

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 1040

92ND GENERAL ASSEMBLY

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Reported from the Committee on Education, February 5, 2004, with recommendation that the House Committee Substitute for House Bill No. 1040 Do Pass.

Taken up for Perfection February 11, 2004. House Committee Substitute for House Bill No. 1040 ordered Perfected and printed, as amended.

STEPHEN S. DAVIS, Chief Clerk

3701L.02P

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## AN ACT

To repeal sections 160.261, 160.518, 160.570, 162.261, 163.036, 167.031, 167.051, 171.031, and 210.145, RSMo, and to enact in lieu thereof fourteen new sections relating to education accountability, with an emergency clause for a certain section.

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

Section A. Sections 160.261, 160.518, 160.570, 162.261, 163.036, 167.031, 167.051,  
2 171.031, and 210.145, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to  
3 be known as sections 160.261, 160.518, 160.570, 161.089, 161.096, 161.209, 162.065, 162.067,  
4 162.261, 163.036, 167.031, 167.051, 171.031, and 210.145, to read as follows:

160.261. 1. The local board of education of each school district shall clearly establish  
2 a written policy of discipline, including the district's determination on the use of corporal  
3 punishment and the procedures in which punishment will be applied. A written copy of the  
4 district's discipline policy and corporal punishment procedures, if applicable, shall be provided  
5 to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning  
6 of each school year and also made available in the office of the superintendent of such district,  
7 during normal business hours, for public inspection. All employees of the district shall annually  
8 receive instruction related to the specific contents of the policy of discipline and any  
9 interpretations necessary to implement the provisions of the policy in the course of their duties,

**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.**

10 including but not limited to approved methods of dealing with acts of school violence,  
11 disciplining students with disabilities and instruction in the necessity and requirements for  
12 confidentiality.

13         2. The policy shall require school administrators to report acts of school violence to  
14 teachers and other school district employees with a need to know. For the purposes of this  
15 chapter or chapter 167, RSMo, "need to know" is defined as school personnel who are directly  
16 responsible for the student's education or who otherwise interact with the student on a  
17 professional basis while acting within the scope of their assigned duties. As used in this section,  
18 the phrase "act of school violence" or "violent behavior" means the exertion of physical force by  
19 a student with the intent to do serious physical injury as defined in subdivision (6) of section  
20 565.002, RSMo, to another person while on school property, including a school bus in service  
21 on behalf of the district, or while involved in school activities. The policy shall at a minimum  
22 require school administrators to report, as soon as reasonably practical, to the appropriate law  
23 enforcement agency any of the following felonies, or any act which if committed by an adult  
24 would be one of the following felonies:

- 25         (1) First degree murder under section 565.020, RSMo;
- 26         (2) Second degree murder under section 565.021, RSMo;
- 27         (3) Kidnapping under section 565.110, RSMo;
- 28         (4) First degree assault under section 565.050, RSMo;
- 29         (5) Forcible rape under section 566.030, RSMo;
- 30         (6) Forcible sodomy under section 566.060, RSMo;
- 31         (7) Burglary in the first degree under section 569.160, RSMo;
- 32         (8) Burglary in the second degree under section 569.170, RSMo;
- 33         (9) Robbery in the first degree under section 569.020, RSMo;
- 34         (10) Distribution of drugs under section 195.211, RSMo;
- 35         (11) Distribution of drugs to a minor under section 195.212, RSMo;
- 36         (12) Arson in the first degree under section 569.040, RSMo;
- 37         (13) Voluntary manslaughter under section 565.023, RSMo;
- 38         (14) Involuntary manslaughter under section 565.024, RSMo;
- 39         (15) Second degree assault under section 565.060, RSMo;
- 40         (16) Sexual assault under section 566.040, RSMo;
- 41         (17) Felonious restraint under section 565.120, RSMo;
- 42         (18) Property damage in the first degree under section 569.100, RSMo;
- 43         (19) The possession of a weapon under chapter 571, RSMo;
- 44         (20) Child molestation in the first degree pursuant to section 566.067, RSMo;
- 45         (21) Deviate sexual assault pursuant to section 566.070, RSMo;

46 (22) Sexual misconduct involving a child pursuant to section 566.083, RSMo; or

47 (23) Sexual abuse pursuant to section 566.100, RSMo;

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49 committed on school property, including but not limited to actions on any school bus in service  
50 on behalf of the district or while involved in school activities. The policy shall require that any  
51 portion of a student's individualized education program that is related to demonstrated or  
52 potentially violent behavior shall be provided to any teacher and other school district employees  
53 who are directly responsible for the student's education or who otherwise interact with the  
54 student on an educational basis while acting within the scope of their assigned duties. The policy  
55 shall also contain the consequences of failure to obey standards of conduct set by the local board  
56 of education, and the importance of the standards to the maintenance of an atmosphere where  
57 orderly learning is possible and encouraged.

58 **3. The policy shall provide that any student who is on suspension for any of the**  
59 **offenses listed in subsection 2 of this section or any act of violence or drug-related activity**  
60 **defined by school district policy as a serious violation of school discipline pursuant to**  
61 **subsection 9 of this section shall have as a condition of his or her suspension the**  
62 **requirement that such student is not allowed, while on such suspension, to be within one**  
63 **thousand feet of any public school in the school district where such student attended school**  
64 **unless:**

65 (1) Such student is under the direct supervision of the student's parent, legal  
66 guardian, or custodian;

67 (2) Such student is under the direct supervision of another adult designated by the  
68 student's parent, legal guardian, or custodian, in advance, in writing, to the principal of  
69 the school which suspended the student; or

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

73 **4. Any student who violates the condition of suspension required pursuant to**  
74 **subsection 3 of this section may be subject to expulsion or further suspension pursuant to**  
75 **the provisions of sections 167.161, 167.164, and 167.171, RSMo. In making this**  
76 **determination consideration shall be given to whether the student poses a threat to the**  
77 **safety of any child or school employee and whether such student's unsupervised presence**  
78 **within one thousand feet of the school is disruptive to the educational process or**  
79 **undermines the effectiveness of the school's disciplinary policy. Removal of any pupil who**  
80 **is a student with a disability is subject to state and federal procedural rights.**

81 [3.] 5. The policy shall provide for a suspension for a period of not less than one year,  
82 or expulsion, for a student who is determined to have brought a weapon to school, including but  
83 not limited to the school playground or the school parking lot, brought a weapon on a school bus  
84 or brought a weapon to a school activity whether on or off of the school property in violation of  
85 district policy, except that:

86 (1) The superintendent, or in a school district with no high school, the principal of the  
87 school which such child attends may modify such suspension on a case-by-case basis; and

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

90 [4.] 6. For the purpose of this section, the term "weapon" shall mean a firearm as defined  
91 under 18 U.S.C. 921 and the following items, as defined in section 571.010, RSMo: a blackjack,  
92 a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife,  
93 knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade  
94 knife; except that this section shall not be construed to prohibit a school board from adopting a  
95 policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for  
96 educational purposes so long as the firearm is unloaded. The local board of education shall  
97 define weapon in the discipline policy. Such definition shall include the weapons defined in this  
98 subsection but may also include other weapons.

99 [5.] 7. All school district personnel responsible for the care and supervision of students  
100 are authorized to hold every pupil strictly accountable for any disorderly conduct in school or on  
101 any property of the school, on any school bus going to or returning from school, during  
102 school-sponsored activities, or during intermission or recess periods.

103 [6.] 8. Teachers and other authorized district personnel in public schools responsible for  
104 the care, supervision, and discipline of schoolchildren, including volunteers selected with  
105 reasonable care by the school district, shall not be civilly liable when acting in conformity with  
106 the established policy of discipline developed by each board under this section, or when reporting  
107 to his or her supervisor or other person as mandated by state law, acts of school violence or  
108 threatened acts of school violence, within the course and scope of the duties of the teacher,  
109 authorized district personnel or volunteer, when such individual is acting in conformity with the  
110 established policies developed by the board. Nothing in this section shall be construed to create  
111 a new cause of action against such school district, or to relieve the school district from liability  
112 for the negligent acts of such persons.

113 [7.] 9. Each school board shall define in its discipline policy acts of violence and any  
114 other acts that constitute a serious violation of that policy. Acts of violence as defined by school  
115 boards shall include but not be limited to exertion of physical force by a student with the intent  
116 to do serious bodily harm to another person while on school property, including a school bus in

117 service on behalf of the district, or while involved in school activities. School districts shall for  
118 each student enrolled in the school district compile and maintain records of any serious violation  
119 of the district's discipline policy. Such records shall be made available to teachers and other  
120 school district employees with a need to know while acting within the scope of their assigned  
121 duties, and shall be provided as required in section 167.020, RSMo, to any school district in  
122 which the student subsequently attempts to enroll.

123 [8.] 10. Spanking, when administered by certificated personnel of a school district in a  
124 reasonable manner in accordance with the local board of education's written policy of discipline,  
125 is not abuse within the meaning of chapter 210, RSMo. The provisions of sections 210.110 to  
126 210.165, RSMo, notwithstanding, the division of family services shall not have jurisdiction over  
127 or investigate any report of alleged child abuse arising out of or related to any spanking  
128 administered in a reasonable manner by any certificated school personnel pursuant to a written  
129 policy of discipline established by the board of education of the school district. Upon receipt of  
130 any reports of child abuse by the division of family services pursuant to sections 210.110 to  
131 210.165, RSMo, which allegedly involves personnel of a school district, the division of family  
132 services shall notify the superintendent of schools of the district or, if the person named in the  
133 alleged incident is the superintendent of schools, the president of the school board of the school  
134 district where the alleged incident occurred. If, after an initial investigation, the superintendent  
135 of schools or the president of the school board finds that the report involves an alleged incident  
136 of child abuse other than the administration of a spanking by certificated school personnel  
137 pursuant to a written policy of discipline or a report made for the sole purpose of harassing a  
138 public school employee, the superintendent of schools or the president of the school board shall  
139 immediately refer the matter back to the division of family services and take no further action.  
140 In all matters referred back to the division of family services, the division of family services shall  
141 treat the report in the same manner as other reports of alleged child abuse received by the  
142 division. If the report pertains to an alleged incident which arose out of or is related to a  
143 spanking administered by certificated personnel of a school district pursuant to a written policy  
144 of discipline or a report made for the sole purpose of harassing a public school employee, a  
145 notification of the reported child abuse shall be sent by the superintendent of schools or the  
146 president of the school board to the juvenile officer of the county in which the alleged incident  
147 occurred. The report shall be jointly investigated by the juvenile officer or a law enforcement  
148 officer designated by the juvenile officer and the superintendent of schools or, if the subject of  
149 the report is the superintendent of schools, by the juvenile officer or a law enforcement officer  
150 designated by the juvenile officer and the president of the school board or such president's  
151 designee. The investigation shall begin no later than forty-eight hours after notification from the  
152 division of family services is received, and shall consist of, but need not be limited to,

153 interviewing and recording statements of the child and the child's parents or guardian within two  
154 working days after the start of the investigation, of the school district personnel allegedly  
155 involved in the report, and of any witnesses to the alleged incident. The juvenile officer or a law  
156 enforcement officer designated by the juvenile officer and the investigating school district  
157 personnel shall issue separate reports of their findings and recommendations after the conclusion  
158 of the investigation to the school board of the school district within seven days after receiving  
159 notice from the division of family services. The reports shall contain a statement of conclusion  
160 as to whether the report of alleged child abuse is substantiated or is unsubstantiated. The school  
161 board shall consider the separate reports and shall issue its findings and conclusions and the  
162 action to be taken, if any, within seven days after receiving the last of the two reports. The  
163 findings and conclusions shall be made in substantially the following form:

164 (1) The report of the alleged child abuse is unsubstantiated. The juvenile officer or a law  
165 enforcement officer designated by the juvenile officer and the investigating school board  
166 personnel agree that the evidence shows that no abuse occurred;

167 (2) The report of the alleged child abuse is substantiated. The juvenile officer or a law  
168 enforcement officer designated by the juvenile officer and the investigating school district  
169 personnel agree that the evidence is sufficient to support a finding that the alleged incident of  
170 child abuse did occur;

171 (3) The issue involved in the alleged incident of child abuse is unresolved. The juvenile  
172 officer or a law enforcement officer designated by the juvenile officer and the investigating  
173 school personnel are unable to agree on their findings and conclusions on the alleged incident.

174 [9.] 11. The findings and conclusions of the school board shall be sent to the division of  
175 family services. If the findings and conclusions of the school board are that the report of the  
176 alleged child abuse is unsubstantiated, the investigation shall be terminated, the case closed, and  
177 no record shall be entered in the division of family services' central registry. If the findings and  
178 conclusions of the school board are that the report of the alleged child abuse is substantiated, the  
179 division of family services shall report the incident to the prosecuting attorney of the appropriate  
180 county along with the findings and conclusions of the school district and shall include the  
181 information in the division's central registry. If the findings and conclusions of the school board  
182 are that the issue involved in the alleged incident of child abuse is unresolved, the division of  
183 family services shall report the incident to the prosecuting attorney of the appropriate county  
184 along with the findings and conclusions of the school board, however, the incident and the names  
185 of the parties allegedly involved shall not be entered into the central registry of the division of  
186 family services unless and until the alleged child abuse is substantiated by a court of competent  
187 jurisdiction.

188 [10.] 12. Any superintendent of schools, president of a school board or such person's  
189 designee or juvenile officer who knowingly falsifies any report of any matter pursuant to this  
190 section or who knowingly withholds any information relative to any investigation or report  
191 pursuant to this section is guilty of a class A misdemeanor."; and

160.518. 1. Consistent with the provisions contained in section 160.526, the state board  
2 of education shall develop a statewide assessment system that provides maximum flexibility for  
3 local school districts to determine the degree to which students in the public schools of the state  
4 are proficient in the knowledge, skills, and competencies adopted by such board pursuant to  
5 subsection 1 of section 160.514. The statewide assessment system shall assess problem solving,  
6 analytical ability, evaluation, creativity, and application ability in the different content areas and  
7 shall be performance-based to identify what students know, as well as what they are able to do,  
8 and shall enable teachers to evaluate actual academic performance. The assessment system shall  
9 neither promote nor prohibit rote memorization and shall not include existing versions of tests  
10 approved for use pursuant to the provisions of section 160.257, nor enhanced versions of such  
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. Notwithstanding the provisions of subsections 1 to 6 of this section, no later than**  
67 **June 30, 2006, the state board of education shall administer the following adjustments to**  
68 **the statewide assessment system:**



69           **(1) Institute performance standards for the statewide assessment system as follows:**  
70 **‘below grade level,’ ‘at grade level,’ ‘above grade level,’ and ‘level not determined,’ based**  
71 **on the approved grade level expectations developed by the department of elementary and**  
72 **secondary education;**

73           **(2) Align the ‘at grade level’ performance standard of the statewide assessment**  
74 **system so that it meets but does not exceed the ‘proficient’ level of the National Assessment**  
75 **of Educational Progress examination;**

76           **(3) Institute yearly examination of students in the required subject areas where**  
77 **compelled by federal standards; and**

78           **(4) Administer any other adjustments that the state board of education deems**  
79 **necessary in order to aid the state in satisfying federal requirements, including, but not**  
80 **limited to, the federal "No Child Left Behind Act".**

81           **8. By July 1, 2006, the state board of education shall examine its rules and**  
82 **regulations and revise them to permit waivers of resource and process standards based**  
83 **upon achievement of performance profiles consistent with accreditation status.**

          160.570. **1.** Nothing in this section or section 105.1209, RSMo, shall be construed to  
2 affect or limit any state agency's authority regarding professional registration, licensing or  
3 issuance of professional certificates, nor shall this section be construed to limit or affect the  
4 authority of the state board of education to examine applicants and issue high school equivalency  
5 certificates[; except that].

6           **2.** The school board of each school district shall establish a written policy on student  
7 participation in statewide assessments. The policy shall be provided to each student and the  
8 parent, guardian or other person responsible for every student under eighteen years of age at the  
9 beginning of each school year and a copy of the policy shall be maintained in the district office  
10 and shall be available for viewing by the public during business hours of the district office. [The  
11 policy] **A school board** may establish a [system of rewards and punishments] **policy** designed  
12 to encourage students to give their best efforts on each portion of any statewide assessment  
13 established pursuant to section 160.518, RSMo, **which may include but is not limited to**  
14 **incentives or supplementary work as a consequence of performance.**

15           **3.** In no case shall the state board of education or any other state agency establish any  
16 single test or group of tests as a condition or requirement for high school graduation or as a  
17 requirement for a state-approved diploma.

**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; except that, if on review deficiencies are noted, such deficiencies shall be listed**  
4 **as an area of concern.**

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

**161.096. The state board of education shall audit each school district's**  
2 **transportation contracts, including bidding procedures and transportation rates, on an**  
3 **annual basis.**

**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 when there is no increase in the appropriation for**  
7 **basic state aid funding pursuant to section 163.031, RSMo, from one fiscal year to the next**  
8 **or when withholdings of appropriated funds result in a situation equivalent to no increase**  
9 **in such appropriation.**

**162.065. Any school district which provides bussing services to its students and any**  
2 **private transportation company which provides bussing services to a school district shall**  
3 **do the following:**

4           **(1) Consult the Missouri sex offender registration list prior to selecting school bus**  
5 **stops; and**

6           **(2) Have manifests containing the name, home address, bus stop, and destination**  
7 **of each student that is allowed to use a school bus and provide a copy of such list to each**  
8 **school bus driver so that any person who attempts to board a school bus who is not on such**  
9 **manifest can be denied access to such bus.**

**162.067. During fall registration, all school districts shall provide, to each student's**  
2 **parent or family, background information on the district's transportation program which**  
3 **shall include the name of the private transportation company the district uses, if any, the**  
4 **results of highway patrol safety inspections on busses that will be used to transport**  
5 **students, and any corporate safety information regarding such busses that is available.**

**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.**

163.036. 1. In computing the amount of state aid a school district is entitled to receive  
2 **for the minimum school term only** under section 163.031, a school district may use an estimate  
3 of the number of eligible pupils for the ensuing year, the number of eligible pupils for the  
4 immediately preceding year or the number of eligible pupils for the second preceding school  
5 year, whichever is greater. **Beginning with the 2004-2005 school year, the summer school**  
6 **add-on for eligible pupils, as defined in section 163.011, shall include only those eligible**  
7 **pupils that attend summer school in the ensuing year.** Except as otherwise provided in  
8 subsection 3 of this section, any error made in the apportionment of state aid because of a  
9 difference between the actual number of eligible pupils and the estimated number of eligible  
10 pupils shall be corrected as provided in section 163.091, except that if the amount paid to a  
11 district estimating eligible pupils exceeds the amount to which the district was actually entitled  
12 by more than five percent, interest at the rate of six percent shall be charged on the excess and  
13 shall be added to the amount to be deducted from the district's apportionment the next  
14 succeeding year.

15         2. Notwithstanding the provisions of subsection 1 of this section or any other provision  
16 of law, the state board of education shall make an adjustment for the immediately preceding year  
17 for any increase in the actual number of eligible pupils above the number on which the state aid  
18 in section 163.031 was calculated. Said adjustment shall be made in the manner providing for  
19 correction of errors under subsection 1 of this section.

20         3. (1) For any district which has, for at least five years immediately preceding the year  
21 in which the error is discovered, adopted a calendar for the school term in which elementary  
22 schools are in session for twelve months of each calendar year, any error made in the  
23 apportionment of state aid to such district because of a difference between the actual number of

24 eligible pupils and the estimated number of eligible pupils shall be corrected as provided in  
25 section 163.091 and subsection 1 of this section, except that if the amount paid exceeds the  
26 amount to which the district was actually entitled by more than five percent and the district  
27 provides written application to the state board requesting that the deductions be made pursuant  
28 to subdivision (2) of this subsection, then the amounts shall be deducted pursuant to subdivision  
29 (2) of this subsection.

30 (2) For deductions made pursuant to this subdivision, interest at the rate of six percent  
31 shall be charged on the excess and shall be included in the amount deducted and the total amount  
32 of such excess plus accrued interest shall be deducted from the district's apportionment in equal  
33 monthly amounts beginning with the succeeding school year and extending for a period of  
34 months specified by the district in its written request and no longer than sixty months.

35 4. For the purposes of distribution of state school aid pursuant to section 163.031, a  
36 school district may elect to use the district's equalized assessed valuation for the preceding year,  
37 or an estimate of the current year's assessed valuation if the current year's equalized assessed  
38 valuation is estimated to be more than ten percent less than the district's equalized assessed  
39 valuation for the preceding year. A district shall give prior notice to the department of its  
40 intention to use the current year's assessed valuation pursuant to this subsection. Any error made  
41 in the apportionment of state aid because of a difference between the actual equalized assessed  
42 valuation for the current year and the estimated equalized assessed valuation for the current year  
43 shall be corrected as provided in section 163.091, except that if the amount paid to a district  
44 estimating current equalized assessed valuation exceeds the amount to which the district was  
45 actually entitled, interest at the rate of six percent shall be charged on the excess and shall be  
46 added to the amount to be deducted from the district's apportionment the next succeeding year.

47 5. For the purposes of distribution of state school aid pursuant to section 163.031, a  
48 school district with ten percent or more of its assessed valuation that is owned by one person or  
49 corporation as commercial or personal property who is delinquent in a property tax payment may  
50 elect, after receiving notice from the county clerk on or before March fifteenth, except in the year  
51 enacted, that more than ten percent of its current taxes due the preceding December thirty-first  
52 by a single property owner are delinquent, to use on line 2 of the state aid formula the district's  
53 equalized assessed valuation for the preceding year or the actual assessed valuation of the year  
54 for which the taxes are delinquent less the assessed valuation of property for which the current  
55 year's property tax is delinquent. To qualify for use of the actual assessed valuation of the year  
56 for which the taxes are delinquent less the assessed valuation of property for which the current  
57 year's property tax is delinquent, a district must notify the department of elementary and  
58 secondary education on or before April first, except in the year enacted, of the current year  
59 amount of delinquent taxes, the assessed valuation of such property for which delinquent taxes

60 are owed and the total assessed valuation of the district for the year in which the taxes were due  
61 but not paid. Any district giving such notice to the department of elementary and secondary  
62 education shall present verification of the accuracy of such notice obtained from the clerk of the  
63 county levying delinquent taxes. When any of the delinquent taxes identified by such notice are  
64 paid during a four- year period following the due date, the county clerk shall give notice to the  
65 district and the department of elementary and secondary education, and state aid paid to the  
66 district shall be reduced by an amount equal to the delinquent taxes received plus interest. The  
67 reduction in state aid shall occur over a period not to exceed five years and the interest rate on  
68 excess state aid not refunded shall be six percent annually.

69         6. If a district receives state aid based on equalized assessed valuation as determined by  
70 subsection 5 of this section and if prior to such notice the district was paid state aid pursuant to  
71 subdivision (2) of subsection 5 of section 163.031, the amount of state aid paid during the year  
72 of such notice and the first year following shall equal the sum of state aid paid pursuant to line  
73 1 minus line 10 as defined in subsections 1, 2, 3 and 6 of section 163.031 plus the difference  
74 between the state aid amount being paid after such notice minus the amount of state aid the  
75 district would have received pursuant to line 1 minus line 10 as defined in subsections 1, 2, 3 and  
76 6 of section 163.031 before such notice. To be eligible to receive state aid based on this  
77 provision the district must levy during the first year following such notice at least the maximum  
78 levy permitted school districts by article X, section 11(b) of the Missouri Constitution and have  
79 a voluntary rollback of its tax rate which is no greater than one cent per one hundred dollars  
80 assessed valuation.

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

15 (1) A child who, to the satisfaction of the superintendent of public schools of the district  
16 in which he resides, or if there is no superintendent then the chief school officer, is determined  
17 to be mentally or physically incapacitated may be excused from attendance at school for the full  
18 time required, or any part thereof;

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

25 (3) A child between five and seven years of age shall be excused from attendance at  
26 school if a parent, guardian or other person having charge, control or custody of the child makes  
27 a written request that the child be dropped from the school's rolls.

28 2. (1) As used in sections 167.031 to 167.071, a "home school" is a school, whether  
29 incorporated or unincorporated, that:

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

31 (b) Enrolls pupils between the ages of seven [and sixteen] years **and the compulsory**  
32 **attendance age for the district**, of which no more than four are unrelated by affinity or  
33 consanguinity in the third degree; and

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

36 (2) As evidence that a child is receiving regular instruction, the parent shall, **except as**  
37 **otherwise provided in this subsection**:

38 (a) Maintain the following records:

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

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

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

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

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

49 (3) **The requirements of subdivision (2) of this subsection shall not apply to any**  
50 **pupil above the age of sixteen years.**

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

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

60           5. The production by a parent of a daily log showing that a home school has a course of  
61 instruction which satisfies the requirements of this section **or, in the case of a pupil over the**  
62 **age of sixteen years who attended a metropolitan school district the previous year, a**  
63 **written statement that the pupil is attending home school in compliance with this section**  
64 shall be a defense to any prosecution under this section and to any charge or action for  
65 educational neglect brought pursuant to chapter 210, RSMo.

66           **6. As used in sections 167.031 to 167.051, the term "compulsory attendance age for**  
67 **the district" shall mean:**

68           **(1) Seventeen years of age for any metropolitan school district for which the school**  
69 **board adopts a resolution to establish such compulsory attendance age; provided that such**  
70 **resolution shall take effect no earlier than the school year next following the school year**  
71 **during which the resolution is adopted; and**

72           **(2) Sixteen years of age in all other cases.**

73

74 **The school board of a metropolitan school district for which the compulsory attendance**  
75 **age is seventeen years may adopt a resolution to lower the compulsory attendance age to**  
76 **sixteen years; provided that such resolution shall take effect no earlier than the school year**  
77 **next following the school year during which the resolution is adopted.**

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

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, **573.035**, 573.037 or [573.045] **573.040**, RSMo,  
21 or an attempt to commit any such crimes. The local office shall provide such agency with a  
22 detailed description of the report received. In such cases the local division office shall request



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

          Section B. Because immediate action is necessary to adequately protect children being  
2 interviewed by the state, the repeal and reenactment of section 210.145 of section A of this act  
3 is deemed necessary for the immediate preservation of the public health, welfare, peace, and  
4 safety, and is hereby declared to be an emergency act within the meaning of the constitution, and  
5 the repeal and reenactment of section 210.145 of section A of this act shall be in full force and  
6 effect upon its passage and approval.