

CCS SS#2 SCS HCS#2 HB 1543 -- ELEMENTARY AND SECONDARY EDUCATION

This bill changes the laws regarding elementary and secondary education. In its main provisions, the bill:

(1) Expands the reporting of acts of violence to include all teachers at the student's school building. Currently, the report is required to be given to teachers who need to know (Section 160.261.2, RSMo);

(2) Specifies that a suspended student who is not allowed within 1,000 feet of school property without specific permission is also prohibited from being within 1,000 feet of a school activity occurring off school property with certain exceptions (Sections 160.261.3 and 160.261.4);

(3) Expands employee immunity from following established discipline policies to include, but not limited to, policies of student discipline (Section 160.261.8);

(4) Adds the use of reasonable force to protect persons or property by school district personnel to the provisions regarding spanking. The action is not 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 school district employee is present as a witness at the spanking (Section 160.261.10);

(5) Specifies that bullying as it relates to required school district anti-bullying policies must include cyberbullying and electronic communications (Section 160.775);

(6) Specifies that in fiscal years 2011 through 2013 the Department of Elementary and Secondary Education cannot penalize a school district on its Missouri School Improvement Program accreditation review for failing to achieve resource standards if the school funding formula or transportation categorical is underfunded as specified and the district cannot be penalized in the following fiscal year if the Governor withholds funds from the school funding formula (Section 161.209);

(7) Requires the Office of Administration to issue regulations for contractors or subcontractors on public works construction projects at public schools which require them to establish and implement a random drug and alcohol testing program. Any program must be administered by a certified laboratory and must require notification to the employer and employee of the results of any positive drug and alcohol test. The school district must be notified of the action taken to protect the safety of the

students as a result of a positive test. The employer on the public works project must pay for the costs of the program (Section 161.371);

(8) Specifies that in fiscal years 2011 through 2013 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 as specified or will be suspended in the following fiscal year if the Governor withholds funds from the school funding formula (Section 163.410);

(9) Allows all public school districts to require a school uniform or restrict student dress to a particular style. Currently, only the St. Louis City School District must consider adopting a school uniform dress code policy (Section 167.029);

(10) Exempts an unqualified school district employee who refuses to administer medication or medical services from disciplinary action for the refusal (Section 167.621.2);

(11) Exempts a qualified school district employee from any civil liability for administering medication or medical services, including a trained employee providing cardiopulmonary resuscitation and other lifesaving methods, in good faith and according to standard medical practices (Sections 167.621.3 and 167.624);

(12) Specifies that a student must be allowed to self-administer medication for any chronic health condition under certain specified conditions (Section 167.627);

(13) 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 (Section 167.630);

(14) Allows the special administrative board when it has been granted governing powers for a district in the St. Louis City School District to appoint a hearing officer to conduct a contested case of a teacher's dismissal. The board must render a decision on the charges upon the review of the hearing officer's recommendations and the hearing record (Section 168.221);

(15) Removes the requirement but allows the General Assembly to make an annual appropriation to the Missouri Career Development and Teacher Excellence Plan, commonly known as the Career Ladder

Program. Beginning in Fiscal Year 2012, the state portion of career ladder payments will only be made available to school districts if an appropriation is made. Any state appropriation must be made prospectively in relation to the year in which work under the program is performed. A school district may fund the program for its teachers for work performed in years for which no state appropriation is made available. The variable match formula of the program is removed, and the payment must be on a matching basis with 60% local funding and 40% state funding (Sections 168.500 and 168.515); and

(16) Removes the provision which specifies that no fees can be charged for Parents as Teachers services, clarifies that families with children younger than the kindergarten entry age will be eligible to receive specified services, requires priority to be given to high-needs families according to department criteria, and allows school districts to establish cost-sharing strategies for these services. These provisions will expire December 31, 2015 (Section 178.697).

The provisions regarding the suspension of a school district's use of funds for required professional development and the level and placement of funds for teacher salaries will become effective upon passage and approval or July 1, whichever occurs later.