 sixteen years of age, lawfully engaged in any regular employment, every parent, guardian or other
3 person having charge, control or custody of such a child shall cause the child to attend the school
4 not less than four hours a week [between the hours of eight o'clock in the morning and five
5 o'clock in the evening] during the school year of the part-time classes.

6 [2. All children who are under eighteen years of age, who have not completed the
7 elementary school course in the public schools of Missouri, or its equivalent, and who are not
8 attending regularly any day school shall be required to attend regularly the part-time classes not
9 less than four hours a week between the hours of eight o'clock in the morning and five o'clock
10 in the afternoon during the entire year of the part-time classes.]

167.231. 1. Within all school districts except metropolitan districts the board of
2 education shall provide transportation to and from school for all pupils living more than three
3 and one-half miles from school and may provide transportation for all pupils. State aid for
4 transportation shall be paid as provided in section 163.161, RSMo, only on the basis of the cost
5 of pupil transportation for those pupils living one mile or more from school, including
6 transportation provided to and from publicly operated university laboratory schools; **except that**
7 **transportation costs for students who live less than one mile from their assigned school may**

8 **be considered as reimbursable miles when the district can demonstrate that such students**
9 **are required to cross a state highway, county arterial, or other major barrier that**
10 **constitutes a safety problem.** The board of education may provide transportation for pupils
11 living less than one mile from school **who do not face safety problems** at the expense of the
12 district and may prescribe reasonable rules and regulations as to eligibility of pupils for
13 transportation. If no increase in the tax levy of the school district is required to provide
14 transportation for pupils living less than one mile from the school, the board may transport said
15 pupils. If an increase in the tax levy of the school district is required to provide transportation
16 for pupils living less than one mile from school, the board shall submit the question at a public
17 election. If a two-thirds majority of the voters voting on the question at the election are in favor
18 of providing the transportation, the board shall arrange and provide therefor.

19 2. The proposal and the ballots may be in substantially the following form:

20 Shall the board of education of the school district provide transportation at the
21 expense of the district for pupils living less than one mile from school and be authorized to levy
22 an additional tax of cents on the one hundred dollars assessed valuation to provide funds
23 to pay for such transportation service?

24 YES NO

25

26 (If you are in favor of the proposition (or question), place an X in the box opposite "YES". If
27 you are opposed to the proposition (or question), place an X in the box opposite "NO".)

28 3. The board of education of any school district may provide transportation to and from
29 school for any public school pupil not otherwise eligible for transportation under the provisions
30 of state law, and may prescribe reasonable rules and regulations as to eligibility for
31 transportation, if the parents or guardian of the pupil agree in writing to pay the actual cost of
32 transporting the pupil. The minimum charge would be the actual cost of transporting the pupil
33 for ninety school days, which actual cost is to be determined by the average per pupil cost of
34 transporting children in the school district during the preceding school year. The full actual cost
35 shall be paid by the parent or guardian of the pupil and shall not be paid out of any state school
36 aid funds or out of any other revenues of the school district. The cost of transportation may be
37 paid in installments, and the board of education shall establish the cost of the transportation and
38 the time or times and method of payment.

39 **4. With an affirmative vote of the board of education, a school district operating**
40 **its own transportation system may use its vehicles to provide transportation options to the**
41 **public under the following conditions:**

42 **(1) The use of the vehicle for such transportation is self-supporting or for profit;**
43 **and**

44 **(2) No state transportation reimbursement funds are used to support such trips,**
45 **routes, or schedules.**

171.031. 1. Each school board shall prepare annually a calendar for the school term,
2 specifying the opening date and providing a minimum term of at least one hundred seventy-four
3 days and one thousand forty-four hours of actual pupil attendance.

4 2. No school day shall be longer than seven hours except for vocational schools which
5 may adopt an eight-hour day in a metropolitan school district and a school district in a first class
6 county adjacent to a city not within a county.

7 **3. School districts that serve the same student population, including but not limited**
8 **to districts that do not have high schools and districts in the same county or an adjacent**
9 **county that have high schools, shall make a good-faith effort to coordinate school calendars**
10 **so that school start and end dates and student holidays are consistent whenever possible.**
11 **Districts that coordinate their schedules shall be recognized each year by the commissioner**
12 **of education for setting an example of cooperative endeavor.**

210.145. 1. The division shall establish and maintain an information system operating
2 at all times, capable of receiving and maintaining reports. This information system shall have
3 the ability to receive reports over a single, statewide toll-free number. Such information system
4 shall maintain the results of all investigations, family assessments and services, and other
5 relevant information.

6 2. Upon receipt of a report, the division shall immediately communicate such report to
7 its appropriate local office and any relevant information as may be contained in the information
8 system. The local division staff shall determine, through the use of protocols developed by the
9 division, whether an investigation or the family assessment and services approach should be used
10 to respond to the allegation. The protocols developed by the division shall give priority to
11 ensuring the well-being and safety of the child.

12 3. The local office shall contact the appropriate law enforcement agency immediately
13 upon receipt of a report which division personnel determine merits an investigation, or, which,
14 if true, would constitute a suspected violation of any of the following: section 565.020, 565.021,
15 565.023, 565.024 or 565.050, RSMo, if the victim is a child less than eighteen years of age,
16 section 566.030 or 566.060, RSMo, if the victim is a child less than eighteen years of age, or
17 other crime under chapter 566, RSMo, if the victim is a child less than eighteen years of age and
18 the perpetrator is twenty-one years of age or older, section 567.050, RSMo, if the victim is a
19 child less than eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060,
20 568.080, or 568.090, RSMo, section 573.025, 573.037 or 573.045, RSMo, or an attempt to
21 commit any such crimes. The local office shall provide such agency with a detailed description
22 of the report received. In such cases the local division office shall request the assistance of the

23 local law enforcement agency in all aspects of the investigation of the complaint. The
24 appropriate law enforcement agency shall either assist the division in the investigation or provide
25 the division, within twenty-four hours, an explanation in writing detailing the reasons why it is
26 unable to assist.

27 4. The local office of the division shall cause an investigation or family assessment and
28 services approach to be initiated immediately or no later than within twenty-four hours of receipt
29 of the report from the division, except in cases where the sole basis for the report is educational
30 neglect. If the report indicates that educational neglect is the only complaint and there is no
31 suspicion of other neglect or abuse, the investigation shall be initiated within seventy-two hours
32 of receipt of the report. If the report indicates the child is in danger of serious physical harm or
33 threat to life, an investigation shall include direct observation of the subject child within
34 twenty-four hours of the receipt of the report. Local law enforcement shall take all necessary
35 steps to facilitate such direct observation. If the parents of the child are not the alleged abusers,
36 a parent of the child must be notified prior to the child being interviewed by the division. **If the**
37 **abuse is alleged to have occurred in a school or child care facility**, the division shall not meet
38 with the child [at the child's school or child-care facility] **in the same school building or child**
39 **care facility building where the abuse of such child is alleged to have occurred**. When the
40 child is reported absent from the residence, the location and the well-being of the child shall be
41 verified.

42 5. The director of the division shall name at least one chief investigator for each local
43 division office, who shall direct the division response on any case involving a second or
44 subsequent incident regarding the same subject child or perpetrator. The duties of a chief
45 investigator shall include verification of direct observation of the subject child by the division
46 and shall ensure information regarding the status of an investigation is provided to the public
47 school district liaison. The public school district liaison shall develop protocol in conjunction
48 with the chief investigator to ensure information regarding an investigation is shared with
49 appropriate school personnel. The superintendent of each school district shall designate a
50 specific person or persons to act as the public school district liaison. Should the subject child
51 attend a nonpublic school the chief investigator shall notify the school principal of the
52 investigation. Upon notification of an investigation, all information received by the public
53 school district liaison or the school shall be subject to the provisions of the federal Family
54 Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g, and federal rule 34
55 C.F.R., Part 99.

56 6. The investigation shall include but not be limited to the nature, extent, and cause of
57 the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the
58 names and conditions of other children in the home, if any; the home environment and the

59 relationship of the subject child to the parents or other persons responsible for the child's care;
60 any indication of incidents of physical violence against any other household or family member;
61 and other pertinent data.

62 7. When a report has been made by a person required to report under section 210.115,
63 the division shall contact the person who made such report within forty-eight hours of the receipt
64 of the report in order to ensure that full information has been received and to obtain any
65 additional information or medical records, or both, that may be pertinent.

66 8. Upon completion of the investigation, if the division suspects that the report was made
67 maliciously or for the purpose of harassment, the division shall refer the report and any evidence
68 of malice or harassment to the local prosecuting or circuit attorney.

69 9. Multidisciplinary teams shall be used whenever conducting the investigation as
70 determined by the division in conjunction with local law enforcement. Multidisciplinary teams
71 shall be used in providing protective or preventive social services, including the services of law
72 enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and
73 other agencies, both public and private.

74 10. If the appropriate local division personnel determine after an investigation has begun
75 that completing an investigation is not appropriate, the division shall conduct a family
76 assessment and services approach. The division shall provide written notification to local law
77 enforcement prior to terminating any investigative process. The reason for the termination of
78 the investigative process shall be documented in the record of the division and the written
79 notification submitted to local law enforcement. Such notification shall not preclude nor prevent
80 any investigation by law enforcement.

81 11. If the appropriate local division personnel determines to use a family assessment and
82 services approach, the division shall:

83 (1) Assess any service needs of the family. The assessment of risk and service needs
84 shall be based on information gathered from the family and other sources;

85 (2) Provide services which are voluntary and time-limited unless it is determined by the
86 division based on the assessment of risk that there will be a high risk of abuse or neglect if the
87 family refuses to accept the services. The division shall identify services for families where it
88 is determined that the child is at high risk of future abuse or neglect. The division shall
89 thoroughly document in the record its attempt to provide voluntary services and the reasons these
90 services are important to reduce the risk of future abuse or neglect to the child. If the family
91 continues to refuse voluntary services or the child needs to be protected, the division may
92 commence an investigation;

93 (3) Commence an immediate investigation if at any time during the family assessment
94 and services approach the division determines that an investigation, as delineated in sections

95 210.109 to 210.183, is required. The division staff who have conducted the assessment may
96 remain involved in the provision of services to the child and family;

97 (4) Document at the time the case is closed, the outcome of the family assessment and
98 services approach, any service provided and the removal of risk to the child, if it existed.

99 12. Within thirty days of an oral report of abuse or neglect, the local office shall update
100 the information in the information system. The information system shall contain, at a minimum,
101 the determination made by the division as a result of the investigation, identifying information
102 on the subjects of the report, those responsible for the care of the subject child and other relevant
103 dispositional information. The division shall complete all investigations within thirty days,
104 unless good cause for the failure to complete the investigation is documented in the information
105 system. If the investigation is not completed within thirty days, the information system shall be
106 updated at regular intervals and upon the completion of the investigation. The information in
107 the information system shall be updated to reflect any subsequent findings, including any
108 changes to the findings based on an administrative or judicial hearing on the matter.

109 13. A person required to report under section 210.115 to the division shall be informed
110 by the division of his right to obtain information concerning the disposition of his or her report.
111 Such person shall receive, from the local office, if requested, information on the general
112 disposition of his or her report. A person required to report to the division pursuant to section
113 210.115 may receive, if requested, findings and information concerning the case. Such release
114 of information shall be at the discretion of the director based upon a review of the mandated
115 reporter's ability to assist in protecting the child or the potential harm to the child or other
116 children within the family. The local office shall respond to the request within forty-five days.
117 The findings shall be made available to the mandated reporter within five days of the outcome
118 of the investigation.

119 14. In any judicial proceeding involving the custody of a child the fact that a report may
120 have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However,
121 nothing in this subsection shall prohibit the introduction of evidence from independent sources
122 to support the allegations that may have caused a report to have been made.

123 15. In any judicial proceeding involving the custody of a child where the court
124 determines that the child is in need of services pursuant to subdivision (d) of subsection 1 of
125 section 211.031, RSMo, and has taken jurisdiction, the child's parent, guardian or custodian shall
126 not be entered into the registry.

127 16. The division of family services is hereby granted the authority to promulgate rules
128 and regulations pursuant to the provisions of section 207.021, RSMo, and chapter 536, RSMo,
129 to carry out the provisions of sections 210.109 to 210.183.

130 17. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that

131 is created under the authority delegated in this section shall become effective only if it complies
132 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
133 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
134 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
135 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
136 grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be
137 invalid and void.