

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 172,
2 Page 1, Section A, Line 4, by inserting after all of said line the following:

3 *"160.261. 1. The local board of education of each school district shall clearly establish a
4 written policy of discipline, including the district's determination on the use of corporal punishment
5 and the procedures in which punishment will be applied. A written copy of the district's discipline
6 policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or
7 legal guardian of every pupil enrolled in the district at the beginning of each school year and also
8 made available in the office of the superintendent of such district, during normal business hours, for
9 public inspection. All employees of the district shall annually receive instruction related to the
10 specific contents of the policy of discipline and any interpretations necessary to implement the
11 provisions of the policy in the course of their duties, including but not limited to approved methods
12 of dealing with acts of school violence, disciplining students with disabilities and instruction in the
13 necessity and requirements for confidentiality.

14 2. The policy shall require school administrators to report acts of school violence to all
15 teachers at the attendance center and, in addition, to other school district employees with a need to
16 know. For the purposes of this chapter or chapter 167, "need to know" is defined as school personnel
17 who are directly responsible for the student's education or who otherwise interact with the student on
18 a professional basis while acting within the scope of their assigned duties. As used in this section,
19 the phrase "act of school violence" or "violent behavior" means the exertion of physical force by a
20 student with the intent to do serious physical injury as defined in section 556.061 to another person
21 while on school property, including a school bus in service on behalf of the district, or while
22 involved in school activities. The policy shall at a minimum require school administrators to report,
23 as soon as reasonably practical, to the appropriate law enforcement agency any of the following
24 crimes, or any act which if committed by an adult would be one of the following crimes:

- 25 (1) First degree murder under section 565.020;
26 (2) Second degree murder under section 565.021;
27 (3) Kidnapping under section 565.110 as it existed prior to January 1, 2017, or kidnapping in
28 the first degree under section 565.110;
29 (4) First degree assault under section 565.050;
30 (5) Rape in the first degree under section 566.030;
31 (6) Sodomy in the first degree under section 566.060;
32 (7) Burglary in the first degree under section 569.160;
33 (8) Burglary in the second degree under section 569.170;
34 (9) Robbery in the first degree under section 569.020 as it existed prior to January 1, 2017,
35 or robbery in the first degree under section 570.023;
36 (10) Distribution of drugs under section 195.211 as it existed prior to January 1, 2017, or

Action Taken _____ Date _____

Action Taken _____ Date _____

- 1 manufacture of a controlled substance under section 579.055;
 2 (11) Distribution of drugs to a minor under section 195.212 as it existed prior to January 1,
 3 2017, or delivery of a controlled substance under section 579.020;
 4 (12) Arson in the first degree under section 569.040;
 5 (13) Voluntary manslaughter under section 565.023;
 6 (14) Involuntary manslaughter under section 565.024 as it existed prior to January 1, 2017,
 7 involuntary manslaughter in the first degree under section 565.024, or involuntary manslaughter in
 8 the second degree under section 565.027;
 9 (15) Second degree assault under section 565.060 as it existed prior to January 1, 2017, or
 10 second degree assault under section 565.052;
 11 (16) Rape in the second degree under section 566.031;
 12 (17) Felonious restraint under section 565.120 as it existed prior to January 1, 2017, or
 13 kidnapping in the second degree under section 565.120;
 14 (18) Property damage in the first degree under section 569.100;
 15 (19) The possession of a weapon under chapter 571;
 16 (20) Child molestation in the first degree pursuant to section 566.067 as it existed prior to
 17 January 1, 2017, or child molestation in the first, second, or third degree pursuant to section 566.067,
 18 566.068, or 566.069;
 19 (21) Sodomy in the second degree pursuant to section 566.061;
 20 (22) Sexual misconduct involving a child pursuant to section 566.083;
 21 (23) Sexual abuse in the first degree pursuant to section 566.100;
 22 (24) Harassment under section 565.090 as it existed prior to January 1, 2017, or harassment
 23 in the first degree under section 565.090; [or]
 24 (25) Stalking under section 565.225 as it existed prior to January 1, 2017, or stalking in the
 25 first degree under section 565.225; or
 26 (26) Making a terrorist threat under section 574.115;

27
 28 committed on school property, including but not limited to actions on any school bus in service on
 29 behalf of the district or while involved in school activities. The policy shall require that any portion
 30 of a student's individualized education program that is related to demonstrated or potentially violent
 31 behavior shall be provided to any teacher and other school district employees who are directly
 32 responsible for the student's education or who otherwise interact with the student on an educational
 33 basis while acting within the scope of their assigned duties. The policy shall also contain the
 34 consequences of failure to obey standards of conduct set by the local board of education, and the
 35 importance of the standards to the maintenance of an atmosphere where orderly learning is possible
 36 and encouraged.

37 3. The policy shall provide that any student who is on suspension for any of the offenses
 38 listed in subsection 2 of this section or any act of violence or drug-related activity defined by school
 39 district policy as a serious violation of school discipline pursuant to subsection 9 of this section shall
 40 have as a condition of his or her suspension the requirement that such student is not allowed, while
 41 on such suspension, to be within one thousand feet of any school property in the school district
 42 where such student attended school or any activity of that district, regardless of whether or not the
 43 activity takes place on district property unless:

- 44 (1) Such student is under the direct supervision of the student's parent, legal guardian, or
 45 custodian and the superintendent or the superintendent's designee has authorized the student to be on
 46 school property;
 47 (2) Such student is under the direct supervision of another adult designated by the student's
 48 parent, legal guardian, or custodian, in advance, in writing, to the principal of the school which

1 suspended the student and the superintendent or the superintendent's designee has authorized the
2 student to be on school property;

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

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

8 4. Any student who violates the condition of suspension required pursuant to subsection 3 of
9 this section may be subject to expulsion or further suspension pursuant to the provisions of sections
10 167.161, 167.164, and 167.171. In making this determination consideration shall be given to
11 whether the student poses a threat to the safety of any child or school employee and whether such
12 student's unsupervised presence within one thousand feet of the school is disruptive to the
13 educational process or undermines the effectiveness of the school's disciplinary policy. Removal of
14 any pupil who is a student with a disability is subject to state and federal procedural rights. This
15 section shall not limit a school district's ability to:

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

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

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

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

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

29 6. For the purpose of this section, the term "weapon" shall mean a firearm as defined under
30 18 U.S.C. Section 921 and the following items, as defined in section 571.010: a blackjack, a
31 concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles,
32 a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except
33 that this section shall not be construed to prohibit a school board from adopting a policy to allow a
34 Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so
35 long as the firearm is unloaded. The local board of education shall define weapon in the discipline
36 policy. Such definition shall include the weapons defined in this subsection but may also include
37 other weapons.

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

42 8. Teachers and other authorized district personnel in public schools responsible for the care,
43 supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by
44 the school district, shall not be civilly liable when acting in conformity with the established policies
45 developed by each board, including but not limited to policies of student discipline or when
46 reporting to his or her supervisor or other person as mandated by state law acts of school violence or
47 threatened acts of school violence, within the course and scope of the duties of the teacher,
48 authorized district personnel or volunteer, when such individual is acting in conformity with the

1 established policies developed by the board. Nothing in this section shall be construed to create a
2 new cause of action against such school district, or to relieve the school district from liability for the
3 negligent acts of such persons.

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

13 10. Spanking, when administered by certificated personnel and in the presence of a witness
14 who is an employee of the school district, or the use of reasonable force to protect persons or
15 property, when administered by personnel of a school district in a reasonable manner in accordance
16 with the local board of education's written policy of discipline, is not abuse within the meaning of
17 chapter 210. The provisions of sections 210.110 to 210.165 notwithstanding, the children's division
18 shall not have jurisdiction over or investigate any report of alleged child abuse arising out of or
19 related to the use of reasonable force to protect persons or property when administered by personnel
20 of a school district or any spanking administered in a reasonable manner by any certificated school
21 personnel in the presence of a witness who is an employee of the school district pursuant to a written
22 policy of discipline established by the board of education of the school district, as long as no
23 allegation of sexual misconduct arises from the spanking or use of force.

24 11. If a student reports alleged sexual misconduct on the part of a teacher or other school
25 employee to a person employed in a school facility who is required to report such misconduct to the
26 children's division under section 210.115, such person and the superintendent of the school district
27 shall report the allegation to the children's division as set forth in section 210.115. Reports made to
28 the children's division under this subsection shall be investigated by the division in accordance with
29 the provisions of sections 210.145 to 210.153 and shall not be investigated by the school district
30 under subsections 12 to 20 of this section for purposes of determining whether the allegations should
31 or should not be substantiated. The district may investigate the allegations for the purpose of making
32 any decision regarding the employment of the accused employee.

33 12. Upon receipt of any reports of child abuse by the children's division other than reports
34 provided under subsection 11 of this section, pursuant to sections 210.110 to 210.165 which
35 allegedly involve personnel of a school district, the children's division shall notify the superintendent
36 of schools of the district or, if the person named in the alleged incident is the superintendent of
37 schools, the president of the school board of the school district where the alleged incident occurred.

38 13. If, after an initial investigation, the superintendent of schools or the president of the
39 school board finds that the report involves an alleged incident of child abuse other than the
40 administration of a spanking by certificated school personnel or the use of reasonable force to protect
41 persons or property when administered by school personnel pursuant to a written policy of discipline
42 or that the report was made for the sole purpose of harassing a public school employee, the
43 superintendent of schools or the president of the school board shall immediately refer the matter
44 back to the children's division and take no further action. In all matters referred back to the
45 children's division, the division shall treat the report in the same manner as other reports of alleged
46 child abuse received by the division.

47 14. If the report pertains to an alleged incident which arose out of or is related to a spanking
48 administered by certificated personnel or the use of reasonable force to protect persons or property

1 when administered by personnel of a school district pursuant to a written policy of discipline or a
2 report made for the sole purpose of harassing a public school employee, a notification of the reported
3 child abuse shall be sent by the superintendent of schools or the president of the school board to the
4 law enforcement in the county in which the alleged incident occurred.

5 15. The report shall be jointly investigated by the law enforcement officer and the
6 superintendent of schools or, if the subject of the report is the superintendent of schools, by a law
7 enforcement officer and the president of the school board or such president's designee.

8 16. The investigation shall begin no later than forty-eight hours after notification from the
9 children's division is received, and shall consist of, but need not be limited to, interviewing and
10 recording statements of the child and the child's parents or guardian within two working days after
11 the start of the investigation, of the school district personnel allegedly involved in the report, and of
12 any witnesses to the alleged incident.

13 17. The law enforcement officer and the investigating school district personnel shall issue
14 separate reports of their findings and recommendations after the conclusion of the investigation to
15 the school board of the school district within seven days after receiving notice from the children's
16 division.

17 18. The reports shall contain a statement of conclusion as to whether the report of alleged
18 child abuse is substantiated or is unsubstantiated.

19 19. The school board shall consider the separate reports referred to in subsection 17 of this
20 section and shall issue its findings and conclusions and the action to be taken, if any, within seven
21 days after receiving the last of the two reports. The findings and conclusions shall be made in
22 substantially the following form:

23 (1) The report of the alleged child abuse is unsubstantiated. The law enforcement officer
24 and the investigating school board personnel agree that there was not a preponderance of evidence to
25 substantiate that abuse occurred;

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

29 (3) The issue involved in the alleged incident of child abuse is unresolved. The law
30 enforcement officer and the investigating school personnel are unable to agree on their findings and
31 conclusions on the alleged incident.

32 20. The findings and conclusions of the school board under subsection 19 of this section
33 shall be sent to the children's division. If the findings and conclusions of the school board are that
34 the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case
35 closed, and no record shall be entered in the children's division central registry. If the findings and
36 conclusions of the school board are that the report of the alleged child abuse is substantiated, the
37 children's division shall report the incident to the prosecuting attorney of the appropriate county
38 along with the findings and conclusions of the school district and shall include the information in the
39 division's central registry. If the findings and conclusions of the school board are that the issue
40 involved in the alleged incident of child abuse is unresolved, the children's division shall report the
41 incident to the prosecuting attorney of the appropriate county along with the findings and
42 conclusions of the school board, however, the incident and the names of the parties allegedly
43 involved shall not be entered into the central registry of the children's division unless and until the
44 alleged child abuse is substantiated by a court of competent jurisdiction.

45 21. Any superintendent of schools, president of a school board or such person's designee or
46 law enforcement officer who knowingly falsifies any report of any matter pursuant to this section or
47 who knowingly withholds any information relative to any investigation or report pursuant to this
48 section is guilty of a class A misdemeanor.

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

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, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.

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

- (1) First degree murder under section 565.020;
- (2) Second degree murder under section 565.021;
- (3) Kidnapping under section 565.110;
- (4) First degree assault under section 565.050;
- (5) Rape in the first degree under section 566.030;
- (6) Sodomy in the first degree under section 566.060;
- (7) Burglary in the first degree under section 569.160;
- (8) Burglary in the second degree under section 569.170;
- (9) Robbery in the first degree under section 569.020;
- (10) Distribution of drugs under section 195.211;
- (11) Distribution of drugs to a minor under section 195.212;
- (12) Arson in the first degree under section 569.040;
- (13) Voluntary manslaughter under section 565.023;
- (14) Involuntary manslaughter under section 565.024;
- (15) Second degree assault under section 565.060;
- (16) Rape in the second degree under section 566.031;
- (17) Felonious restraint under section 565.120;
- (18) Property damage in the first degree under section 569.100;
- (19) The possession of a weapon under chapter 571;
- (20) Child molestation in the first degree pursuant to section 566.067;
- (21) Sodomy in the second degree pursuant to section 566.061;
- (22) Sexual misconduct involving a child pursuant to section 566.083;

- 1 (23) Sexual abuse in the first degree pursuant to section 566.100;
2 (24) Harassment under section 565.090; [or]
3 (25) Stalking under section 565.225; or
4 (26) Making a terrorist threat under section 574.115;
5

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

15 3. The policy shall provide that any student who is on suspension for any of the offenses
16 listed in subsection 2 of this section or any act of violence or drug-related activity defined by school
17 district policy as a serious violation of school discipline pursuant to subsection 9 of this section shall
18 have as a condition of his or her suspension the requirement that such student is not allowed, while
19 on such suspension, to be within one thousand feet of any school property in the school district
20 where such student attended school or any activity of that district, regardless of whether or not the
21 activity takes place on district property unless:

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

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

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

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

34 4. Any student who violates the condition of suspension required pursuant to subsection 3 of
35 this section may be subject to expulsion or further suspension pursuant to the provisions of sections
36 167.161, 167.164, and 167.171. In making this determination consideration shall be given to
37 whether the student poses a threat to the safety of any child or school employee and whether such
38 student's unsupervised presence within one thousand feet of the school is disruptive to the
39 educational process or undermines the effectiveness of the school's disciplinary policy. Removal of
40 any pupil who is a student with a disability is subject to state and federal procedural rights. This
41 section shall not limit a school district's ability to:

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

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

46 5. The policy shall provide for a suspension for a period of not less than one year, or
47 expulsion, for a student who is determined to have brought a weapon to school, including but not
48 limited to the school playground or the school parking lot, brought a weapon on a school bus or

1 brought a weapon to a school activity whether on or off of the school property in violation of district
2 policy, except that:

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

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

7 6. For the purpose of this section, the term "weapon" shall mean a firearm as defined under
8 18 U.S.C. Section 921 and the following items, as defined in section 571.010: a blackjack, a
9 concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles,
10 a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except
11 that this section shall not be construed to prohibit a school board from adopting a policy to allow a
12 Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so
13 long as the firearm is unloaded. The local board of education shall define weapon in the discipline
14 policy. Such definition shall include the weapons defined in this subsection but may also include
15 other weapons.

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

20 8. Teachers and other authorized district personnel in public schools responsible for the care,
21 supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by
22 the school district, shall not be civilly liable when acting in conformity with the established policies
23 developed by each board, including but not limited to policies of student discipline or when
24 reporting to his or her supervisor or other person as mandated by state law acts of school violence or
25 threatened acts of school violence, within the course and scope of the duties of the teacher,
26 authorized district personnel or volunteer, when such individual is acting in conformity with the
27 established policies developed by the board. Nothing in this section shall be construed to create a
28 new cause of action against such school district, or to relieve the school district from liability for the
29 negligent acts of such persons.

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

39 10. Spanking, when administered by certificated personnel and in the presence of a witness
40 who is an employee of the school district, or the use of reasonable force to protect persons or
41 property, when administered by personnel of a school district in a reasonable manner in accordance
42 with the local board of education's written policy of discipline, is not abuse within the meaning of
43 chapter 210. The provisions of sections 210.110 to 210.165 notwithstanding, the children's division
44 shall not have jurisdiction over or investigate any report of alleged child abuse arising out of or
45 related to the use of reasonable force to protect persons or property when administered by personnel
46 of a school district or any spanking administered in a reasonable manner by any certificated school
47 personnel in the presence of a witness who is an employee of the school district pursuant to a written
48 policy of discipline established by the board of education of the school district, as long as no

1 allegation of sexual misconduct arises from the spanking or use of force.

2 11. If a student reports alleged sexual misconduct on the part of a teacher or other school
3 employee to a person employed in a school facility who is required to report such misconduct to the
4 children's division under section 210.115, such person and the superintendent of the school district
5 shall report the allegation to the children's division as set forth in section 210.115. Reports made to
6 the children's division under this subsection shall be investigated by the division in accordance with
7 the provisions of sections 210.145 to 210.153 and shall not be investigated by the school district
8 under subsections 12 to 20 of this section for purposes of determining whether the allegations should
9 or should not be substantiated. The district may investigate the allegations for the purpose of making
10 any decision regarding the employment of the accused employee.

11 12. Upon receipt of any reports of child abuse by the children's division other than reports
12 provided under subsection 11 of this section, pursuant to sections 210.110 to 210.165 which
13 allegedly involve personnel of a school district, the children's division shall notify the superintendent
14 of schools of the district or, if the person named in the alleged incident is the superintendent of
15 schools, the president of the school board of the school district where the alleged incident occurred.

16 13. If, after an initial investigation, the superintendent of schools or the president of the
17 school board finds that the report involves an alleged incident of child abuse other than the
18 administration of a spanking by certificated school personnel or the use of reasonable force to protect
19 persons or property when administered by school personnel pursuant to a written policy of discipline
20 or that the report was made for the sole purpose of harassing a public school employee, the
21 superintendent of schools or the president of the school board shall immediately refer the matter
22 back to the children's division and take no further action. In all matters referred back to the
23 children's division, the division shall treat the report in the same manner as other reports of alleged
24 child abuse received by the division.

25 14. If the report pertains to an alleged incident which arose out of or is related to a spanking
26 administered by certificated personnel or the use of reasonable force to protect persons or property
27 when administered by personnel of a school district pursuant to a written policy of discipline or a
28 report made for the sole purpose of harassing a public school employee, a notification of the reported
29 child abuse shall be sent by the superintendent of schools or the president of the school board to the
30 law enforcement in the county in which the alleged incident occurred.

31 15. The report shall be jointly investigated by the law enforcement officer and the
32 superintendent of schools or, if the subject of the report is the superintendent of schools, by a law
33 enforcement officer and the president of the school board or such president's designee.

34 16. The investigation shall begin no later than forty-eight hours after notification from the
35 children's division is received, and shall consist of, but need not be limited to, interviewing and
36 recording statements of the child and the child's parents or guardian within two working days after
37 the start of the investigation, of the school district personnel allegedly involved in the report, and of
38 any witnesses to the alleged incident.

39 17. The law enforcement officer and the investigating school district personnel shall issue
40 separate reports of their findings and recommendations after the conclusion of the investigation to
41 the school board of the school district within seven days after receiving notice from the children's
42 division.

43 18. The reports shall contain a statement of conclusion as to whether the report of alleged
44 child abuse is substantiated or is unsubstantiated.

45 19. The school board shall consider the separate reports referred to in subsection 17 of this
46 section and shall issue its findings and conclusions and the action to be taken, if any, within seven
47 days after receiving the last of the two reports. The findings and conclusions shall be made in
48 substantially the following form:

1 (1) The report of the alleged child abuse is unsubstantiated. The law enforcement officer
2 and the investigating school board personnel agree that there was not a preponderance of evidence to
3 substantiate that abuse occurred;

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

7 (3) The issue involved in the alleged incident of child abuse is unresolved. The law
8 enforcement officer and the investigating school personnel are unable to agree on their findings and
9 conclusions on the alleged incident.

10 20. The findings and conclusions of the school board under subsection 19 of this section
11 shall be sent to the children's division. If the findings and conclusions of the school board are that
12 the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case
13 closed, and no record shall be entered in the children's division central registry. If the findings and
14 conclusions of the school board are that the report of the alleged child abuse is substantiated, the
15 children's division shall report the incident to the prosecuting attorney of the appropriate county
16 along with the findings and conclusions of the school district and shall include the information in the
17 division's central registry. If the findings and conclusions of the school board are that the issue
18 involved in the alleged incident of child abuse is unresolved, the children's division shall report the
19 incident to the prosecuting attorney of the appropriate county along with the findings and
20 conclusions of the school board, however, the incident and the names of the parties allegedly
21 involved shall not be entered into the central registry of the children's division unless and until the
22 alleged child abuse is substantiated by a court of competent jurisdiction.

23 21. Any superintendent of schools, president of a school board or such person's designee or
24 law enforcement officer who knowingly falsifies any report of any matter pursuant to this section or
25 who knowingly withholds any information relative to any investigation or report pursuant to this
26 section is guilty of a class A misdemeanor.

27 22. In order to ensure the safety of all students, should a student be expelled for bringing a
28 weapon to school, violent behavior, or for an act of school violence, that student shall not, for the
29 purposes of the accreditation process of the Missouri school improvement plan, be considered a
30 dropout or be included in the calculation of that district's educational persistence ratio."; and
31

32 Further amend said bill by amending the title, enacting clause, and intersectional references
33 accordingly.