

HCS#2 HB 1543 -- ELEMENTARY AND SECONDARY EDUCATION (Wallace)

COMMITTEE OF ORIGIN: Committee on Elementary and Secondary Education

This substitute changes the laws regarding elementary and secondary education, school employee liability, safety practices, and reporting acts of violence and establishes the High School Sports Brain Injury Prevention Act. In its main provisions, the substitute:

- (1) Expands the reporting of acts of violence to include all teachers at the student's school building and other employees who need to know;
- (2) Specifies that a suspended student who is not allowed on school property without specific permission is also prohibited from attending school events occurring off school property;
- (3) Expands employee immunity from following established discipline policies to include policies of student discipline;
- (4) Adds the use of force to protect persons or property by school district personnel to the provisions regarding spanking. Neither act is to be considered as abuse that would be investigated by the Children's Division within the Department of Social Services as long as the spanking or use of force does not give rise to an allegation of sexual misconduct and another employee is present as a witness at the spanking;
- (5) Allows the school district in which a failed charter school is located to contract with the governing board of the charter school for the continuing operation of the charter school as a local district school, allows the charter school teachers to continue to be employees of the governing board of the former charter school and requires them to hold the proper certification, and deletes duplicate provisions in Section 160.420, RSMo, which are in Section 160.415;
- (6) Requires, by July 1, 2012, the State Board of Education to add provisions to any school facilities and safety criteria developed for the Missouri School Improvement Program that suggest required drills regarding standards for safe facilities occur at least annually and requires that all staff receive sufficient training on the school's security and crisis management plan that is maintained throughout the school year;
- (7) Defines "cyberbullying" as it relates to a school district's anti-bullying policies to include the use of computers, the Internet, and phones to bully a student;

(8) Specifies that in fiscal years 2011 and 2012 the Department of Elementary and Secondary Education cannot penalize a school district on its accreditation review for failing to achieve resource standards if the school funding formula or transportation categorical is underfunded and the district cannot be penalized in the following fiscal year if the Governor withholds funds;

(9) Requires, subject to appropriations and beginning in Fiscal Year 2011, the General Assembly to annually appropriate at least \$500,000 to the newly created School Safety and School Violence Prevention Fund; establishes a procedure for selecting a statewide center for school safety and violence prevention; and specifies the resources that the center will provide for schools including, but not limited to, bullying prevention, building safety review, and annual training for safety coordinators;

(10) Specifies that in fiscal years 2011 and 2012 the requirement for school districts to dedicate 1% of their formula funding to professional development and the 75% funding and fund placement requirements for teacher salaries will be suspended if the school funding formula or transportation categorical is underfunded or will be suspended in the following fiscal year if the Governor withholds funds;

(11) Clarifies that charter schools must designate a staff person as the educational liaison under the Foster Care Education Bill of Rights;

(12) Revises, in school residency provisions, the meaning of "homeless children and youths" to be consistent with the federal definition and specifies which educational records are needed for enrollment;

(13) Changes the current requirement for forwarding educational records from 48 hours to two business days, adds individual education plans and health records to the requirement, and allows private and parochial schools to request a copy of specified school enrollment records;

(14) Requires a notice of reportable offenses to be provided to any school to which the student transfers and requires it to be attached to an offending student's disciplinary record;

(15) Allows all public school districts to require a school uniform or restrict student dress. Currently, these provisions require only the St. Louis City School District to consider adopting a school uniform;

(16) Makes the list of reportable student offenses in Section

167.115 consistent with the list in Section 160.261;

(17) Allows a student to attend a different school district if his or her travel time is more than one hour each way, if the receiving district agrees, and if the travel time to the school in the receiving district is one-half or less of the travel time to the school in the student's residence district. The state aid received for the student will be awarded to the receiving district, and the receiving district is obligated to provide transportation only within its boundaries;

(18) Consolidates the provisions regarding expulsion and suspension;

(19) Exempts unqualified employees who refuse to administer medication or medical services from disciplinary action for the refusal;

(20) Exempts qualified employees from any civil liability for administering medication or medical services, including cardiopulmonary resuscitation and other lifesaving methods, in good faith and according to standard medical practices;

(21) Specifies that a student must be allowed to self-administer medication for any chronic health condition;

(22) Adds other school employees trained and supervised by the school nurse to the list of individuals who are authorized to use an epinephrine auto-syringe on a student and specifies that these employees will be immune from civil liability when done in good faith and according to standard medical practices;

(23) Establishes the High School Sports Brain Injury Prevention Act which requires each school district to work with the Missouri State High School Activities Association (MSHSAA) to develop guidelines, information, and forms for coaches, volunteers, student athletes, and their parents or guardians on the nature and risk of concussion and head injury, including information on continuing to play after a concussion or head injury. An information sheet must be signed and returned each year by the athlete, his or her parent or guardian, and the school's health care volunteer before an athlete can practice or compete. An athlete suspected of sustaining a concussion or head injury must be removed from competition until evaluated by a licensed health care provider within his or her scope of practice and receives a written clearance from the provider to return to play. No athlete will be allowed to return to play for at least 24 hours from the injury and it must be shown that he or she is symptom free at rest and during exertion. A health care provider who volunteers and authorizes a return to play will not be civilly

liable for damages resulting from any act or omission in rendering the care except in the case of gross negligence or willful or wanton misconduct. Each school board must develop guidelines for school-sponsored elementary teams, and the guidelines developed by MSHSAA must be followed by city youth sport leagues;

(24) Allows the City of St. Louis School District to appoint a hearing officer to conduct a contested case of a teacher's dismissal;

(25) Requires all public schools to observe Veterans Day with appropriate activities;

(26) Raises the limit on non-bidder contracts for repairs or materials for school property from \$5,000 to \$15,000 in the City of St. Louis School District; and

(27) Requires, by July 1, 2011, the Children's Services Commission to recommend best practices on interagency communications regarding students receiving state services while protecting the privacy of the involved student and family.

The provisions regarding the appointment of a hearing officer in the City of St. Louis School District become effective July 1, 2011, and the provisions regarding the suspension of the school district fund use and placement will become effective upon passage and approval or July 1, whichever occurs later.

FISCAL NOTE: Estimated Effect on General Revenue Fund of an income of \$0 in FY 2011, a cost of Up to \$500,000 in FY 2012, and a cost of Up to \$500,000 in FY 2013. Estimated Income on Other State Funds of \$0 in FY 2011, Up to \$500,000 in FY 2012, and Up to \$500,000 in FY 2013.