

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 172, Page 27,
2 Section 170.029, Line 34, by inserting after all of said line the following:

3 "170.047. 1. Beginning in the 2016-2017 school year, any licensed educator may annually complete
4 up to two hours of training or professional development in youth suicide awareness and prevention as part of
5 the professional development hours required for state board of education certification.

6 2. The department of elementary and secondary education shall develop guidelines suitable for
7 training or professional development in youth suicide awareness and prevention. The department shall
8 develop materials that may be used for such training or professional development.

9 3. For purposes of this section, the term "licensed educator" means any teacher with a certificate of
10 license to teach issued by the state board of education or any other educator or administrator required to
11 maintain a professional license issued by the state board of education.

12 4. The department of elementary and secondary education may promulgate rules and regulations to
13 implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
14 under the authority delegated in this section shall become effective only if it complies with and is subject to
15 all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
16 nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to
17 delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
18 grant of rulemaking authority and any rule proposed or adopted after August 28, 2015, shall be invalid and
19 void.

20 170.048. 1. By July 1, 2017, each district shall adopt a policy for youth suicide awareness and
21 prevention, including the training and education of district employees.

22 2. Each district's policy shall address, but need not be limited to, the following:

23 (1) Strategies that can help identify students who are at possible risk of suicide;

24 (2) Strategies and protocols for helping students at possible risk of suicide; and

25 (3) Protocols for responding to a suicide death.

26 3. By July 1, 2016, the department of elementary and secondary education shall develop a model
27 policy that districts may adopt. When developing the model policy, the department shall cooperate, consult
28 with, and seek input from organizations that have expertise in youth suicide awareness and prevention. By
29 July 1, 2020, and at least every three years thereafter, the department shall request information and seek
30 feedback from districts on their experience with the policy for youth suicide awareness and prevention. The
31 department shall review this information and may use it to change the department's model policy. The
32 department shall post any information on its website that it has received from districts that it deems relevant.
33 The department shall not post any confidential information or any information that personally identifies any
34 student or school employee."; and

35
36 Further amend said bill, Page 1, Section A, Line 4, by inserting after all of said line the following:

37
38 **160.261. 1. The local board of education of each school district shall clearly establish a written
39 policy of discipline, including the district's determination on the use of corporal punishment and the
40 procedures in which punishment will be applied. A written copy of the district's discipline policy and

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1 corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of
 2 every pupil enrolled in the district at the beginning of each school year and also made available in the office of
 3 the superintendent of such district, during normal business hours, for public inspection. All employees of the
 4 district shall annually receive instruction related to the specific contents of the policy of discipline and any
 5 interpretations necessary to implement the provisions of the policy in the course of their duties, including but
 6 not limited to approved methods of dealing with acts of school violence, disciplining students with disabilities
 7 and instruction in the necessity and requirements for confidentiality.

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

- 18 (1) First degree murder under section 565.020;
- 19 (2) Second degree murder under section 565.021;
- 20 (3) Kidnapping under section 565.110 as it existed prior to January 1, 2017, or kidnapping in the first
 21 degree under section 565.110;
- 22 (4) First degree assault under section 565.050;
- 23 (5) Rape in the first degree under section 566.030;
- 24 (6) Sodomy in the first degree under section 566.060;
- 25 (7) Burglary in the first degree under section 569.160;
- 26 (8) Burglary in the second degree under section 569.170;
- 27 (9) Robbery in the first degree under section 569.020 as it existed prior to January 1, 2017, or robbery
 28 in the first degree under section 570.023;
- 29 (10) Distribution of drugs under section 195.211 as it existed prior to January 1, 2017, or
 30 manufacture of a controlled substance under section 579.055;
- 31 (11) Distribution of drugs to a minor under section 195.212 as it existed prior to January 1, 2017, or
 32 delivery of a controlled substance under section 579.020;
- 33 (12) Arson in the first degree under section 569.040;
- 34 (13) Voluntary manslaughter under section 565.023;
- 35 (14) Involuntary manslaughter under section 565.024 as it existed prior to January 1, 2017,
 36 involuntary manslaughter in the first degree under section 565.024, or involuntary manslaughter in the second
 37 degree under section 565.027;
- 38 (15) Second degree assault under section 565.060 as it existed prior to January 1, 2017, or second
 39 degree assault under section 565.052;
- 40 (16) Rape in the second degree under section 566.031;
- 41 (17) Felonious restraint under section 565.120 as it existed prior to January 1, 2017, or kidnapping in
 42 the second degree under section 565.120;
- 43 (18) Property damage in the first degree under section 569.100;
- 44 (19) The possession of a weapon under chapter 571;
- 45 (20) Child molestation in the first degree pursuant to section 566.067 as it existed prior to January 1,
 46 2017, or child molestation in the first, second, or third degree pursuant to section 566.067, 566.068, or
 47 566.069;
- 48 (21) Sodomy in the second degree pursuant to section 566.061;
- 49 (22) Sexual misconduct involving a child pursuant to section 566.083;
- 50 (23) Sexual abuse in the first degree pursuant to section 566.100;
- 51 (24) Harassment under section 565.090 as it existed prior to January 1, 2017, or harassment in the
 52 first degree under section 565.090; [or]
- 53 (25) Stalking under section 565.225 as it existed prior to January 1, 2017, or stalking in the first
 54 degree under section 565.225; or

1 (26) Making a terrorist threat under section 574.115;

2
3 committed on school property, including but not limited to actions on any school bus in service on behalf of
4 the district or while involved in school activities. The policy shall require that any portion of a student's
5 individualized education program that is related to demonstrated or potentially violent behavior shall be
6 provided to any teacher and other school district employees who are directly responsible for the student's
7 education or who otherwise interact with the student on an educational basis while acting within the scope of
8 their assigned duties. The policy shall also contain the consequences of failure to obey standards of conduct
9 set by the local board of education, and the importance of the standards to the maintenance of an atmosphere
10 where orderly learning is possible and encouraged.

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

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

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

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

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

27 4. Any student who violates the condition of suspension required pursuant to subsection 3 of this
28 section may be subject to expulsion or further suspension pursuant to the provisions of sections 167.161,
29 167.164, and 167.171. In making this determination consideration shall be given to whether the student poses
30 a threat to the safety of any child or school employee and whether such student's unsupervised presence within
31 one thousand feet of the school is disruptive to the educational process or undermines the effectiveness of the
32 school's disciplinary policy. Removal of any pupil who is a student with a disability is subject to state and
33 federal procedural rights. This section shall not limit a school district's ability to:

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

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

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

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

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

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

54 7. All school district personnel responsible for the care and supervision of students are authorized to

1 hold every pupil strictly accountable for any disorderly conduct in school or on any property of the school, on
 2 any school bus going to or returning from school, during school-sponsored activities, or during intermission
 3 or recess periods.

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

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

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

32 11. If a student reports alleged sexual misconduct on the part of a teacher or other school employee to
 33 a person employed in a school facility who is required to report such misconduct to the children's division
 34 under section 210.115, such person and the superintendent of the school district shall report the allegation to
 35 the children's division as set forth in section 210.115. Reports made to the children's division under this
 36 subsection shall be investigated by the division in accordance with the provisions of sections 210.145 to
 37 210.153 and shall not be investigated by the school district under subsections 12 to 20 of this section for
 38 purposes of determining whether the allegations should or should not be substantiated. The district may
 39 investigate the allegations for the purpose of making any decision regarding the employment of the accused
 40 employee.

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

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

54 14. If the report pertains to an alleged incident which arose out of or is related to a spanking

administered by certificated personnel or the use of reasonable force to protect persons or property when administered by 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 law enforcement in the county in which the alleged incident occurred.

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

16. The investigation shall begin no later than forty-eight hours after notification from the children's division 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.

17. The law enforcement 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.

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

19. The school board shall consider the separate reports referred to in subsection 17 of this section 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 law enforcement officer and the investigating school board personnel agree that there was not a preponderance of evidence to substantiate that abuse occurred;

(2) The report of the alleged child abuse is substantiated. The law enforcement officer and the investigating school district personnel agree that the preponderance of 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 law enforcement officer and the investigating school personnel are unable to agree on their findings and conclusions on the alleged incident.

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

21. Any superintendent of schools, president of a school board or such person's designee or law enforcement officer who knowingly falsifies any report of any matter pursuant to this section or who knowingly withholds any information relative to any investigation or report pursuant to this 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;
- (23) Sexual abuse in the first degree pursuant to section 566.100;
- (24) Harassment under section 565.090; [or]
- (25) Stalking under section 565.225; or
- (26) Making a terrorist threat under section 574.115;

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

3. The policy shall provide that any student who is on suspension for any of the offenses listed in subsection 2 of this section or any act of violence or drug-related activity defined by school district policy as a serious violation of school discipline pursuant to subsection 9 of this section shall have as a condition of his

1 or her suspension the requirement that such student is not allowed, while on such suspension, to be within one
 2 thousand feet of any school property in the school district where such student attended school or any activity
 3 of that district, regardless of whether or not the activity takes place on district property unless:

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

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

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

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

14 4. Any student who violates the condition of suspension required pursuant to subsection 3 of this
 15 section may be subject to expulsion or further suspension pursuant to the provisions of sections 167.161,
 16 167.164, and 167.171. In making this determination consideration shall be given to whether the student poses
 17 a threat to the safety of any child or school employee and whether such student's unsupervised presence within
 18 one thousand feet of the school is disruptive to the educational process or undermines the effectiveness of the
 19 school's disciplinary policy. Removal of any pupil who is a student with a disability is subject to state and
 20 federal procedural rights. This section shall not limit a school district's ability to:

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

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

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

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

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

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

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

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

54 9. Each school board shall define in its discipline policy acts of violence and any other acts that

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

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

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

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

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

14. If the report pertains to an alleged incident which arose out of or is related to a spanking administered by certificated personnel or the use of reasonable force to protect persons or property when administered by 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 law enforcement in the county in which the alleged incident occurred.

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

16. The investigation shall begin no later than forty-eight hours after notification from the children's division 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.

17. The law enforcement officer and the investigating school district personnel shall issue separate

1 reports of their findings and recommendations after the conclusion of the investigation to the school board of
2 the school district within seven days after receiving notice from the children's division.

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

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

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

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

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

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

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

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

37
38 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.