

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill
2 Nos. 603, 576 & 898, Page 1, Section A, Line 4, by inserting after all of said section and line the following:
3

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

15 2. The policy shall require school administrators to report acts of school violence to all teachers at
16 the attendance center and, in addition, to other school district employees with a need to know. For the
17 purposes of this chapter or chapter 167, "need to know" is defined as school personnel who are directly
18 responsible for the student's education or who otherwise interact with the student on a professional basis
19 while acting within the scope of their assigned duties. As used in this section, the phrase "act of school
20 violence" or "violent behavior" means the exertion of physical force by a student with the intent to do serious
21 physical injury as defined in section 556.061 to another person while on school property, including a school
22 bus in service on behalf of the district, or while involved in school activities. The policy shall at a minimum
23 require school administrators to report, as soon as reasonably practical, to the appropriate law enforcement
24 agency any of the following crimes, or any act which if committed by an adult would be one of the following
25 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 in the
29 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, or
36 robbery in the first degree under section 570.023;
37 (10) Distribution of drugs under section 195.211 as it existed prior to January 1, 2017, or
38 manufacture of a controlled substance under section 579.055;
39 (11) Distribution of drugs to a minor under section 195.212 as it existed prior to January 1, 2017, or

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

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

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

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

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

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

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

50 4. Any student who violates the condition of suspension required pursuant to subsection 3 of this
 51 section may be subject to expulsion or further suspension pursuant to the provisions of sections 167.161,
 52 167.164, and 167.171. In making this determination consideration shall be given to whether the student
 53 poses a threat to the safety of any child or school employee and whether such student's unsupervised

1 presence within one thousand feet of the school is disruptive to the educational process or undermines the
 2 effectiveness of the school's disciplinary policy. Removal of any pupil who is a student with a disability is
 3 subject to state and federal procedural rights. This section shall not limit a school district's ability to:

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

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

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

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

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

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

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

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

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

46 10. Spanking, when administered by certificated personnel and in the presence of a witness who is
 47 an employee of the school district, or the use of reasonable force to protect persons or property, when
 48 administered by personnel of a school district in a reasonable manner in accordance with the local board of
 49 education's written policy of discipline, is not abuse within the meaning of chapter 210. The provisions of
 50 sections 210.110 to 210.165 notwithstanding, the children's division shall not have jurisdiction over or
 51 investigate any report of alleged child abuse arising out of or related to the use of reasonable force to protect
 52 persons or property when administered by personnel of a school district or any spanking administered in a
 53 reasonable manner by any certificated school personnel in the presence of a witness who is an employee of

1 the school district pursuant to a written policy of discipline established by the board of education of the
2 school district, as long as no allegation of sexual misconduct arises from the spanking or use of force.

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

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

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

31 15. The report shall be jointly investigated by the law enforcement officer and the superintendent of
32 schools or, if the subject of the report is the superintendent of schools, by a law enforcement officer and the
33 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 children's
35 division is received, and shall consist of, but need not be limited to, interviewing and recording statements of
36 the child and the child's parents or guardian within two working days after the start of the investigation, of
37 the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident.

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

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

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

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

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

53 (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."; and

Further amend said bill, Page 7, Section 161.670, Line 222, by inserting after all of said section and line the following:

"167.117. 1. ~~[In any instance when any person is believed to have committed an act which if committed by an adult would be assault in the first, second or third degree, sexual assault, or deviate sexual assault against a pupil or school employee, while on school property, including a school bus in service on behalf of the district, or while involved in school activities, the principal shall immediately report such incident to the appropriate local law enforcement agency and to the superintendent, except in any instance when any person is believed to have committed an act which if committed by an adult would be assault in the third degree and a written agreement as to the procedure for the reporting of such incidents of third degree assault has been executed between the superintendent of the school district and the appropriate local law enforcement agency, the principal shall report such incident to the appropriate local law enforcement agency in accordance with such agreement.]~~ For purposes of this section, "on school premises" means on any school property including, but not limited to, a school playground or school parking lot; on any school bus in service on behalf of the school district; or while involved in school activities regardless of whether the activity is on or off school property.

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

3. ~~[In any instance when a teacher becomes aware of an assault as set forth in subsection 1 of this section or finds a pupil in possession of a weapon or controlled substances as set forth in subsection 2 of this section, the teacher shall immediately report such incident to the principal.]~~ In any instance when a pupil is believed to have committed an act listed in subdivisions (1) to (24) of subsection 2 of section 160.261 on school premises, the principal shall as soon as reasonably practical report such incident to the appropriate law

1 enforcement agency; to the superintendent; and, if there is a victim, to the parents or legal guardian of each
2 victim. In any instance when a school employee becomes aware that a pupil has committed an act listed in
3 subdivisions (1) to (24) of subsection 2 of section 160.261 on school premises, the school employee shall as
4 soon as reasonably practical report such incident to the principal.

5 4. A school employee, superintendent, or such person's designee who in good faith provides
6 information to law enforcement or juvenile authorities pursuant to this section or section 160.261 or provides
7 information to law enforcement or juvenile authorities regarding an instance in which a pupil is believed to
8 have committed a crime on school premises shall not be civilly liable for providing such information.

9 5. Any school official responsible for reporting pursuant to this section or section 160.261 who
10 willfully neglects or refuses to perform this duty shall be subject to the penalty established pursuant to
11 section 162.091."; and
12

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