

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill Nos. 1141 & 1067, Page 1, Section A, Line 2,
2 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
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. Each district's discipline policy shall
7 prohibit the suspension of students in kindergarten or in any grade not higher than the third grade.
8 A written copy of the district's discipline policy and corporal punishment procedures, if applicable,
9 shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at
10 the beginning of each school year and also made available in the office of the superintendent of such
11 district, during normal business hours, for public inspection. All employees of the district shall
12 annually receive instruction related to the specific contents of the policy of discipline and any
13 interpretations necessary to implement the provisions of the policy in the course of their duties,
14 including but not limited to approved methods of dealing with acts of school violence, disciplining
15 students with disabilities and instruction in the necessity and requirements for confidentiality.

16 2. (1) The policy shall require school administrators to report acts of school violence to all
17 teachers at the attendance center and, in addition, to other school district employees with a need to
18 know.

19 (2) For the purposes of this chapter or chapter 167, "need to know" is defined as school
20 personnel who are directly responsible for the student's education or who otherwise interact with the
21 student on a professional basis while acting within the scope of their assigned duties. As used in
22 this section, the phrase "act of school violence" or "violent behavior" means the exertion of physical
23 force by a student with the intent to do serious physical injury as defined in section 556.061 to
24 another person while on school property, including a school bus in service on behalf of the district,
25 or while involved in school activities.

26 (3) The policy shall at a minimum require school administrators to report, as soon as
27 reasonably practical, to the appropriate law enforcement agency any of the following crimes, or any
28 act which if committed by an adult would be one of the following crimes, committed on school
29 property including, but not limited to, actions on any school bus in service on behalf of the district
30 or while involved in school activities:

- 31 [(1)] (a) First degree murder under section 565.020;
32 [(2)] (b) Second degree murder under section 565.021;
33 [(3)] (c) Kidnapping under section 565.110 as it existed prior to January 1, 2017, or
34 kidnapping in the first degree under section 565.110;
35 [(4)] (d) First degree assault under section 565.050;
36 [(5)] (e) Rape in the first degree under section 566.030;

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1 [(6)] (f) Sodomy in the first degree under section 566.060;
 2 [(7)] (g) Burglary in the first degree under section 569.160;
 3 [(8)] (h) Burglary in the second degree under section 569.170;
 4 [(9)] (i) Robbery in the first degree under section 569.020 as it existed prior to January 1,
 5 2017, or robbery in the first degree under section 570.023;
 6 [(10)] (j) Distribution of drugs under section 195.211 as it existed prior to January 1, 2017,
 7 or manufacture of a controlled substance under section 579.055;
 8 [(11)] (k) Distribution of drugs to a minor under section 195.212 as it existed prior to
 9 January 1, 2017, or delivery of a controlled substance under section 579.020;
 10 [(12)] (l) Arson in the first degree under section 569.040;
 11 [(13)] (m) Voluntary manslaughter under section 565.023;
 12 [(14)] (n) Involuntary manslaughter under section 565.024 as it existed prior to January 1,
 13 2017, involuntary manslaughter in the first degree under section 565.024, or involuntary
 14 manslaughter in the second degree under section 565.027;
 15 [(15)] (o) Second degree assault under section 565.060 as it existed prior to January 1, 2017,
 16 or second degree assault under section 565.052;
 17 [(16)] (p) Rape in the second degree under section 566.031;
 18 [(17)] (q) Felonious restraint under section 565.120 as it existed prior to January 1, 2017, or
 19 kidnapping in the second degree under section 565.120;
 20 [(18)] (r) Property damage in the first degree under section 569.100;
 21 [(19)] (s) The possession of a weapon under chapter 571;
 22 [(20)] (t) Child molestation in the first degree pursuant to section 566.067 as it existed prior
 23 to January 1, 2017, or child molestation in the first, second, or third degree pursuant to section
 24 566.067, 566.068, or 566.069;
 25 [(21)] (u) Sodomy in the second degree pursuant to section 566.061;
 26 [(22)] (v) Sexual misconduct involving a child pursuant to section 566.083;
 27 [(23)] (w) Sexual abuse in the first degree pursuant to section 566.100;
 28 [(24)] (x) Harassment under section 565.090 as it existed prior to January 1, 2017, or
 29 harassment in the first degree under section 565.090; or
 30 [(25)] (y) Stalking under section 565.225 as it existed prior to January 1, 2017, or stalking in
 31 the first degree under section 565.225[;] .
 32

33 ~~[committed on school property, including but not limited to actions on any school bus in service on~~
 34 ~~behalf of the district or while involved in school activities.]~~

35 (4) The policy shall require that any portion of a student's individualized education program
 36 that is related to demonstrated or potentially violent behavior shall be provided to any teacher and
 37 other school district employees who are directly responsible for the student's education or who
 38 otherwise interact with the student on an educational basis while acting within the scope of their
 39 assigned duties.

40 (5) The policy shall also contain the consequences of failure to obey standards of conduct
 41 set by the local board of education, and the importance of the standards to the maintenance of an
 42 atmosphere where orderly learning is possible and encouraged.

43 3. The policy shall provide that any student who is on suspension for any of the offenses
 44 listed in subsection 2 of this section or any act of violence or drug-related activity defined by school
 45 district policy as a serious violation of school discipline pursuant to subsection 9 of this section shall
 46 have as a condition of ~~[his or her]~~ the student's suspension the requirement that such student is not
 47 allowed, while on such suspension, to be within one thousand feet of any school property in the
 48 school district where such student attended school or any activity of that district, regardless of
 49 whether or not the activity takes place on district property unless:

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

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

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

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

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

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

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

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

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

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

(3) The policy shall prohibit the suspension of students in kindergarten or in any grade not higher than the third grade.

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

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

8. Teachers and other authorized district personnel in public schools responsible for the care,

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

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

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

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

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

46 13. If, after an initial investigation, the superintendent of schools or the president of the
47 school board finds that the report involves an alleged incident of child abuse other than the
48 administration of a spanking by certificated school personnel or the use of reasonable force to
49 protect persons or property when administered by school personnel pursuant to a written policy of

1 discipline or that the report was made for the sole purpose of harassing a public school employee,
2 the superintendent of schools or the president of the school board shall immediately refer the matter
3 back to the children's division and take no further action. In all matters referred back to the
4 children's division, the division shall treat the report in the same manner as other reports of alleged
5 child abuse received by the division.

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

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

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

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

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

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

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

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

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

39 20. The findings and conclusions of the school board under subsection 19 of this section
40 shall be sent to the children's division. If the findings and conclusions of the school board are that
41 the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the
42 case closed, and no record shall be entered in the children's division central registry. If the findings
43 and conclusions of the school board are that the report of the alleged child abuse is substantiated, the
44 children's division shall report the incident to the prosecuting attorney of the appropriate county
45 along with the findings and conclusions of the school district and shall include the information in
46 the division's central registry. If the findings and conclusions of the school board are that the issue
47 involved in the alleged incident of child abuse is unresolved, the children's division shall report the
48 incident to the prosecuting attorney of the appropriate county along with the findings and
49 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 5, Section 160.545, Line 138, by inserting after all of said section and line the following:

"167.161. 1. The school board of any district, after notice to parents or others having custodial care and a hearing upon charges preferred, may suspend or expel a pupil for conduct which is prejudicial to good order and discipline in the schools or which tends to impair the morale or good conduct of the pupils. In addition to the authority granted in section 167.171, a school board may authorize, by general rule, the immediate removal of a pupil upon a finding by the principal, superintendent, or school board that the pupil poses a threat of harm to such pupil or others, as evidenced by the prior conduct of such pupil. Prior disciplinary actions shall not be used as the sole basis for removal, suspension or expulsion of a pupil. Removal of any pupil who is a student with a disability is subject to state and federal procedural rights. At the hearing upon any such removal, suspension or expulsion, the board shall consider the evidence and statements that the parties present and may consider records of past disciplinary actions, criminal court records or juvenile court records consistent with other provisions of the law, or the actions of the pupil which would constitute a criminal offense. The board may provide by general rule not inconsistent with this section for the procedure and conduct of such hearings. After meeting with the superintendent or ~~his~~ the superintendent's designee to discuss the expulsion, the parent, custodian or the student, if at least eighteen years of age, may, in writing, waive any right to a hearing before the board of education.

2. The school board of any district, after notice to parents or others having custodial care and a hearing upon the matter, may suspend a pupil upon a finding that the pupil has been charged, convicted or pled guilty in a court of general jurisdiction for the commission of a felony criminal violation of state or federal law. At a hearing required by this subsection, the board shall consider statements that the parties present. The board may provide for the procedure and conduct of such hearings.

3. The school board shall make a good-faith effort to have the parents or others having custodial care present at any such hearing. Notwithstanding any other provision of law to the contrary, student discipline hearings or proceedings related to the rights of students to attend school or to receive academic credit shall not be required to comply with the requirements applicable to contested case hearings as provided in chapter 536, provided that appropriate due process procedures shall be observed which shall include the right for a trial de novo by the circuit court.

4. Notwithstanding the provisions of subsections 1 and 2 of this section, the school board of a district shall not suspend any student in kindergarten or in any grade not higher than the third grade.

167.171. 1. The school board in any district, by general rule and for the causes provided in section 167.161, may authorize the summary suspension of pupils, other than pupils in kindergarten or in any grade not higher than the third grade, by principals of schools for a period not to exceed

ten school days and by the superintendent of schools for a period not to exceed one hundred and eighty school days. In case of a suspension by the superintendent for more than ten school days, the pupil, the pupil's parents or others having such pupil's custodial care may appeal the decision of the superintendent to the board or to a committee of board members appointed by the president of the board which shall have full authority to act in lieu of the board. Any suspension by a principal shall be immediately reported to the superintendent who may revoke the suspension at any time. In event of an appeal to the board, the superintendent shall promptly transmit to it a full report in writing of the facts relating to the suspension, the action taken by the superintendent and the reasons therefor and the board, upon request, shall grant a hearing to the appealing party to be conducted as provided in section 167.161.

2. No pupil shall be suspended unless:

(1) The pupil shall be given oral or written notice of the charges against such pupil;

(2) If the pupil denies the charges, such pupil shall be given an oral or written explanation of the facts which form the basis of the proposed suspension;

(3) The pupil shall be given an opportunity to present such pupil's version of the incident; and

(4) In the event of a suspension for more than ten school days, where the pupil gives notice that such pupil wishes to appeal the suspension to the board, the suspension shall be stayed until the board renders its decision, unless in the judgment of the superintendent of schools, or of the district superintendent, the pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, in which case the pupil may be immediately removed from school, and the notice and hearing shall follow as soon as practicable.

3. (1) No school board shall readmit or enroll a pupil properly suspended for more than ten consecutive school days for an act of school violence as defined in subsection 2 of section 160.261 regardless of whether ~~or not~~ such act was committed at a public school or at a private school in this state, provided that such act shall have resulted in the suspension or expulsion of such pupil in the case of a private school, or otherwise permit such pupil to attend school without first holding a conference to review the conduct that resulted in the expulsion or suspension and any remedial actions needed to prevent any future occurrences of such or related conduct. The conference shall include the appropriate school officials including any teacher employed in that school or district directly involved with the conduct that resulted in the suspension or expulsion, the pupil, the parent or guardian of the pupil or any agency having legal jurisdiction, care, custody or control of the pupil. The school board shall notify in writing the parents or guardians and all other parties of the time, place, and agenda of any such conference. Failure of any party to attend this conference shall not preclude holding the conference.

(2) Notwithstanding any provision of this subsection to the contrary, no pupil shall be readmitted or enrolled to a regular program of instruction if:

~~[(1)]~~ (a) Such pupil has been convicted of; or

~~[(2)]~~ (b) An indictment or information has been filed alleging that the pupil has committed one of the acts enumerated in paragraph (d) of this subdivision ~~[(4) of this subsection]~~ to which there has been no final judgment; or

~~[(3)]~~ (c) A petition has been filed pursuant to section 211.091 alleging that the pupil has committed one of the acts enumerated in paragraph (d) of this subdivision ~~[(4) of this subsection]~~ to which there has been no final judgment; or

(4) (d) The pupil has been adjudicated to have committed an act which if committed by an adult would be one of the following:

~~[(a)]~~ a. First degree murder under section 565.020;

~~[(b)]~~ b. Second degree murder under section 565.021;

~~[(c)]~~ c. First degree assault under section 565.050;

1 ~~[(d)]~~ d. Forcible rape under section 566.030 as it existed prior to August 28, 2013, or rape in
2 the first degree under section 566.030;

3 ~~[(e)]~~ e. Forcible sodomy under section 566.060 as it existed prior to August 28, 2013, or
4 sodomy in the first degree under section 566.060;

5 ~~[(f)]~~ f. Statutory rape under section 566.032;

6 ~~[(g)]~~ g. Statutory sodomy under section 566.062;

7 ~~[(h)]~~ h. Robbery in the first degree under section 569.020 as it existed prior to January 1,
8 2017, or robbery in the first degree under section 570.023;

9 ~~[(i)]~~ i. Distribution of drugs to a minor under section 195.212 as it existed prior to January 1,
10 2017, or delivery of a controlled substance under section 579.020;

11 ~~[(j)]~~ j. Arson in the first degree under section 569.040;

12 ~~[(k)]~~ k. Kidnapping or kidnapping in the first degree, when classified as a class A felony
13 under section 565.110.

14 (3) Nothing in this subsection shall prohibit the readmittance or enrollment of any pupil if a
15 petition has been dismissed, or when a pupil has been acquitted or adjudicated not to have
16 committed any of the above acts. This subsection shall not apply to a student with a disability, as
17 identified under state eligibility criteria, who is convicted or adjudicated guilty as a result of an
18 action related to the student's disability. Nothing in this subsection shall be construed to prohibit a
19 school district which provides an alternative education program from enrolling a pupil in an
20 alternative education program if the district determines such enrollment is appropriate.

21 4. If a pupil is attempting to enroll in a school district during a suspension or expulsion from
22 another in-state or out-of-state school district including a private, charter or parochial school or
23 school district, a conference with the superintendent or the superintendent's designee may be held at
24 the request of the parent, court-appointed legal guardian, someone acting as a parent as defined by
25 rule in the case of a special education student, or the pupil to consider if the conduct of the pupil
26 would have resulted in a suspension or expulsion in the district in which the pupil is enrolling.
27 Upon a determination by the superintendent or the superintendent's designee that such conduct
28 would have resulted in a suspension or expulsion in the district in which the pupil is enrolling or
29 attempting to enroll, the school district may make such suspension or expulsion from another school
30 or district effective in the district in which the pupil is enrolling or attempting to enroll. Upon a
31 determination by the superintendent or the superintendent's designee that such conduct would not
32 have resulted in a suspension or expulsion in the district in which the student is enrolling or
33 attempting to enroll, the school district shall not make such suspension or expulsion effective in its
34 district in which the student is enrolling or attempting to enroll."; and

35
36 Further amend said bill and page, Section B, Lines 3 and 5 by inserting before the phrase "section
37 A" the phrase "the repeal and reenactment of section 160.545 of"; and

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