

FIRST REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 152

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES SOLON (Sponsor), BERRY, LICHTENEGGER, CIERPIOT,  
GOSEN, DAVIS, LANT, MCCAHERTY, RICHARDSON, TORPEY, KELLEY (127),  
MORRIS AND BUTLER (Co-sponsors).

0773L.01P

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 160.261, 162.215, and 210.115, RSMo, and to enact in lieu thereof four new sections relating to school officers.

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

Section A. Sections 160.261, 162.215, and 210.115, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 160.261, 162.215, 210.115, and 1, to read as follows:

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

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.

13           2. The policy shall require school administrators to report acts of school violence to all  
14 teachers at the attendance center and, in addition, to other school district employees with a need  
15 to know. For the purposes of this chapter or chapter 167, "need to know" is defined as school  
16 personnel who are directly responsible for the student's education or who otherwise interact with  
17 the student on a professional basis while acting within the scope of their assigned duties. As  
18 used in this section, the phrase "act of school violence" or "violent behavior" means the exertion  
19 of physical force by a student with the intent to do serious physical injury as defined in  
20 subdivision (6) of section 565.002 to another person while on school property, including a school  
21 bus in service on behalf of the district, or while involved in school activities. The policy shall  
22 at a minimum require school administrators to report, as soon as reasonably practical, to the  
23 appropriate law enforcement agency any of the following crimes, or any act which if committed  
24 by an adult would be one of the following crimes:

- 25           (1) First degree murder under section 565.020;
- 26           (2) Second degree murder under section 565.021;
- 27           (3) Kidnapping under section 565.110;
- 28           (4) First degree assault under section 565.050;
- 29           (5) Forcible rape under section 566.030;
- 30           (6) Forcible sodomy under section 566.060;
- 31           (7) Burglary in the first degree under section 569.160;
- 32           (8) Burglary in the second degree under section 569.170;
- 33           (9) Robbery in the first degree under section 569.020;
- 34           (10) Distribution of drugs under section 195.211;
- 35           (11) Distribution of drugs to a minor under section 195.212;
- 36           (12) Arson in the first degree under section 569.040;
- 37           (13) Voluntary manslaughter under section 565.023;
- 38           (14) Involuntary manslaughter under section 565.024;
- 39           (15) Second degree assault under section 565.060;
- 40           (16) Sexual assault under section 566.040;
- 41           (17) Felonious restraint under section 565.120;
- 42           (18) Property damage in the first degree under section 569.100;
- 43           (19) The possession of a weapon under chapter 571;
- 44           (20) Child molestation in the first degree pursuant to section 566.067;
- 45           (21) Deviate sexual assault pursuant to section 566.070;
- 46           (22) Sexual misconduct involving a child pursuant to section 566.083;
- 47           (23) Sexual abuse pursuant to section 566.100;
- 48           (24) Harassment under section 565.090; or

49 (25) Stalking under section 565.225;  
50 committed on school property, including but not limited to actions on any school bus in service  
51 on behalf of the district or while involved in school activities. The policy shall require that any  
52 portion of a student's individualized education program that is related to demonstrated or  
53 potentially violent behavior shall be provided to any teacher and other school district employees  
54 who are directly responsible for the student's education or who otherwise interact with the  
55 student on an educational basis while acting within the scope of their assigned duties. The policy  
56 shall also contain the consequences of failure to obey standards of conduct set by the local board  
57 of education, and the importance of the standards to the maintenance of an atmosphere where  
58 orderly learning is possible and encouraged.

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

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

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

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

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

79 4. Any student who violates the condition of suspension required pursuant to subsection  
80 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of  
81 sections 167.161, 167.164, and 167.171. In making this determination consideration shall be  
82 given to whether the student poses a threat to the safety of any child or school employee and  
83 whether such student's unsupervised presence within one thousand feet of the school is disruptive  
84 to the educational process or undermines the effectiveness of the school's disciplinary policy.

85 Removal of any pupil who is a student with a disability is subject to state and federal procedural  
86 rights. This section shall not limit a school district's ability to:

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

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

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

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

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

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

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

113 8. Teachers and other authorized district personnel in public schools responsible for the  
114 care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable  
115 care by the school district, shall not be civilly liable when acting in conformity with the  
116 established policies developed by each board, including but not limited to policies of student  
117 discipline or when reporting to his or her supervisor or other person as mandated by state law  
118 acts of school violence or threatened acts of school violence, within the course and scope of the  
119 duties of the teacher, authorized district personnel or volunteer, when such individual is acting  
120 in conformity with the established policies developed by the board. Nothing in this section shall

121 be construed to create a new cause of action against such school district, or to relieve the school  
122 district from liability for the negligent acts of such persons.

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

133 10. Spanking, when administered by certificated personnel and in the presence of a  
134 witness who is an employee of the school district, or the use of reasonable force to protect  
135 persons or property, when administered by personnel of a school district in a reasonable manner  
136 in accordance with the local board of education's written policy of discipline, is not abuse within  
137 the meaning of chapter 210. [The provisions of sections 210.110 to 210.165 notwithstanding,  
138 the children's division shall not have jurisdiction over or investigate any report of alleged child  
139 abuse arising out of or related to the use of reasonable force to protect persons or property when  
140 administered by personnel of a school district or any spanking administered in a reasonable  
141 manner by any certificated school personnel in the presence of a witness who is an employee of  
142 the school district pursuant to a written policy of discipline established by the board of education  
143 of the school district, as long as no allegation of sexual misconduct arises from the spanking or  
144 use of force.]

145 11. [If a student reports alleged sexual misconduct on the part of a teacher or other  
146 school employee to a person employed in a school facility who is required to report such  
147 misconduct to the children's division under section 210.115, such person and the superintendent  
148 of the school district shall forward the allegation to the children's division within twenty-four  
149 hours of receiving the information. Reports made to the children's division under this subsection  
150 shall be investigated by the division in accordance with the provisions of sections 210.145 to  
151 210.153 and shall not be investigated by the school district under subsections 12 to 20 of this  
152 section for purposes of determining whether the allegations should or should not be  
153 substantiated. The district may investigate the allegations for the purpose of making any decision  
154 regarding the employment of the accused employee.

155 12. Upon receipt of any reports of child abuse by the children's division other than  
156 reports provided under subsection 11 of this section, pursuant to sections 210.110 to 210.165

157 which allegedly involve personnel of a school district, the children's division shall notify the  
158 superintendent of schools of the district or, if the person named in the alleged incident is the  
159 superintendent of schools, the president of the school board of the school district where the  
160 alleged incident occurred.

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

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

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

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

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

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

191           19. The school board shall consider the separate reports referred to in subsection 17 of  
192 this section and shall issue its findings and conclusions and the action to be taken, if any, within

193 seven days after receiving the last of the two reports. The findings and conclusions shall be  
194 made in substantially the following form:

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

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

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

204 20. The findings and conclusions of the school board under subsection 19 of this section  
205 shall be sent to the children's division. If the findings and conclusions of the school board are  
206 that the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated,  
207 the case closed, and no record shall be entered in the children's division central registry. If the  
208 findings and conclusions of the school board are that the report of the alleged child abuse is  
209 substantiated, the children's division shall report the incident to the prosecuting attorney of the  
210 appropriate county along with the findings and conclusions of the school district and shall  
211 include the information in the division's central registry. If the findings and conclusions of the  
212 school board are that the issue involved in the alleged incident of child abuse is unresolved, the  
213 children's division shall report the incident to the prosecuting attorney of the appropriate county  
214 along with the findings and conclusions of the school board, however, the incident and the names  
215 of the parties allegedly involved shall not be entered into the central registry of the children's  
216 division unless and until the alleged child abuse is substantiated by a court of competent  
217 jurisdiction.

218 21. Any superintendent of schools, president of a school board or such person's designee  
219 or law enforcement officer who knowingly falsifies any report of any matter pursuant to this  
220 section or who knowingly withholds any information relative to any investigation or report  
221 pursuant to this section is guilty of a class A misdemeanor.

222 22.] In order to ensure the safety of all students, should a student be expelled for bringing  
223 a weapon to school, violent behavior, or for an act of school violence, that student shall not, for  
224 the purposes of the accreditation process of the Missouri school improvement plan, be  
225 considered a dropout or be included in the calculation of that district's educational persistence  
226 ratio.

162.215. 1. The school board of [a district with its administrative headquarters located  
2 within a home rule city with more than forty-eight thousand but fewer than forty-nine thousand

3 inhabitants] **any school district** may authorize and commission school officers to enforce laws  
4 relating to crimes committed on school premises, at school activities, and on school buses  
5 operating within the school district only upon the execution of a memorandum of understanding  
6 with each municipal law enforcement agency and county sheriff's office which has law  
7 enforcement jurisdiction over the school district's premises and location of school activities,  
8 provided that the memorandum shall not grant statewide arrest authority. School officers shall  
9 be licensed peace officers, as defined in section 590.010, and shall comply with the provisions  
10 of chapter 590. The powers and duties of a peace officer shall continue throughout the  
11 employee's tenure as a school officer.

12         2. School officers shall abide by district school board policies, all terms and conditions  
13 defined within the executed memorandum of understanding with each municipal law  
14 enforcement agency and county sheriff's office which has law enforcement jurisdiction over the  
15 school district's premises and location of school activities, and shall consult with and coordinate  
16 activities through the school superintendent or the superintendent's designee. School officers'  
17 authority shall be limited to crimes committed on school premises, at school activities, and on  
18 school buses operating within the jurisdiction of the executed memorandum of understanding.  
19 All crimes involving any sexual offense or any felony involving the threat or use of force shall  
20 remain under the authority of the local jurisdiction where the crime occurred. School officers  
21 may conduct any justified stop on school property and enforce any local violation that occurs on  
22 school grounds. School officers shall have the authority to stop, detain, and arrest for crimes  
23 committed on school property, at school activities, and on school buses.

210.115. 1. When any physician, medical examiner, coroner, dentist, chiropractor,  
2 optometrist, podiatrist, resident, intern, nurse, hospital or clinic personnel that are engaged in the  
3 examination, care, treatment or research of persons, and any other health practitioner,  
4 psychologist, mental health professional, social worker, day care center worker or other child-  
5 care worker, juvenile officer, probation or parole officer, jail or detention center personnel,  
6 teacher, principal or other school official, minister as provided by section 352.400, peace officer  
7 or law enforcement official, or other person with responsibility for the care of children has  
8 reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or  
9 observes a child being subjected to conditions or circumstances which would reasonably result  
10 in abuse or neglect, that person shall immediately report [or cause a report to be made] to the  
11 division in accordance with the provisions of sections 210.109 to 210.183. **No internal**  
12 **investigation shall be initiated until such a report has been made.** As used in this section,  
13 the term "abuse" is not limited to abuse inflicted by a person responsible for the child's care,  
14 custody and control as specified in section 210.110, but shall also include abuse inflicted by any  
15 other person.

16           2. [Whenever such person is required to report pursuant to sections 210.109 to 210.183  
17 in an official capacity as a staff member of a medical institution, school facility, or other agency,  
18 whether public or private, the person in charge or a designated agent shall be notified  
19 immediately. The person in charge or a designated agent shall then become responsible for  
20 immediately making or causing such report to be made to the division. Nothing in this section,  
21 however, is meant to preclude any person from reporting abuse or neglect] **If two or more**  
22 **members of a medical institution who are required to report jointly have knowledge of a**  
23 **known or suspected instance of child abuse or neglect, a single report may be made by a**  
24 **member of that team. Any member who has knowledge that the member designated to**  
25 **report has failed to do so shall thereafter immediately make the report.**

26           3. **The reporting requirements under this section are individual, and no supervisor**  
27 **or administrator may impede or inhibit any reporting under this section. No person**  
28 **making a report under this section shall be subject to any sanction, including any adverse**  
29 **employment action, for making such report.**

30           4. Notwithstanding any other provision of sections 210.109 to 210.183, any child who  
31 does not receive specified medical treatment by reason of the legitimate practice of the religious  
32 belief of the child's parents, guardian, or others legally responsible for the child, for that reason  
33 alone, shall not be found to be an abused or neglected child, and such parents, guardian or other  
34 persons legally responsible for the child shall not be entered into the central registry. However,  
35 the division may accept reports concerning such a child and may subsequently investigate or  
36 conduct a family assessment as a result of that report. Such an exception shall not limit the  
37 administrative or judicial authority of the state to ensure that medical services are provided to  
38 the child when the child's health requires it.

39           [4.] 5. In addition to those persons and officials required to report actual or suspected  
40 abuse or neglect, any other person may report in accordance with sections 210.109 to 210.183  
41 if such person has reasonable cause to suspect that a child has been or may be subjected to abuse  
42 or neglect or observes a child being subjected to conditions or circumstances which would  
43 reasonably result in abuse or neglect.

44           [5.] 6. Any person or official required to report pursuant to this section, including  
45 employees of the division, who has probable cause to suspect that a child who is or may be under  
46 the age of eighteen, who is eligible to receive a certificate of live birth, has died shall report that  
47 fact to the appropriate medical examiner or coroner. If, upon review of the circumstances and  
48 medical information, the medical examiner or coroner determines that the child died of natural  
49 causes while under medical care for an established natural disease, the coroner, medical  
50 examiner or physician shall notify the division of the child's death and that the child's attending  
51 physician shall be signing the death certificate. In all other cases, the medical examiner or

52 coroner shall accept the report for investigation, shall immediately notify the division of the  
53 child's death as required in section 58.452 and shall report the findings to the child fatality review  
54 panel established pursuant to section 210.192.

55 [6.] 7. Any person or individual required to report may also report the suspicion of abuse  
56 or neglect to any law enforcement agency or juvenile office. Such report shall not, however, take  
57 the place of reporting [or causing a report to be made] to the division.

58 [7.] 8. If an individual required to report suspected instances of abuse or neglect pursuant  
59 to this section has reason to believe that the victim of such abuse or neglect is a resident of  
60 another state or was injured as a result of an act which occurred in another state, the person  
61 required to report such abuse or neglect may, in lieu of reporting to the Missouri division of  
62 family services, make such a report to the child protection agency of the other state with the  
63 authority to receive such reports pursuant to the laws of such other state. If such agency accepts  
64 the report, no report is required to be made, but may be made, to the [Missouri] division [of  
65 family services].

**Section 1. The Missouri state training center for the D.A.R.E. program shall  
2 develop the curriculum and certification requirements for school resource officers. At a  
3 minimum, school resource officers must complete forty hours of basic school resource  
4 officer training to include legal operations within an educational environment, intruder  
5 training and planning, juvenile law, and any other relevant topics relating to the job and  
6 functions of a school resource officer.**

✓