

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 159
102ND GENERAL ASSEMBLY

0342H.03C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 160.522 and 167.161, RSMo, and to enact in lieu thereof three new sections relating to disciplinary removals of public school students.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 160.522 and 167.161, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 160.265, 160.522, and 167.161, to read as
3 follows:

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

- 2 **(1) "Disciplinary removal", a disciplinary incident that results in an in-school**
3 **suspension, out-of-school suspension, expulsion, or unilateral removal to an interim**
4 **educational setting for one-half of one school day or more;**
5 **(2) "Educational services", the enrollment of a pupil in a school to which the**
6 **pupil has been or will be accepted for attendance and participation in any school**
7 **activities including, but not limited to, extracurricular activities. The term includes, but**
8 **is not limited to, education in an alternative school, education in an alternative location,**
9 **virtual schooling, homework assistance, or homebound instruction;**
10 **(3) "Expulsion", the removal of a pupil from a public school by local school**
11 **board action or charter school governing board action for an indefinite period of time**
12 **until such pupil is reinstated by the school board or governing board;**
13 **(4) "In-school suspension", the removal of a pupil from the regular classroom**
14 **setting within a school building for a fixed amount of time with such pupil automatically**
15 **returning to the regular classroom setting after the suspension is completed;**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

25 **2. (1) Beginning July 1, 2024, school districts and charter schools shall**
26 **document each disciplinary removal of a pupil from such pupil's regular educational**
27 **setting by creating a record of data related to such disciplinary removal that satisfies the**
28 **discipline-related reporting requirements for school districts and charter schools under**
29 **the federal Gun-Free School Act, the federal Every Student Succeeds Act (ESSA), the**
30 **federal Individuals with Disabilities Education Act (IDEA), other applicable federal law,**
31 **and state law governing school report cards.**

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

34 **(a) Whether a pupil subject to a disciplinary removal was offered educational**
35 **services during such removal;**

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

38 **(c) The number of disciplinary removals of each pupil who had been previously**
39 **suspended from school;**

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

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

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

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

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

58 **5. A disciplinary removal of a pupil receiving special educational services under**
59 **an individualized education program (IEP), as such term is defined in 20 U.S.C. Section**
60 **1401, as amended, or a 504 plan created under Section 504 of the federal Rehabilitation**
61 **Act of 1973, 29 U.S.C. Section 794, as amended, shall be documented as a disciplinary**
62 **removal under this section and reported to such pupil's IEP team or 504 plan team.**
63 **Such disciplinary removals shall be discussed at least annually with such pupil's IEP**
64 **team or 504 plan team.**

160.522. 1. The department of elementary and secondary education shall produce or
2 cause to be produced, at least annually, a school accountability report card for each public
3 school district, each public school building in a school district, and each charter school in the
4 state. The report card shall be designed to satisfy state and federal requirements for the
5 disclosure of statistics about students, staff, finances, academic achievement, and other
6 indicators. The purpose of the report card shall be to provide educational statistics and
7 accountability information for parents, taxpayers, school personnel, legislators, and the print
8 and broadcast news media in a standardized, easily accessible form.

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

13 **(1) The most recent accreditation rating**[5];

14 **(2) Enrollment**[5];

15 **(3) Rates of pupil attendance**[5];

16 **(4) High school dropout rate and graduation rate**~~[, the number and rate of suspensions~~
17 ~~of ten days or longer and expulsions of pupils, the district];~~

18 **(5) The ratio of students to administrators and students to classroom teachers**[5];

19 **(6) The average years of experience of professional staff and advanced degrees**
20 **earned**[5];

21 **(7) Student achievement as measured through the assessment system developed**
22 **pursuant to section 160.518**[5];

23 **(8) Student scores on the ACT, along with the percentage of graduates taking the test**
24 **[5];**

25 **(9) Average teachers' and administrators' salaries compared to the state averages**[5];

26 **(10)** Average per-pupil current expenditures for the district **or charter school** as a
27 whole and by attendance center as reported to the department of elementary and secondary
28 education~~[-];~~;

29 **(11)** The adjusted tax rate of the district~~[-];~~;

30 **(12)** **The** assessed valuation of the district~~[-, percent];~~;

31 **(13)** **The percentage** of the district operating budget received from state, federal, and
32 local sources~~[-, the percent];~~;

33 **(14)** **The percentage** of students eligible for free or reduced-price lunch~~[-];~~;

34 **(15)** Data on the ~~[percent]~~ **percentage** of students continuing their education in
35 postsecondary programs~~[-];~~;

36 **(16)** Information about the job placement rate for students who complete district
37 vocational education programs~~[-];~~;

38 **(17)** Whether the school district currently has a state-approved gifted education
39 program~~[-, and];~~;

40 **(18)** The percentage and number of students who are currently being served in the
41 district's state-approved gifted education program; **and**

42 **(19)** **Information relating to disciplinary removals of pupils as collected by the**
43 **department of elementary and secondary education under section 160.265.**

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

47 4. The report card shall identify each school or attendance center that has been
48 identified as a priority school under sections 160.720 and 161.092. The report also shall
49 identify attendance centers that have been categorized under federal law as needing
50 improvement or requiring specific school improvement strategies.

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

61 6. For purposes of completing and distributing the annual report card as prescribed in
62 this section, a school district may include the data from a charter school located within such

63 school district, provided the local board of education or special administrative board for such
64 district and the charter school reach mutual agreement for the inclusion of the data from the
65 charter ~~[schools]~~ **school** and the terms of such agreement are approved by the state board of
66 education. The charter school shall not be required to be a part of the local educational
67 agency of such school district and may maintain a separate local educational status.

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

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

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

12 **(4) (a)** At the hearing upon any such removal, suspension or expulsion, the board
13 shall consider the evidence and statements that the parties present and **shall consider**
14 **reasonable alternative measures to suspension from school or expulsion including, but**
15 **not limited to, restorative justice techniques, alternative behavior strategies, responsive**
16 **classroom interventions, positive behavioral supports and interventions, or a change in**
17 **class assignment in the same grade with a different teacher if such a change is available**
18 **and appropriate.**

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

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

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

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

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

31 **4.** The school board of any district, after notice to parents or others having custodial
32 care and a hearing upon the matter, may suspend a pupil upon a finding that the pupil has

33 been charged, convicted or pled guilty in a court of general jurisdiction for the commission of
34 a felony criminal violation of state or federal law. At a hearing required by this subsection,
35 the board shall consider statements that the parties present. The board may provide for the
36 procedure and conduct of such hearings.

37 ~~[3-]~~ 5. The school board shall make a good-faith effort to have the parents or others
38 having custodial care present at any such hearing. Notwithstanding any other provision of
39 law to the contrary, student discipline hearings or proceedings related to the rights of students
40 to attend school or to receive academic credit shall not be required to comply with the
41 requirements applicable to contested case hearings as provided in chapter 536, provided that
42 appropriate due process procedures shall be observed which shall include the right for a trial
43 de novo by the circuit court.

44 **6. Each school district shall prohibit, in name and practice, any zero-tolerance**
45 **disciplinary policy or practice of discipline that results in an automatic disciplinary**
46 **consequence against a pupil without the discretion to modify such disciplinary**
47 **consequence on a case-by-case basis, such as automatic detention, suspension, or**
48 **expulsion or the automatic imposition of other disciplinary measures.**

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