

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute
2 for Senate Bill Nos. 4, 42 & 89, Page 1, Section A, Line 4, by inserting after all of said section and
3 line the following:
4

5 "160.265. 1. As used in this section, the following terms mean:

6 (1) "Disciplinary removal", a disciplinary incident that results in an in-school suspension,
7 out-of-school suspension, expulsion, or unilateral removal to an interim educational setting for one-
8 half of one school day or more;

9 (2) "Educational services", the enrollment of a pupil in a school to which the pupil has been
10 or will be accepted for attendance and participation in any school activities including, but not
11 limited to, extracurricular activities. The term includes, but is not limited to, education in an
12 alternative school, education in an alternative location, virtual schooling, homework assistance, or
13 homebound instruction;

14 (3) "Expulsion", the removal of a pupil from a public school by local school board action or
15 charter school governing board action for an indefinite period of time until such pupil is reinstated
16 by the school board or governing board;

17 (4) "In-school suspension", the removal of a pupil from the regular classroom setting within
18 a school building for a fixed amount of time with such pupil automatically returning to the regular
19 classroom setting after the suspension is completed;

20 (5) "Out-of-school suspension", the removal of a pupil from a public school for a fixed
21 amount of time with such pupil automatically returning to the public school after the suspension is
22 completed;

23 (6) "Unilateral removal", the removal of a pupil with disabilities from the pupil's current
24 educational placement, as ordered by school personnel, to an appropriate interim educational setting
25 for the same amount of time that a pupil without disabilities would be subject to discipline, but for
26 not more than forty-five days. As used in this subdivision, "school personnel" shall not be construed
27 to include a pupil's individualized education program (IEP) team.

28 2. (1) Beginning July 1, 2024, school districts and charter schools shall document each
29 disciplinary removal of a pupil from such pupil's regular educational setting by creating a record of
30 data related to such disciplinary removal that satisfies the discipline-related reporting requirements

Action Taken _____ Date _____

1 for school districts and charter schools under the federal Gun-Free School Act, the federal Every
 2 Student Succeeds Act (ESSA), the federal Individuals with Disabilities Education Act (IDEA), other
 3 applicable federal law, and state law governing school report cards.

4 (2) The documentation created under subdivision (1) of this subsection shall also indicate:

5 (a) Whether a pupil subject to a disciplinary removal was offered educational services
 6 during such removal;

7 (b) The free or reduced-price lunch status of each pupil subject to a disciplinary removal;

8 (c) The number of disciplinary removals of each pupil who had been previously suspended
 9 from school;

10 (d) The types of alternative measures and interventions used prior to such disciplinary
 11 removal and the aggregate number of times each such type was used;

12 (e) Whether a hearing under section 167.161 was conducted and whether such hearing
 13 occurred before or after the disciplinary removal of such pupil; and

14 (f) The number of times, and the number of hours of each time, a pupil is removed from the
 15 school building for disciplinary reasons upon the request of school personnel.

16 3. Each school district and charter school shall annually report all information documented
 17 under subsection 2 of this section to the department of elementary and secondary education. The
 18 department shall make such information available to the public, but no such information made
 19 available under this subsection shall be released in a manner that personally identifies a pupil in
 20 violation of federal or state law or that reveals information regarding a group of five or fewer pupils.

21 4. The department of elementary and secondary education shall only use the information
 22 reported under subsection 2 of this section to identify school districts and charter schools that
 23 demonstrate best practices and to provide support and assistance upon request to school districts and
 24 charter schools that wish to address concerns with disciplinary removal policies and practices in
 25 such school district or charter school.

26 5. A disciplinary removal of a pupil receiving special educational services under an
 27 individualized education program (IEP), as such term is defined in 20 U.S.C. Section 1401, as
 28 amended, or a 504 plan created under Section 504 of the federal Rehabilitation Act of 1973, 29
 29 U.S.C. Section 794, as amended, shall be documented as a disciplinary removal under this section
 30 and reported to such pupil's IEP team or 504 plan team. Such disciplinary removals shall be
 31 discussed at least annually with such pupil's IEP team or 504 plan team."; and

32
 33 Further amend said bill, Pages 2-6, Section 160.522, Lines 1-145, by deleting all of said lines and
 34 inserting in lieu thereof the following:

35
 36 "160.522. 1. The department of elementary and secondary education shall produce or cause
 37 to be produced, at least annually, a school accountability report card for each public school district,
 38 each public school building in a school district, and each charter school in the state. The report card
 39 shall be designed to satisfy state and federal requirements for the disclosure of statistics about

1 students, staff, finances, academic achievement, and other indicators. The purpose of the report card
 2 shall be to provide educational statistics and accountability information for parents, taxpayers,
 3 school personnel, legislators, and the print and broadcast news media in a standardized, easily
 4 accessible form.

5 2. The department of elementary and secondary education shall develop a standard form for
 6 the school accountability report card. The information reported shall include, but not be limited to,
 7 the [district's] following information reported by each school district or charter school:

- 8 (1) The most recent accreditation rating[5];
- 9 (2) Enrollment[5];
- 10 (3) Rates of pupil attendance[5];
- 11 (4) High school dropout rate and graduation rate[~~the number and rate of suspensions of ten~~
 12 ~~days or longer and expulsions of pupils, the district~~];
- 13 (5) The ratio of students to administrators and students to classroom teachers[5];
- 14 (6) The average years of experience of professional staff and advanced degrees earned[5];
- 15 (7) Student achievement as measured through the assessment system developed pursuant to
 16 section 160.518[5];
- 17 (8) Student scores on the ACT, along with the percentage of graduates taking the test[5];
- 18 (9) Average teachers' and administrators' salaries compared to the state averages[5];
- 19 (10) Average per-pupil current expenditures for the district or charter school as a whole and
 20 by attendance center as reported to the department of elementary and secondary education[5];
- 21 (11) The adjusted tax rate of the district[5];
- 22 (12) The assessed valuation of the district[~~percent~~];
- 23 (13) The percentage of the district operating budget received from state, federal, and local
 24 sources[~~the percent~~];
- 25 (14) The percentage of students eligible for free or reduced-price lunch[5];
- 26 (15) Data on the [percent] percentage of students continuing their education in
 27 postsecondary programs[5];
- 28 (16) Information about the job placement rate for students who complete district vocational
 29 education programs[5];
- 30 (17) Whether the school district currently has a state-approved gifted education program[5
 31 and];
- 32 (18) The percentage and number of students who are currently being served in the district's
 33 state-approved gifted education program; and
- 34 (19) Information relating to disciplinary removals of pupils as collected by the department
 35 of elementary and secondary education under section 160.265.

36 3. The report card shall permit the disclosure of data on a school-by-school basis, but the
 37 reporting shall not be personally identifiable to any student or education professional in the state.

38 4. The report card shall identify each school or attendance center that has been identified as
 39 a priority school under sections 160.720 and 161.092. The report also shall identify attendance

1 centers that have been categorized under federal law as needing improvement or requiring specific
2 school improvement strategies.

3 5. The report card shall not limit or discourage other methods of public reporting and
4 accountability by local school districts. Districts shall provide information included in the report
5 card to parents, community members, the print and broadcast news media, and legislators by
6 December first annually or as soon thereafter as the information is available to the district, giving
7 preference to methods that incorporate the reporting into substantive official communications such
8 as student report cards. The school district shall provide a printed copy of the district-level or
9 school-level report card to any patron upon request and shall make reasonable efforts to supply
10 businesses such as, but not limited to, real estate and employment firms with copies or other
11 information about the reports so that parents and businesses from outside the district who may be
12 contemplating relocation have access.

13 6. For purposes of completing and distributing the annual report card as prescribed in this
14 section, a school district may include the data from a charter school located within such school
15 district, provided the local board of education or special administrative board for such district and
16 the charter school reach mutual agreement for the inclusion of the data from the charter [schools]
17 school and the terms of such agreement are approved by the state board of education. The charter
18 school shall not be required to be a part of the local educational agency of such school district and
19 may maintain a separate local educational agency status."; and

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21 Further amend said bill, Page 18, Section 163.161, Line 43, by inserting after all of said section and
22 line the following:

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24 "167.161. 1. (1) The school board of any district, after notice to parents or others having
25 custodial care and a hearing upon charges preferred, may suspend or expel a pupil for conduct
26 which is prejudicial to good order and discipline in the schools or which tends to impair the morale
27 or good conduct of the pupils.

28 (2) In addition to the authority granted in section 167.171, a school board may authorize, by
29 general rule, the immediate removal of a pupil upon a finding by the principal, superintendent, or
30 school board that the pupil poses a threat of harm to such pupil or others, as evidenced by the prior
31 conduct of such pupil. Prior disciplinary actions shall not be used as the sole basis for removal,
32 suspension or expulsion of a pupil.

33 (3) Removal of any pupil who is a student with a disability [~~is subject to~~] shall comply with
34 all state and federal procedural rights.

35 (4) (a) At the hearing upon any such removal, suspension or expulsion, the board shall
36 consider the evidence and statements that the parties present and shall consider reasonable
37 alternative measures to suspension from school or expulsion including, but not limited to, restorative
38 justice techniques, alternative behavior strategies, responsive classroom interventions, positive

1 behavioral supports and interventions, or a change in class assignment in the same grade with a
 2 different teacher if such a change is available and appropriate.

3 (b) The board may consider records of past disciplinary actions, criminal court records or
 4 juvenile court records consistent with other provisions of the law, or the actions of the pupil which
 5 would constitute a criminal offense.

6 (c) The board may provide by general rule not inconsistent with this section for the
 7 procedure and conduct of such hearings.

8 (5) After meeting with the superintendent or ~~his~~ the superintendent's designee to discuss
 9 the expulsion, the parent, custodian or the student, if at least eighteen years of age, may, in writing,
 10 waive any right to a hearing before the board of education.

11 2. No pupil shall be suspended from school or expelled if the sole basis for such removal is
 12 truancy or other absences from school.

13 3. Except as otherwise provided in section 160.261 and this section, no pupil enrolled in
 14 preschool through grade three shall be suspended from school or expelled.

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

21 ~~[3-]~~ 5. The school board shall make a good-faith effort to have the parents or others having
 22 custodial care present at any such hearing. Notwithstanding any other provision of law to the
 23 contrary, student discipline hearings or proceedings related to the rights of students to attend school
 24 or to receive academic credit shall not be required to comply with the requirements applicable to
 25 contested case hearings as provided in chapter 536, provided that appropriate due process
 26 procedures shall be observed which shall include the right for a trial de novo by the circuit court.

27 6. Each school district shall prohibit, in name and practice, any zero-tolerance disciplinary
 28 policy or practice of discipline that results in an automatic disciplinary consequence against a pupil
 29 without the discretion to modify such disciplinary consequence on a case-by-case basis, such as
 30 automatic detention, suspension, or expulsion or the automatic imposition of other disciplinary
 31 measures."; and

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