

HOUSE _____ **AMENDMENT NO.** _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 1515, Page 1, Section A, Line 5, by inserting
2 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
8 of every pupil enrolled in the district at the beginning of each school year and also made available in the
9 office of the superintendent of such district, during normal business hours, for public inspection. All
10 employees of the district shall annually receive instruction related to the specific contents of the policy of
11 discipline and any interpretations necessary to implement the provisions of the policy in the course of
12 their duties, including but not limited to approved methods of dealing with acts of school violence,
13 disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.

14
15 2. The policy shall require school administrators to report acts of school violence to all teachers
16 at 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
21 serious physical injury as defined in subdivision (6) of section 565.002 to another person while on school
22 property, including a school bus in service on behalf of the district, or while involved in school activities.
23 The policy shall at a minimum require school administrators to report, as soon as reasonably practical, to
24 the appropriate law enforcement agency any of the following crimes, or any act which if committed by an
25 adult would be one of the following 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;
29 (4) First degree assault under section 565.050;
30 (5) Forcible rape under section 566.030;
31 (6) Forcible sodomy under section 566.060;

- 1 (7) Burglary in the first degree under section 569.160;
- 2 (8) Burglary in the second degree under section 569.170;
- 3 (9) Robbery in the first degree under section 569.020;
- 4 (10) Distribution of drugs under section 195.211;
- 5 (11) Distribution of drugs to a minor under section 195.212;
- 6 (12) Arson in the first degree under section 569.040;
- 7 (13) Voluntary manslaughter under section 565.023;
- 8 (14) Involuntary manslaughter under section 565.024;
- 9 (15) Second degree assault under section 565.060;
- 10 (16) Sexual assault under section 566.040;
- 11 (17) Felonious restraint 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;
- 15 (21) Deviate sexual assault pursuant to section 566.070;
- 16 (22) Sexual misconduct involving a child pursuant to section 566.083;
- 17 (23) Sexual abuse pursuant to section 566.100;
- 18 (24) Harassment under section 565.090; or
- 19 (25) Stalking under section 565.225; committed on school property, including but not limited to

20 actions on any school bus in service on behalf of the district or while involved in school activities. The
21 policy shall require that any portion of a student's individualized education program that is related to
22 demonstrated or potentially violent behavior shall be provided to any teacher and other school district
23 employees who are directly responsible for the student's education or who otherwise interact with the
24 student on an educational basis while acting within the scope of their assigned duties. The policy shall
25 also contain the consequences of failure to obey standards of conduct set by the local board of education,
26 and the importance of the standards to the maintenance of an atmosphere where orderly learning is
27 possible and encouraged.

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

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

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

1 school property;

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

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

7 4. Any student who violates the condition of suspension required pursuant to subsection 3 of this
8 section may be subject to expulsion or further suspension pursuant to the provisions of sections 167.161,
9 167.164, and 167.171. In making this determination consideration shall be given to whether the student
10 poses a threat to the safety of any child or school employee and whether such student's unsupervised
11 presence within one thousand feet of the school is disruptive to the educational process or undermines the
12 effectiveness of the school's disciplinary policy. Removal of any pupil who is a student with a disability is
13 subject to state and federal procedural rights. This section shall not limit a school district's ability to:

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

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

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

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

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

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

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

38 8. Teachers and other authorized district personnel in public schools responsible for the care,
39 supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by the
40 school district, shall not be civilly liable when acting in conformity with the established policies

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

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

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

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

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

1 the school board of the school district where the alleged incident occurred.

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

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

16 15. The report shall be jointly investigated by the juvenile officer or a law enforcement officer
17 designated by the juvenile officer and the superintendent of schools or, if the subject of the report is the
18 superintendent of schools, by the juvenile officer or a law enforcement officer designated by the juvenile
19 officer and the president of the school board or such president's designee.

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

25 17. The juvenile officer or a law enforcement officer designated by the juvenile officer and the
26 investigating school district personnel shall issue separate reports of their findings and recommendations
27 after the conclusion of the investigation to the school board of the school district within seven days after
28 receiving notice from the children's division.

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

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

35 (1) The report of the alleged child abuse is unsubstantiated. The juvenile officer or a law
36 enforcement officer designated by the juvenile officer and the investigating school board personnel agree
37 that there was not a preponderance of evidence to substantiate that abuse occurred;

38 (2) The report of the alleged child abuse is substantiated. The juvenile officer or a law
39 enforcement officer designated by the juvenile officer and the investigating school district personnel agree
40 that the preponderance of evidence is sufficient to support a finding that the alleged incident of child

1 abuse did occur;

2 (3) The issue involved in the alleged incident of child abuse is unresolved. The juvenile officer
3 or a law enforcement officer designated by the juvenile officer and the investigating school personnel are
4 unable to agree on their findings and conclusions on the alleged incident.

5 20. The findings and conclusions of the school board under subsection 19 of this section shall be
6 sent to the children's division. If the findings and conclusions of the school board are that the report of the
7 alleged child abuse is unsubstantiated, the investigation shall be terminated, the case closed, and no record
8 shall be entered in the children's division central registry. If the findings and conclusions of the school
9 board are that the report of the alleged child abuse is substantiated, the children's division shall report the
10 incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of
11 the school district and shall include the information in the division's central registry. If the findings and
12 conclusions of the school board are that the issue involved in the alleged incident of child abuse is
13 unresolved, the children's division shall report the incident to the prosecuting attorney of the appropriate
14 county along with the findings and conclusions of the school board, however, the incident and the names
15 of the parties allegedly involved shall not be entered into the central registry of the children's division
16 unless and until the alleged child abuse is substantiated by a court of competent jurisdiction.

17 21. Any superintendent of schools, president of a school board or such person's designee or
18 juvenile officer who knowingly falsifies any report of any matter pursuant to this section or who
19 knowingly withholds any information relative to any investigation or report pursuant to this section is
20 guilty of a class A misdemeanor.

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

25 210.115. 1. When any physician, medical examiner, coroner, dentist, chiropractor, optometrist,
26 podiatrist, resident, intern, nurse, hospital or clinic personnel that are engaged in the examination, care,
27 treatment or research of persons, and any other health practitioner, psychologist, mental health
28 professional, social worker, day care center worker or other child-care worker, juvenile officer, probation
29 or parole officer, jail or detention center personnel, teacher, principal or other school official, minister as
30 provided by section 352.400, peace officer or law enforcement official, or other person with responsibility
31 for the care of children has reasonable cause to suspect that a child has been or may be subjected to abuse
32 or neglect or observes a child being subjected to conditions or circumstances which would reasonably
33 result in abuse or neglect, that person shall immediately report [or cause a report to be made] to the
34 division in accordance with the provisions of sections 210.109 to 210.183. As used in this section, the
35 term "abuse" is not limited to abuse inflicted by a person responsible for the child's care, custody and
36 control as specified in section 210.110, but shall also include abuse inflicted by any other person.

37 2. [Whenever such person is required to report pursuant to sections 210.109 to 210.183 in an
38 official capacity as a staff member of a medical institution, school facility, or other agency, whether public
39 or private, the person in charge or a designated agent shall be notified immediately. The person in charge
40 or a designated agent shall then become responsible for immediately making or causing such report to be

1 made to the division. Nothing in this section, however, is meant to preclude any person from reporting
2 abuse or neglect] When two or more persons who are required to report jointly have knowledge of a
3 known or suspected instance of child abuse or neglect, a single report may be made by a member of the
4 team. Any member who has knowledge that the member designated to report has failed to do so shall
5 thereafter make the report.

6 3. The reporting requirements under this section are individual, and no supervisor or
7 administrator may impede or inhibit any reporting under this section. No person making a report under
8 this section shall be subject to any sanction for making such report. However, internal procedures to
9 facilitate reporting and apprise supervisors and administrators of reports may be established provided such
10 internal procedures are not inconsistent with this section.

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

19 [4.] 5. In addition to those persons and officials required to report actual or suspected abuse or
20 neglect, any other person may report in accordance with sections 210.109 to 210.183 if such person has
21 reasonable cause to suspect that a child has been or may be subjected to abuse or neglect or observes a
22 child being subjected to conditions or circumstances which would reasonably result in abuse or neglect.

23 [5.] 6. Any person or official required to report pursuant to this section, including employees of
24 the division, who has probable cause to suspect that a child who is or may be under the age of eighteen,
25 who is eligible to receive a certificate of live birth, has died shall report that fact to the appropriate
26 medical examiner or coroner. If, upon review of the circumstances and medical information, the medical
27 examiner or coroner determines that the child died of natural causes while under medical care for an
28 established natural disease, the coroner, medical examiner or physician shall notify the division of the
29 child's death and that the child's attending physician shall be signing the death certificate. In all other
30 cases, the medical examiner or coroner shall accept the report for investigation, shall immediately notify
31 the division of the child's death as required in section 58.452 and shall report the findings to the child
32 fatality review panel established pursuant to section 210.192.

33 [6.] 7. Any person or individual required to report may also report the suspicion of abuse or
34 neglect to any law enforcement agency or juvenile office. Such report shall not, however, take the place
35 of reporting [or causing a report to be made] to the division.

36 [7.] 8. If an individual required to report suspected instances of abuse or neglect pursuant to this
37 section has reason to believe that the victim of such abuse or neglect is a resident of another state or was
38 injured as a result of an act which occurred in another state, the person required to report such abuse or
39 neglect may, in lieu of reporting to the Missouri division of family services, make such a report to the
40 child protection agency of the other state with the authority to receive such reports pursuant to the laws of

1 such other state. If such agency accepts the report, no report is required to be made, but may be made, to
2 the [Missouri] division [of family services].”; and
3
4 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.