

House _____ Amendment NO. _____

Offered By

1 AMEND Senate Committee Substitute for Senate Bill No. 93, Page 1, Section A, Line 2, by
2 inserting after said section and line the following:

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

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

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

Action Taken _____ Date _____

- 1 (10) Distribution of drugs under section 195.211 as it existed prior to January 1, 2017, or
 2 manufacture of a controlled substance under section 579.055;
 3 (11) Distribution of drugs to a minor under section 195.212 as it existed prior to January 1,
 4 2017, or delivery of a controlled substance under section 579.020;
 5 (12) Arson in the first degree under section 569.040;
 6 (13) Voluntary manslaughter under section 565.023;
 7 (14) Involuntary manslaughter under section 565.024 as it existed prior to January 1, 2017,
 8 involuntary manslaughter in the first degree under section 565.024, or involuntary manslaughter in
 9 the second degree under section 565.027;
 10 (15) Second degree assault under section 565.060 as it existed prior to January 1, 2017, or
 11 second degree assault under section 565.052;
 12 (16) Rape in the second degree under section 566.031;
 13 (17) Felonious restraint under section 565.120 as it existed prior to January 1, 2017, or
 14 kidnapping in the second degree under section 565.120;
 15 (18) Property damage in the first degree under section 569.100;
 16 (19) The possession of a weapon under chapter 571;
 17 (20) Child molestation in the first degree pursuant to section 566.067 as it existed prior to
 18 January 1, 2017, or child molestation in the first, second, or third degree pursuant to section
 19 566.067, 566.068, or 566.069;
 20 (21) Sodomy in the second degree pursuant to section 566.061;
 21 (22) Sexual misconduct involving a child pursuant to section 566.083;
 22 (23) Sexual abuse in the first degree pursuant to section 566.100; or
 23 (24) [~~Harassment under section 565.090 as it existed prior to January 1, 2017, or harassment~~
 24 ~~in the first degree under section 565.090; or~~
 25 ~~—(25)] Stalking under section 565.225 as it existed prior to January 1, 2017, or stalking in the
 26 first degree under section 565.225;~~

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
24 district policy, except that:

25 (1) The superintendent or, in a school district with no high school, the principal of the
26 school 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,
32 knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade
33 knife; except that this section shall not be construed to prohibit a school board from adopting a
34 policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for
35 educational purposes so long as the firearm is unloaded. The local board of education shall define
36 weapon in the discipline policy. Such definition shall include the weapons defined in this
37 subsection but may also include 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-
41 sponsored activities, or during intermission or recess periods.

42 8. Teachers and other authorized district personnel in public schools responsible for the
43 care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable
44 care by the school district, shall not be civilly liable when acting in conformity with the established
45 policies 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
6 shall include but not be limited to exertion of physical force by a student with the intent to do
7 serious bodily harm to another person while on school property, including a school bus in service on
8 behalf of the district, or while involved in school activities. School districts shall for each student
9 enrolled in the school district compile and maintain records of any serious violation of the district's
10 discipline policy. Such records shall be made available to teachers and other school district
11 employees with a need to know while acting within the scope of their assigned duties, and shall be
12 provided as required in section 167.020 to any school district in which the student subsequently
13 attempts to enroll.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47 21. Any superintendent of schools, president of a school board or such person's designee or
48 law enforcement officer who knowingly falsifies any report of any matter pursuant to this section or

1 who knowingly withholds any information relative to any investigation or report pursuant to this
2 section is guilty of a class A misdemeanor.

3 22. In order to ensure the safety of all students, should a student be expelled for bringing a
4 weapon to school, violent behavior, or for an act of school violence, that student shall not, for the
5 purposes of the accreditation process of the Missouri school improvement plan, be considered a
6 dropout or be included in the calculation of that district's educational persistence ratio."; and
7

8 Further amend said bill, Page 3, Section 162.492, Line 76, by inserting after said section and line
9 the following:
10

11 "167.117. 1. ~~[In any instance when any person is believed to have committed an act which~~
12 ~~if committed by an adult would be assault in the first, second or third degree, sexual assault, or~~
13 ~~deviate sexual assault against a pupil or school employee, while on school property, including a~~
14 ~~school bus in service on behalf of the district, or while involved in school activities, the principal~~
15 ~~shall immediately report such incident to the appropriate local law enforcement agency and to the~~
16 ~~superintendent, except in any instance when any person is believed to have committed an act which~~
17 ~~if committed by an adult would be assault in the third degree and a written agreement as to the~~
18 ~~procedure for the reporting of such incidents of third degree assault has been executed between the~~
19 ~~superintendent of the school district and the appropriate local law enforcement agency, the principal~~
20 ~~shall report such incident to the appropriate local law enforcement agency in accordance with such~~
21 ~~agreement.~~

22 ~~———2.]~~ In any instance when a pupil is discovered to have on or about such pupil's person, or
23 among such pupil's possessions, or placed elsewhere on the school premises, including but not
24 limited to the school playground or the school parking lot, on a school bus or at a school activity
25 whether on or off of school property any controlled substance as defined in section 195.010 or any
26 weapon as defined in subsection 6 of section 160.261 in violation of school policy, the principal
27 shall ~~[immediately]~~ as soon as reasonably practical report such incident to the appropriate local law
28 enforcement agency and to the superintendent, and in any instance when a teacher becomes aware
29 that a pupil is in possession of a controlled substance or any weapon on school property, on any
30 school bus in service on behalf of the school district, or while involved in school activities, the
31 teacher shall as soon as reasonably practical report such incident to the principal.

32 2. In any instance when a pupil is believed to have committed an act listed in subdivisions
33 (1) to (24) of subsection 2 of section 160.261 on school property, on any school bus in service on
34 behalf of the school district, or while involved in school activities, the principal shall as soon as
35 reasonably practical report such incident to the appropriate law enforcement agency and to the
36 superintendent, and in any instance when a teacher becomes aware that a pupil has committed an act
37 listed in subdivisions (1) to (24) of subsection 2 of section 160.261 on school property, on any
38 school bus in service on behalf of the school district, or while involved in school activities, the
39 teacher shall as soon as reasonably practical report such incident to the principal.

40 3. ~~[In any instance when a teacher becomes aware of an assault as set forth in subsection 1~~
41 ~~of this section or finds a pupil in possession of a weapon or controlled substances as set forth in~~
42 ~~subsection 2 of this section, the teacher shall immediately report such incident to the principal.~~

43 ~~———4.]~~ A school employee, superintendent, or such person's designee who in good faith
44 provides information to law enforcement or juvenile authorities pursuant to this section or section
45 160.261 or provides information to law enforcement or juvenile authorities regarding an instance in
46 which a pupil is believed to have committed an act which, if committed by an adult, would be
47 assault in the third degree as defined in section 565.054 or assault in the fourth degree as defined in
48 section 565.056 shall not be civilly liable for providing such information.

1 ~~[5:]~~ 4. Any school official responsible for reporting pursuant to this section or section
2 160.261 who willfully neglects or refuses to perform this duty shall be subject to the penalty
3 established pursuant to section 162.091."; and
4
5 Further amend said bill by amending the title, enacting clause, and intersectional references
6 accordingly.