

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1722
94TH GENERAL ASSEMBLY

Reported from the Committee on Elementary and Secondary Education February 25, 2008 with recommendation that House Committee Substitute for House Bill No. 1722 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

3813L.02C

AN ACT

To repeal sections 160.261, 160.660, 161.650, 167.020, 167.022, 167.023, 167.029, 167.115, 167.161, 167.164, 167.621, 167.624, 167.627, 167.630, and 210.102, and to enact in lieu thereof sixteen new sections relating to school protection measures.

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

Section A. Sections 160.261, 160.660, 161.650, 167.020, 167.022, 167.023, 167.029, 167.115, 167.161, 167.164, 167.621, 167.624, 167.627, 167.630, and 210.102, RSMo, are repealed and sixteen new sections enacted in lieu thereof, to be known as sections 160.261, 160.660, 161.650, 162.215, 167.020, 167.022, 167.023, 167.029, 167.115, 167.161, 167.164, 167.621, 167.624, 167.627, 167.630, and 210.102, to read as follows:

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

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

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

48

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

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

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

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

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

78 4. Any student who violates the condition of suspension required pursuant to subsection
79 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of
80 sections 167.161, 167.164, and 167.171, RSMo. In making this determination consideration
81 shall be given to whether the student poses a threat to the safety of any child or school employee
82 and whether such student's unsupervised presence within one thousand feet of the school is

83 disruptive to the educational process or undermines the effectiveness of the school's disciplinary
84 policy. Removal of any pupil who is a student with a disability is subject to state and federal
85 procedural rights. **This section shall not limit a school district's ability to:**

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

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

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

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

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

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

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

112 8. Teachers and other authorized district personnel in public schools responsible for the
113 care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable
114 care by the school district, shall not be civilly liable when acting in conformity with the
115 established [policy of discipline] **policies** developed by each board [under this section],
116 **including but not limited to policies of student discipline** or when reporting to his or her
117 supervisor or other person as mandated by state law acts of school violence or threatened acts
118 of school violence, within the course and scope of the duties of the teacher, authorized district

119 personnel or volunteer, when such individual is acting in conformity with the established policies
120 developed by the board. Nothing in this section shall be construed to create a new cause of
121 action against such school district, or to relieve the school district from liability for the negligent
122 acts of such persons.

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

133 10. Spanking **or the use of force to protect persons or property**, when administered
134 by [certificated] personnel of a school district in a reasonable manner in accordance with the
135 local board of education's written policy of discipline, is not abuse within the meaning of chapter
136 210, RSMo, **as long as no allegation of sexual misconduct arises from the incident, and in**
137 **addition, in the case of spanking, as long as another employee of the school is present as a**
138 **witness.** The provisions of sections 210.110 to 210.165, RSMo, notwithstanding, the **children's**
139 **division [of family services]** shall not have jurisdiction over or investigate any report of alleged
140 child abuse arising out of or related to any spanking administered in a reasonable manner by any
141 [certificated] school personnel pursuant to a written policy of discipline established by the board
142 of education of the school district. Upon receipt of any reports of child abuse by the division of
143 family services pursuant to sections 210.110 to 210.165, RSMo, which allegedly involves
144 personnel of a school district, the division of family services shall notify the superintendent of
145 schools of the district or, if the person named in the alleged incident is the superintendent of
146 schools, the president of the school board of the school district where the alleged incident
147 occurred. If, after an initial investigation, the superintendent of schools or the president of the
148 school board finds that the report involves an alleged incident of child abuse other than the
149 administration of a spanking **or the use of force to protect persons or property** by
150 [certificated] school personnel pursuant to a written policy of discipline or [a] **that the** report
151 **was** made for the sole purpose of harassing a public school employee, the superintendent of
152 schools or the president of the school board shall immediately refer the matter back to the
153 **children's** division [of family services] and take no further action. In all matters referred back
154 to the **children's** division [of family services], the division [of family services] shall treat the

report in the same manner as other reports of alleged child abuse received by the division. If the report pertains to an alleged incident which arose out of or is related to a spanking **or the use of force to protect persons or property** administered by [certificated] personnel of a school district pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, a notification of the reported child abuse shall be sent by the superintendent of schools or the president of the school board to the juvenile officer of the county in which the alleged incident occurred. The report shall be jointly investigated by the juvenile officer or a law enforcement officer designated by the juvenile officer and the superintendent of schools or, if the subject of the report is the superintendent of schools, by the juvenile officer or a law enforcement officer designated by the juvenile officer and the president of the school board or such president's designee. The investigation shall begin no later than forty-eight hours after notification from the **children's** division [of family services] is received, and shall consist of, but need not be limited to, interviewing and recording statements of the child and the child's parents or guardian within two working days after the start of the investigation, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school district personnel shall issue separate reports of their findings and recommendations after the conclusion of the investigation to the school board of the school district within seven days after receiving notice from the **children's** division [of family services]. The reports shall contain a statement of conclusion as to whether the report of alleged child abuse is substantiated or is unsubstantiated. The school board shall consider the separate reports and shall issue its findings and conclusions and the action to be taken, if any, within seven days after receiving the last of the two reports. The findings and conclusions shall be made in substantially the following form:

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

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

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

11. The findings and conclusions of the school board shall be sent to the **children's** division [of family services]. If the findings and conclusions of the school board are that the

191 report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case
192 closed, and no record shall be entered in the **children's** division [of family services'] central
193 registry. If the findings and conclusions of the school board are that the report of the alleged
194 child abuse is substantiated, the **children's** division [of family services] shall report the incident
195 to the prosecuting attorney of the appropriate county along with the findings and conclusions of
196 the school district and shall include the information in the division's central registry. If the
197 findings and conclusions of the school board are that the issue involved in the alleged incident
198 of child abuse is unresolved, the **children's** division [of family services] shall report the incident
199 to the prosecuting attorney of the appropriate county along with the findings and conclusions of
200 the school board, however, the incident and the names of the parties allegedly involved shall not
201 be entered into the central registry of the **children's** division [of family services] unless and until
202 the alleged child abuse is substantiated by a court of competent jurisdiction.

203 12. Any superintendent of schools, president of a school board or such person's designee
204 or juvenile officer who knowingly falsifies any report of any matter pursuant to this section or
205 who knowingly withholds any information relative to any investigation or report pursuant to this
206 section is guilty of a class A misdemeanor.

207 13. In order to ensure the safety of all students, should a student be expelled for bringing
208 a weapon to school, violent behavior, or for an act of school violence, that student shall not, for
209 the purposes of the accreditation process of the Missouri school improvement plan, be
210 considered a dropout or be included in the calculation of that district's educational persistence
211 ratio.

160.660. 1. On or before July 1, 2001, the state board of education shall add to any
2 school facilities and safety criteria developed for the Missouri school improvement program
3 provisions that require:

4 (1) Each school district's designated safety coordinator to have a thorough knowledge
5 of all federal, state and local school violence prevention programs and resources available to
6 students, teachers or staff in the district; and

7 (2) Each school district to fully utilize all such programs and resources that the local
8 school board or its designee determines are necessary and cost-effective for the school district.

9 2. **On or before July 1, 2010, the state board of education shall add to any school**
10 **facilities and safety criteria developed for the Missouri school improvement program**
11 **provisions that suggest that the drills required pursuant to the standard for safe facilities**
12 **occur at least annually and require that all staff receive sufficient training on the security**
13 **and crisis management plan to ensure familiarity with the plan details is maintained**
14 **throughout the school year.**

15 3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
16 is created under the authority delegated in this section shall become effective only if it complies
17 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
18 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
19 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
20 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
21 grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be
22 invalid and void.

161.650. 1. The department of elementary and secondary education shall identify and
2 adopt an existing program or programs of educational instruction regarding violence prevention
3 to be administered by public school districts pursuant to subsection 2 of this section, and which
4 shall include, but shall not be limited to, instructing students of the negative consequences, both
5 to the individual and to society at large, of membership in or association with criminal street
6 gangs or participation in criminal street gang activity, as those phrases are defined in section
7 578.421, RSMo, and shall include related training for school district employees directly
8 responsible for the education of students concerning violence prevention and early identification
9 of and intervention in violent behavior. The state board of education shall adopt such program
10 or programs by rule as approved for use in Missouri public schools. The program or programs
11 of instruction shall encourage nonviolent conflict resolution of problems facing youth; present
12 alternative constructive activities for the students; encourage community participation in program
13 instruction, including but not limited to parents and law enforcement officials; and shall be
14 administered as appropriate for different grade levels and shall not be offered for academic
15 credit.

16 2. All public school districts within this state with the approval of the district's board of
17 education may administer the program or programs of student instruction adopted pursuant to
18 subsection 1 of this section to students within the district starting at the kindergarten level and
19 every year thereafter through the twelfth-grade level.

20 3. Any district adopting and providing a program of instruction pursuant to this section
21 shall be entitled to receive state aid pursuant to section 163.031, RSMo. If such aid is
22 determined by the department to be insufficient to implement any program or programs adopted
23 by a district pursuant to this section:

24 (1) The department may fund the program or programs adopted pursuant to this section
25 or pursuant to subsection 2 of section 160.530, RSMo, or both, after securing any funding
26 available from alternative sources; and

27 (2) School districts may fund the program or programs from funds received pursuant to
28 subsection 1 of section 160.530, RSMo[, and section 166.260, RSMo].

29 4. No rule or portion of a rule promulgated pursuant to this section shall become
30 effective unless it has been promulgated pursuant to chapter 536, RSMo.

162.215. 1. District school boards may authorize and commission school officers to enforce laws relating to crimes committed on school premises, at school activities, and on school buses. School officers shall be certified law enforcement officers, as defined in section 556.061, RSMo, and shall comply with the provisions of chapter 590, RSMo. The powers and duties of a law enforcement officer shall continue throughout the employee's tenure as a school officer.

2. School officers shall abide by district school board policies and shall consult with and coordinate activities through the school superintendent or the superintendent's designee. School officers' authority shall be limited to crimes committed on school premises, at school activities, and on school buses. All crimes involving any sexual offense or any felony involving the threat or use of force shall remain under the authority of the local jurisdiction where the crime occurred. School officers may conduct any justified stop on school property and enforce any local violation that occurs on school grounds. School officers shall have the authority to stop, detain, and arrest for crimes committed on school property, at school activities, and on school buses.

167.020. 1. As used in this section, the term "homeless child" or "homeless youth" shall [mean a person less than twenty-one years of age who lacks a fixed, regular and adequate nighttime residence, including a child or youth who:

(1) Is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; is living in motels, hotels, or camping grounds due to lack of alternative adequate accommodations; is living in emergency or transitional shelters; is abandoned in hospitals; or is awaiting foster care placement;

(2) Has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

(3) Is living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(4) Is a migratory child or youth who qualifies as homeless because the child or youth is living in circumstances described in subdivisions (1) to (3) of this subsection] **have the same meaning as the term "homeless children and youths" in 42 U.S.C. Section 11434a.**

2. In order to register a pupil, the parent or legal guardian of the pupil or the pupil himself or herself shall provide, at the time of registration, one of the following:

(1) Proof of residency in the district. Except as otherwise provided in section 167.151, the term "residency" shall mean that a person both physically resides within a school district and is domiciled within that district or, in the case of a private school student suspected of having

20 a disability under the Individuals With Disabilities Education Act, 20 U.S.C. Section 1412, et
21 seq, that the student attends private school within that district. The domicile of a minor child
22 shall be the domicile of a parent, military guardian pursuant to a military-issued guardianship or
23 court-appointed legal guardian; or

24 (2) Proof that the person registering the student has requested a waiver under subsection
25 3 of this section within the last forty-five days. In instances where there is reason to suspect that
26 admission of the pupil will create an immediate danger to the safety of other pupils and
27 employees of the district, the superintendent or the superintendent's designee may convene a
28 hearing within five working days of the request to register and determine whether or not the pupil
29 may register.

30 3. Any person subject to the requirements of subsection 2 of this section may request a
31 waiver from the district board of any of those requirements on the basis of hardship or good
32 cause. Under no circumstances shall athletic ability be a valid basis of hardship or good cause
33 for the issuance of a waiver of the requirements of subsection 2 of this section. The district
34 board or committee of the board appointed by the president and which shall have full authority
35 to act in lieu of the board shall convene a hearing as soon as possible, but no later than forty-five
36 days after receipt of the waiver request made under this subsection or the waiver request shall
37 be granted. The district board or committee of the board may grant the request for a waiver of
38 any requirement of subsection 2 of this section. The district board or committee of the board
39 may also reject the request for a waiver in which case the pupil shall not be allowed to register.
40 Any person aggrieved by a decision of a district board or committee of the board on a request
41 for a waiver under this subsection may appeal such decision to the circuit court in the county
42 where the school district is located.

43 4. Any person who knowingly submits false information to satisfy any requirement of
44 subsection 2 of this section is guilty of a class A misdemeanor.

45 5. In addition to any other penalties authorized by law, a district board may file a civil
46 action to recover, from the parent, military guardian or legal guardian of the pupil, the costs of
47 school attendance for any pupil who was enrolled at a school in the district and whose parent,
48 military guardian or legal guardian filed false information to satisfy any requirement of
49 subsection 2 of this section.

50 6. Subsection 2 of this section shall not apply to a pupil who is a homeless child or
51 youth, or a pupil attending a school not in the pupil's district of residence as a participant in an
52 interdistrict transfer program established under a court-ordered desegregation program, a pupil
53 who is a ward of the state and has been placed in a residential care facility by state officials, a
54 pupil who has been placed in a residential care facility due to a mental illness or developmental
55 disability, a pupil attending a school pursuant to sections 167.121 and 167.151, a pupil placed

56 in a residential facility by a juvenile court, a pupil with a disability identified under state
57 eligibility criteria if the student is in the district for reasons other than accessing the district's
58 educational program, or a pupil attending a regional or cooperative alternative education program
59 or an alternative education program on a contractual basis.

60 7. Within two business days of enrolling a pupil, the school official enrolling a pupil,
61 including any special education pupil, shall request **all education records deemed necessary**
62 **by the school official for enrollment, including but not limited to** those records required by
63 district policy for student transfer, **individual education plans, health records**, and those
64 discipline records required by subsection 9 of section 160.261, RSMo, from all schools
65 previously attended by the pupil within the last twelve months. Any school district that receives
66 a request for such records from another school district enrolling a pupil that had previously
67 attended a school in such district shall respond to such request within five business days of
68 receiving the request. School districts may report or disclose education records to law
69 enforcement [and], juvenile justice authorities, **or other state or local officials** if the disclosure
70 concerns law enforcement's or juvenile justice authorities' ability to effectively serve, prior to
71 adjudication, the student whose records are released. The officials and authorities to whom such
72 information is disclosed must comply with applicable restrictions set forth in 20 U.S.C. Section
73 1232g (b)(1)(E).

167.022. Consistent with the provisions of section 167.020, within [forty-eight hours]
2 **two business days** of enrolling a nonresident pupil placed pursuant to sections 210.481 to
3 210.536, RSMo, the school official enrolling a pupil, including any special education pupil, shall
4 request **all education records deemed necessary by the school official for enrollment,**
5 **including but not limited to** those records required by district policy for student transfer,
6 **individual education plans, health records**, and those discipline records required by subsection
7 [7] 9 of section 160.261, RSMo, from all schools and other facilities previously attended by the
8 pupil and from other state agencies as enumerated in section 210.518, RSMo, and any entities
9 involved with the placement of the student within the last twenty-four months. Any request for
10 records under this section shall include, if applicable to the student, any records relating to an
11 act of violence as defined under subsection [7] 9 of section [160.262] **160.261**, RSMo.

167.023. 1. **When a student is found to have committed a reportable offense under**
2 **subdivisions (1) to (23) of subsection 2 of section 160.261, RSMo, the school district shall**
3 **attach notice of the commission of the reportable offense to the student's permanent record**
4 **and to the student's academic transcript.**

5 2. Prior to admission to any public school, a school board may require the parent,
6 guardian, or other person having control or charge of a child of school age to provide, upon
7 enrollment, a sworn statement or affirmation indicating whether the student has been expelled

8 from school attendance at any school, public or private, in this state or in any other state for an
9 offense in violation of school board policies relating to weapons, alcohol or drugs, or for the
10 willful infliction of injury to another person. Any person making a materially false statement or
11 affirmation shall be guilty upon conviction of a class B misdemeanor. The registration document
12 shall be maintained as a part of the student's scholastic record.

167.029. A public school district [in any city not within a county shall determine whether
2 a dress code policy requiring pupils] **may require students** to wear a school uniform [is
3 appropriate at any school or schools within such district, and if it is so determined, shall adopt
4 such a policy] **or restrict student dress to a particular style in accordance with the law.** The
5 school district may determine the style and color of the school uniform.

167.115. 1. Notwithstanding any provision of chapter 211, RSMo, or chapter 610,
2 RSMo, to the contrary, the juvenile officer, sheriff, chief of police or other appropriate law
3 enforcement authority shall, as soon as reasonably practical, notify the superintendent, or the
4 superintendent's designee, of the school district in which the pupil is enrolled when a petition is
5 filed pursuant to subsection 1 of section 211.031, RSMo, alleging that the pupil has committed
6 one of the following acts:

- 7 (1) First degree murder under section 565.020, RSMo;
- 8 (2) Second degree murder under section 565.021, RSMo;
- 9 (3) Kidnapping under section 565.110, RSMo;
- 10 (4) First degree assault under section 565.050, RSMo;
- 11 (5) Forcible rape under section 566.030, RSMo;
- 12 (6) Forcible sodomy under section 566.060, RSMo;
- 13 (7) Burglary in the first degree under section 569.160, RSMo;
- 14 (8) Robbery in the first degree under section 569.020, RSMo;
- 15 (9) Distribution of drugs under section 195.211, RSMo;
- 16 (10) Distribution of drugs to a minor under section 195.212, RSMo;
- 17 (11) Arson in the first degree under section 569.040, RSMo;
- 18 (12) Voluntary manslaughter under section 565.023, RSMo;
- 19 (13) Involuntary manslaughter under section 565.024, RSMo;
- 20 (14) Second degree assault under section 565.060, RSMo;
- 21 (15) Sexual assault under section 566.040, RSMo;
- 22 (16) Felonious restraint under section 565.120, RSMo;
- 23 (17) Property damage in the first degree under section 569.100, RSMo;
- 24 (18) The possession of a weapon under chapter 571, RSMo;
- 25 (19) Child molestation in the first degree pursuant to section 566.067, RSMo;
- 26 (20) Deviate sexual assault pursuant to section 566.070, RSMo;

27 (21) Sexual misconduct involving a child pursuant to section 566.083, RSMo; or

28 (22) Sexual abuse pursuant to section 566.100, RSMo.

29 2. The notification shall be made orally or in writing, in a timely manner, no later than
30 five days following the filing of the petition. If the report is made orally, written notice shall
31 follow in a timely manner. The notification shall include a complete description of the conduct
32 the pupil is alleged to have committed and the dates the conduct occurred but shall not include
33 the name of any victim. Upon the disposition of any such case, the juvenile office or prosecuting
34 attorney or their designee shall send a second notification to the superintendent providing the
35 disposition of the case, including a brief summary of the relevant finding of facts, no later than
36 five days following the disposition of the case.

37 3. The superintendent or the designee of the superintendent shall report such information
38 to **all** teachers **at the student's attendance center** and **to any** other school district employees
39 with a need to know while acting within the scope of their assigned duties. Any information
40 received by school district officials pursuant to this section shall be received in confidence and
41 used for the limited purpose of assuring that good order and discipline is maintained in the
42 school. This information shall not be used as the sole basis for not providing educational
43 services to a public school pupil.

44 4. The superintendent shall notify the appropriate division of the juvenile or family court
45 upon any pupil's suspension for more than ten days or expulsion of any pupil that the school
46 district is aware is under the jurisdiction of the court.

47 5. The superintendent or the superintendent's designee may be called to serve in a
48 consultant capacity at any dispositional proceedings pursuant to section 211.031, RSMo, which
49 may involve reference to a pupil's academic treatment plan.

50 6. Upon the transfer of any pupil described in this section to any other school district in
51 this state, the superintendent or the superintendent's designee shall forward the written
52 notification given to the superintendent pursuant to subsection 2 of this section to the
53 superintendent of the new school district in which the pupil has enrolled. Such written
54 notification shall be required again in the event of any subsequent transfer by the pupil.

55 7. As used in this section, the terms "school" and "school district" shall include any
56 charter, private or parochial school or school district, and the term "superintendent" shall include
57 the principal or equivalent chief school officer in the cases of charter, private or parochial
58 schools.

59 8. The superintendent or the designee of the superintendent or other school employee
60 who, in good faith, reports information in accordance with the terms of this section and section
61 160.261, RSMo, shall not be civilly liable for providing such information.

167.161. 1. The school board of any district, after notice to parents or others having
2 custodial care and a hearing upon charges preferred, may suspend or expel a pupil for conduct
3 which is prejudicial to good order and discipline in the schools or which tends to impair the
4 morale or good conduct of the pupils. In addition to the authority granted in section 167.171,
5 a school board may authorize, by general rule, the immediate removal of a pupil upon a finding
6 by the principal, superintendent, or school board that the pupil poses a threat of harm to such
7 pupil or others, as evidenced by the prior conduct of such pupil. Prior disciplinary actions shall
8 not be used as the sole basis for removal, suspension or expulsion of a pupil. Removal of any
9 pupil who is a student with a disability is subject to state and federal procedural rights. At the
10 hearing upon any such removal, suspension or expulsion, the board shall consider the evidence
11 and statements that the parties present and may consider records of past disciplinary actions,
12 criminal court records or juvenile court records consistent with other provisions of the law, or
13 the actions of the pupil which would constitute a criminal offense. The board may provide by
14 general rule not inconsistent with this section for the procedure and conduct of such hearings.
15 After meeting with the superintendent or his designee to discuss the expulsion, the parent,
16 custodian or the student, if at least eighteen years of age, may, in writing, waive any right to a
17 hearing before the board of education.

18 2. The school board of any district, after notice to parents or others having custodial care
19 and a hearing upon the matter, may suspend **or expel** a pupil upon a finding that the pupil has
20 been charged, convicted or pled guilty in a court of general jurisdiction for the commission of
21 a felony criminal violation of state or federal law. At a hearing required by this subsection, the
22 board shall consider statements that the parties present. The board may provide for the procedure
23 and conduct of such hearings.

24 3. The school board shall make a good-faith effort to have the parents or others having
25 custodial care present at any such hearing. Notwithstanding any other provision of law to the
26 contrary, student discipline hearings or proceedings related to the rights of students to attend
27 school or to receive academic credit shall not be required to comply with the requirements
28 applicable to contested case hearings as provided in chapter 536, RSMo, provided that
29 appropriate due process procedures shall be observed which shall include the right for a trial de
30 novo by the circuit court.

167.164. 1. Any suspension **or expulsion** issued [pursuant to] **by a public school**
2 **district under** section 167.161[,] or this section[, or expulsion pursuant to section 167.161,]
3 shall not relieve the state or the suspended student's parents or guardians of their responsibilities
4 to educate the student. School districts are encouraged to provide an in-school suspension
5 system and to search for other acceptable discipline alternatives prior to using suspensions of
6 more than ten days or expelling a student from the school. Each school district or special school

7 district constituting the domicile of any child for whom alternative education programs are
8 provided or procured under this section shall pay toward the per pupil costs for alternative
9 education programs for such child. A school district which is not a special school district shall
10 pay an amount equal to the average sum produced per child by the local tax effort of the district
11 of domicile. A special school district shall pay an amount not to exceed the average sum
12 produced per child by the local tax efforts of the domiciliary districts. When educational services
13 have been provided by the school district or special school district in which a child actually
14 resides, other than the district of domicile, the amounts as provided in subsection 2 of this
15 section for which the domiciliary school district or special school district is responsible shall be
16 paid by such district directly to the serving district. The school district, or special school district,
17 as the case may be, shall send a written voucher for payment to the regular or special district
18 constituting the domicile of the child served and the domiciliary school district or special school
19 district receiving such voucher shall pay the district providing or procuring the services an
20 amount not to exceed the average sum produced per child by the local tax efforts of the
21 domiciliary districts. In the event the responsible district fails to pay the appropriate amount to
22 the district within ninety days after a voucher is submitted, the state department of elementary
23 and secondary education shall deduct the appropriate amount due from the next payments of any
24 state financial aid due that district and shall pay the same to the appropriate district.

25 2. A school district may contract with other political subdivisions, public agencies,
26 not-for-profit organizations, or private agencies for the provision of alternative education
27 services for students whose demonstrated disruptive behavior indicates that they cannot be
28 adequately served in the traditional classroom setting. Such contracting may be included as part
29 of a grant application pursuant to section 167.335 or conducted independent of the provisions
30 of section 167.335.

167.621. 1. Persons providing health services under sections 167.600 to 167.621 shall
2 obtain authorization from a parent or guardian of the child before providing services as provided
3 by section 431.061, RSMo.

4 2. No employee of any school district may be required to administer medication or
5 medical services for which the employee is not qualified according to standard medical practices.
6 No **unqualified** employee who refuses to [violate this provision] **administer medication or**
7 **medical services** shall be subject to any disciplinary action for such refusal. Nothing herein
8 shall be construed to prevent any employee from providing routine first aid, provided that any
9 employee shall be held harmless **and immune** from any liability if such employee is following
10 a proper procedure adopted by the local school board.

11 **3. Any qualified employee shall be held harmless and immune from any civil**
12 **liability for administering medication or medical services in good faith and according to**
13 **standard medical practices.**

167.624. Each school board in the state, if the school district does not presently have a
2 program as described below, may develop and implement a program to train the students **and**
3 **employees** of the district in the administration of cardiopulmonary resuscitation and other
4 lifesaving methods, as they determine best, and may consult the department of public safety, the
5 state fire marshal's office, the local fire protection authorities, and others as the board sees fit.
6 The board may make completion of the program a requirement for graduation. **Any trained**
7 **employee shall be held harmless and immune from any civil liability for administering**
8 **cardiopulmonary resuscitation and other lifesaving methods in good faith and according**
9 **to standard medical practices.**

167.627. 1. For purposes of this section, the following terms shall mean:

2 (1) "Medication", any medicine prescribed or ordered by a physician for the treatment
3 of asthma or anaphylaxis, including without limitation inhaled bronchodilators and
4 auto-injectible epinephrine;

5 (2) "Self-administration", a pupil's discretionary use of medication prescribed by a
6 physician or under a written treatment plan from a physician.

7 2. Each board of education and its employees and agents in this state shall grant any
8 pupil in the school authorization for the possession and self-administration of medication to treat
9 such pupil's **chronic health condition, including but not limited to** asthma or anaphylaxis if:

10 (1) A licensed physician prescribed or ordered such medication for use by the pupil and
11 instructed such pupil in the correct and responsible use of such medication;

12 (2) The pupil has demonstrated to the pupil's licensed physician or the licensed
13 physician's designee, and the school nurse, if available, the skill level necessary to use the
14 medication and any device necessary to administer such medication prescribed or ordered;

15 (3) The pupil's physician has approved and signed a written treatment plan for managing
16 **the pupil's chronic health condition, including** asthma or anaphylaxis episodes [of the pupil]
17 and for medication for use by the pupil. Such plan shall include a statement that the pupil is
18 capable of self-administering the medication under the treatment plan;

19 (4) The pupil's parent or guardian has completed and submitted to the school any written
20 documentation required by the school, including the treatment plan required under subdivision
21 (3) of this subsection and the liability statement required under subdivision (5) of this subsection;
22 and

23 (5) The pupil's parent or guardian has signed a statement acknowledging that the school
24 district and its employees or agents shall incur no liability as a result of any injury arising from

25 the self-administration of medication by the pupil or the administration of such medication by
26 school staff. Such statement shall not be construed to release the school district and its
27 employees or agents from liability for negligence.

28 3. An authorization granted under subsection 2 of this section shall:

29 (1) Permit such pupil to possess and self-administer such pupil's medication while in
30 school, at a school-sponsored activity, and in transit to or from school or school-sponsored
31 activity; and

32 (2) Be effective only for the same school and school year for which it is granted. Such
33 authorization shall be renewed by the pupil's parent or guardian each subsequent school year in
34 accordance with this section.

35 4. Any current duplicate prescription medication, if provided by a pupil's parent or
36 guardian or by the school, shall be kept at a pupil's school in a location at which the pupil or
37 school staff has immediate access in the event of an asthma or anaphylaxis emergency.

38 5. The information described in subdivisions (3) and (4) of subsection 2 of this section
39 shall be kept on file at the pupil's school in a location easily accessible in the event of an [asthma
40 or anaphylaxis] emergency.

167.630. 1. Each school board may authorize a school nurse licensed under chapter 335,
2 RSMo, who is employed by the school district and for whom the board is responsible for to
3 maintain an adequate supply of prefilled auto syringes of epinephrine with fifteen-hundredths
4 milligram or three-tenths milligram delivery at the school. The nurse shall recommend to the
5 school board the number of prefilled epinephrine auto syringes that the school should maintain.

6 2. To obtain prefilled epinephrine auto syringes for a school district, a prescription
7 written by a licensed physician, a physician's assistant, or nurse practitioner is required. For such
8 prescriptions, the school district shall be designated as the patient, the nurse's name shall be
9 required, and the prescription shall be filled at a licensed pharmacy.

10 3. A school nurse **or other school employee trained by and supervised by the nurse**
11 shall have the discretion to use an epinephrine auto syringe on any student the school nurse **or**
12 **trained employee** believes is having a life-threatening anaphylactic reaction based on the
13 [nurse's] training in recognizing an acute episode of an anaphylactic reaction.

210.102. 1. It shall be the duty of the Missouri children's services commission to:

2 (1) Make recommendations which will encourage greater interagency coordination,
3 cooperation, more effective utilization of existing resources and less duplication of effort in
4 activities of state agencies which affect the legal rights and well-being of children in Missouri;

5 (2) Develop an integrated state plan for the care provided to children in this state through
6 state programs;

7 (3) Develop a plan to improve the quality of children's programs statewide. Such plan
8 shall include, but not be limited to:

9 (a) Methods for promoting geographic availability and financial accessibility for all
10 children and families in need of such services;

11 (b) Program recommendations for children's services which include child development,
12 education, supervision, health and social services;

13 (4) Design and implement evaluation of the activities of the commission in fulfilling the
14 duties as set out in this section;

15 (5) Report annually to the governor with five copies each to the house of representatives
16 and senate about its activities including, but not limited to the following:

17 (a) A general description of the activities pertaining to children of each state agency
18 having a member on the commission;

19 (b) A general description of the plans and goals, as they affect children, of each state
20 agency having a member on the commission;

21 (c) Recommendations for statutory and appropriation initiatives to implement the
22 integrated state plan;

23 (d) A report from the commission regarding the state of children in Missouri;

24 **(6) On or before July 1, 2009, develop recommendations for best practices in**
25 **sharing relevant agency information relating to school-aged children receiving state**
26 **services in order to permit the best degree of coordination in the delivery of such services**
27 **while protecting the privacy of the involved student and family.**

28 2. There is hereby established within the children's services commission the
29 "Coordinating Board for Early Childhood", which shall constitute a body corporate and politic,
30 and shall include but not be limited to the following members:

31 (1) A representative from the governor's office;

32 (2) A representative from each of the following departments: health and senior services,
33 mental health, social services, and elementary and secondary education;

34 (3) A representative of the judiciary;

35 (4) A representative of the family and community trust board (FACT);

36 (5) A representative from the head start program;

37 (6) Nine members appointed by the governor with the advice and consent of the senate
38 who are representatives of the groups, such as business, philanthropy, civic groups, faith-based
39 organizations, parent groups, advocacy organizations, early childhood service providers, and
40 other stakeholders.

41

42 The coordinating board may make all rules it deems necessary to enable it to conduct its
43 meetings, elect its officers, and set the terms and duties of its officers. The coordinating board
44 shall elect from amongst its members a chairperson, vice chairperson, a secretary-reporter, and
45 such other officers as it deems necessary. Members of the board shall serve without
46 compensation but may be reimbursed for actual expenses necessary to the performance of their
47 official duties for the board.

48 3. The coordinating board for early childhood shall have the power to:

49 (1) Develop a comprehensive statewide long-range strategic plan for a cohesive early
50 childhood system;

51 (2) Confer with public and private entities for the purpose of promoting and improving
52 the development of children from birth through age five of this state;

53 (3) Identify legislative recommendations to improve services for children from birth
54 through age five;

55 (4) Promote coordination of existing services and programs across public and private
56 entities;

57 (5) Promote research-based approaches to services and ongoing program evaluation;

58 (6) Identify service gaps and advise public and private entities on methods to close such
59 gaps;

60 (7) Apply for and accept gifts, grants, appropriations, loans, or contributions to the
61 coordinating board for early childhood fund from any source, public or private, and enter into
62 contracts or other transactions with any federal or state agency, any private organizations, or any
63 other source in furtherance of the purpose of subsections 2 and 3 of this section, and take any and
64 all actions necessary to avail itself of such aid and cooperation;

65 (8) Direct disbursements from the coordinating board for early childhood fund as
66 provided in this section;

67 (9) Administer the coordinating board for early childhood fund and invest any portion
68 of the moneys not required for immediate disbursement in obligations of the United States or any
69 agency or instrumentality of the United States, in obligations of the state of Missouri and its
70 political subdivisions, in certificates of deposit and time deposits, or other obligations of banks
71 and savings and loan associations, or in such other obligations as may be prescribed by the board;

72 (10) Purchase, receive, take by grant, gift, devise, bequest or otherwise, lease, or
73 otherwise acquire, own, hold, improve, employ, use, and otherwise deal with real or personal
74 property or any interests therein, wherever situated;

75 (11) Sell, convey, lease, exchange, transfer or otherwise dispose of all or any of its
76 property or any interest therein, wherever situated;

77 (12) Employ and fix the compensation of an executive director and such other agents or
78 employees as it considers necessary;

79 (13) Adopt, alter, or repeal by its own bylaws, rules, and regulations governing the
80 manner in which its business may be transacted;

81 (14) Adopt and use an official seal;

82 (15) Assess or charge fees as the board determines to be reasonable to carry out its
83 purposes;

84 (16) Make all expenditures which are incident and necessary to carry out its purposes;

85 (17) Sue and be sued in its official name;

86 (18) Take such action, enter into such agreements, and exercise all functions necessary
87 or appropriate to carry out the duties and purposes set forth in this section.

88 4. There is hereby created the "Coordinating Board for Early Childhood Fund" which
89 shall consist of the following:

90 (1) Any moneys appropriated by the general assembly for use by the board in carrying
91 out the powers set out in subsections 2 and 3 of this section;

92 (2) Any moneys received from grants or which are given, donated, or contributed to the
93 fund from any source;

94 (3) Any moneys received as fees authorized under subsections 2 and 3 of this section;

95 (4) Any moneys received as interest on deposits or as income on approved investments
96 of the fund;

97 (5) Any moneys obtained from any other available source.

98

99 Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining
100 in the coordinating board for early childhood fund at the end of the biennium shall not revert to
101 the credit of the general revenue fund.

✓