

House _____ Amendment NO. _____

Offered By

1 AMEND Senate Committee Substitute for Senate Bill No. 224, Page 1, In the Title, Lines 3-4, by
2 deleting all of said lines and inserting in lieu thereof the following:

3
4 "to elementary and secondary education, with penalty provisions and an emergency clause"; and

5
6 Further amend said bill and page, Section A, Line 2, by inserting immediately after said section and
7 line the following:

8
9 *160.261. 1. The local board of education of each school district shall clearly establish a
10 written policy of discipline, including the district's determination on the use of corporal punishment
11 and the procedures in which punishment will be applied. A written copy of the district's discipline
12 policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or
13 legal guardian of every pupil enrolled in the district at the beginning of each school year and also
14 made available in the office of the superintendent of such district, during normal business hours, for
15 public inspection. All employees of the district shall annually receive instruction related to the
16 specific contents of the policy of discipline and any interpretations necessary to implement the
17 provisions of the policy in the course of their duties, including but not limited to approved methods
18 of dealing with acts of school violence, disciplining students with disabilities and instruction in the
19 necessity and requirements for confidentiality.

20 2. The policy shall require school administrators to report acts of school violence to all
21 teachers at the attendance center and, in addition, to other school district employees with a need to
22 know. For the purposes of this chapter or chapter 167, "need to know" is defined as school personnel
23 who are directly responsible for the student's education or who otherwise interact with the student on
24 a professional basis while acting within the scope of their assigned duties. As used in this section,
25 the phrase "act of school violence" or "violent behavior" means the exertion of physical force by a
26 student with the intent to do serious physical injury as defined in section 556.061 to another person
27 while on school property, including a school bus in service on behalf of the district, or while
28 involved in school activities. The policy shall at a minimum require school administrators to report,
29 as soon as reasonably practical, to the appropriate law enforcement agency any of the following
30 crimes, or any act which if committed by an adult would be one of the following crimes:

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

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- 1 (6) Sodomy in the first degree under section 566.060;
 2 (7) Burglary in the first degree under section 569.160;
 3 (8) Burglary in the second degree under section 569.170;
 4 (9) Robbery in the first degree under section 569.020 as it existed prior to January 1, 2017,
 5 or robbery in the first degree under section 570.023;
 6 (10) Distribution of drugs under section 195.211 as it existed prior to January 1, 2017, or
 7 manufacture of a controlled substance under section 579.055;
 8 (11) Distribution of drugs to a minor under section 195.212 as it existed prior to January 1,
 9 2017, or delivery of a controlled substance under section 579.020;
 10 (12) Arson in the first degree under section 569.040;
 11 (13) Voluntary manslaughter under section 565.023;
 12 (14) Involuntary manslaughter under section 565.024 as it existed prior to January 1, 2017,
 13 involuntary manslaughter in the first degree under section 565.024, or involuntary manslaughter in
 14 the second degree under section 565.027;
 15 (15) Second degree assault under section 565.060 as it existed prior to January 1, 2017, or
 16 second degree assault under section 565.052;
 17 (16) Rape in the second degree under section 566.031;
 18 (17) 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) Property damage in the first degree under section 569.100;
 21 (19) The possession of a weapon under chapter 571;
 22 (20) Child molestation in the first degree pursuant to section 566.067 as it existed prior to
 23 January 1, 2017, or child molestation in the first, second, or third degree pursuant to section 566.067,
 24 566.068, or 566.069;
 25 (21) Sodomy in the second degree pursuant to section 566.061;
 26 (22) Sexual misconduct involving a child pursuant to section 566.083;
 27 (23) Sexual abuse in the first degree pursuant to section 566.100;
 28 (24) Harassment under section 565.090 as it existed prior to January 1, 2017, or harassment
 29 in the first degree under section 565.090; [or]
 30 (25) Stalking under section 565.225 as it existed prior to January 1, 2017, or stalking in the
 31 first degree under section 565.225; or
 32 (26) Making a terrorist threat under section 574.115;

33
 34 committed on school property, including but not limited to actions on any school bus in service on
 35 behalf of the district or while involved in school activities. The policy shall require that any portion
 36 of a student's individualized education program that is related to demonstrated or potentially violent
 37 behavior shall be provided to any teacher and other school district employees who are directly
 38 responsible for the student's education or who otherwise interact with the student on an educational
 39 basis while acting within the scope of their assigned duties. The policy shall also contain the
 40 consequences of failure to obey standards of conduct set by the local board of education, and the
 41 importance of the standards to the maintenance of an atmosphere where orderly learning is possible
 42 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 suspension the requirement that such student is not allowed, while
 47 on such suspension, to be within one thousand feet of any school property in the school district
 48 where such student attended school or any activity of that district, regardless of whether or not the

1 activity takes place on district property unless:

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

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

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

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

14 4. Any student who violates the condition of suspension required pursuant to subsection 3 of
15 this section may be subject to expulsion or further suspension pursuant to the provisions of sections
16 167.161, 167.164, and 167.171. In making this determination consideration shall be given to
17 whether the student poses a threat to the safety of any child or school employee and whether such
18 student's unsupervised presence within one thousand feet of the school is disruptive to the
19 educational process or undermines the effectiveness of the school's disciplinary policy. Removal of
20 any pupil who is a student with a disability is subject to state and federal procedural rights. This
21 section shall not limit a school district's ability to:

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

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

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

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

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

35 6. For the purpose of this section, the term "weapon" shall mean a firearm as defined under
36 18 U.S.C. Section 921 and the following items, as defined in section 571.010: a blackjack, a
37 concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles,
38 a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except
39 that this section shall not be construed to prohibit a school board from adopting a policy to allow a
40 Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so
41 long as the firearm is unloaded. The local board of education shall define weapon in the discipline
42 policy. Such definition shall include the weapons defined in this subsection but may also include
43 other weapons.

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

48 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 supervisor or other person as mandated by state law acts of school violence or
5 threatened acts of school violence, within the course and scope of the duties of the teacher,
6 authorized district personnel or volunteer, when such individual is acting in conformity with the
7 established policies developed by the board. Nothing in this section shall be construed to create a
8 new cause of action against such school district, or to relieve the school district from liability for the
9 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 shall
12 include but not be limited to exertion of physical force by a student with the intent to do serious
13 bodily harm to another person while on school property, including a school bus in service on behalf
14 of the district, or while involved in school activities. School districts shall for each student enrolled
15 in the school district compile and maintain records of any serious violation of the district's discipline
16 policy. Such records shall be made available to teachers and other school district employees with a
17 need to know while acting within the scope of their assigned duties, and shall be provided as required
18 in section 167.020 to any school district in which the student subsequently attempts to enroll.

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

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

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

44 13. If, after an initial investigation, the superintendent of schools or the president of the
45 school board finds that the report involves an alleged incident of child abuse other than the
46 administration of a spanking by certificated school personnel or the use of reasonable force to protect
47 persons or property when administered by school personnel pursuant to a written policy of discipline
48 or that the report was made for the sole purpose of harassing a public school employee, the

1 superintendent of schools or the president of the school board shall immediately refer the matter
2 back to the children's division and take no further action. In all matters referred back to the
3 children's division, the division shall treat the report in the same manner as other reports of alleged
4 child abuse received by the division.

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

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

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

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

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

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

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

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

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

38 20. The findings and conclusions of the school board under subsection 19 of this section
39 shall be sent to the children's division. If the findings and conclusions of the school board are that
40 the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case
41 closed, and no record shall be entered in the children's division central registry. If the findings and
42 conclusions of the school board are that the report of the alleged child abuse is substantiated, the
43 children's division shall report the incident to the prosecuting attorney of the appropriate county
44 along with the findings and conclusions of the school district and shall include the information in the
45 division's central registry. If the findings and conclusions of the school board are that the issue
46 involved in the alleged incident of child abuse is unresolved, the children's division shall report the
47 incident to the prosecuting attorney of the appropriate county along with the findings and
48 conclusions of the school board, however, the incident and the names of the parties allegedly

1 involved shall not be entered into the central registry of the children's division unless and until the
2 alleged child abuse is substantiated by a court of competent jurisdiction.

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

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

11 160.261. 1. The local board of education of each school district shall clearly establish a
12 written policy of discipline, including the district's determination on the use of corporal punishment
13 and the procedures in which punishment will be applied. A written copy of the district's discipline
14 policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or
15 legal guardian of every pupil enrolled in the district at the beginning of each school year and also
16 made available in the office of the superintendent of such district, during normal business hours, for
17 public inspection. All employees of the district shall annually receive instruction related to the
18 specific contents of the policy of discipline and any interpretations necessary to implement the
19 provisions of the policy in the course of their duties, including but not limited to approved methods
20 of dealing with acts of school violence, disciplining students with disabilities and instruction in the
21 necessity and requirements for confidentiality.

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

- 33 (1) First degree murder under section 565.020;
- 34 (2) Second degree murder under section 565.021;
- 35 (3) Kidnapping under section 565.110;
- 36 (4) First degree assault under section 565.050;
- 37 (5) Rape in the first degree under section 566.030;
- 38 (6) Sodomy in the first degree under section 566.060;
- 39 (7) Burglary in the first degree under section 569.160;
- 40 (8) Burglary in the second degree under section 569.170;
- 41 (9) Robbery in the first degree under section 569.020;
- 42 (10) Distribution of drugs under section 195.211;
- 43 (11) Distribution of drugs to a minor under section 195.212;
- 44 (12) Arson in the first degree under section 569.040;
- 45 (13) Voluntary manslaughter under section 565.023;
- 46 (14) Involuntary manslaughter under section 565.024;
- 47 (15) Second degree assault under section 565.060;
- 48 (16) Rape in the second degree under section 566.031;

- 1 (17) Felonious restraint under section 565.120;
 2 (18) Property damage in the first degree under section 569.100;
 3 (19) The possession of a weapon under chapter 571;
 4 (20) Child molestation in the first degree pursuant to section 566.067;
 5 (21) Sodomy in the second degree pursuant to section 566.061;
 6 (22) Sexual misconduct involving a child pursuant to section 566.083;
 7 (23) Sexual abuse in the first degree pursuant to section 566.100;
 8 (24) Harassment under section 565.090; [or]
 9 (25) Stalking under section 565.225; or
 10 (26) Making a terrorist threat under section 574.115;

11
 12 committed on school property, including but not limited to actions on any school bus in service on
 13 behalf of the district or while involved in school activities. The policy shall require that any portion
 14 of a student's individualized education program that is related to demonstrated or potentially violent
 15 behavior shall be provided to any teacher and other school district employees who are directly
 16 responsible for the student's education or who otherwise interact with the student on an educational
 17 basis while acting within the scope of their assigned duties. The policy shall also contain the
 18 consequences of failure to obey standards of conduct set by the local board of education, and the
 19 importance of the standards to the maintenance of an atmosphere where orderly learning is possible
 20 and encouraged.

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

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

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

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

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

40 4. Any student who violates the condition of suspension required pursuant to subsection 3 of
 41 this section may be subject to expulsion or further suspension pursuant to the provisions of sections
 42 167.161, 167.164, and 167.171. In making this determination consideration shall be given to
 43 whether the student poses a threat to the safety of any child or school employee and whether such
 44 student's unsupervised presence within one thousand feet of the school is disruptive to the
 45 educational process or undermines the effectiveness of the school's disciplinary policy. Removal of
 46 any pupil who is a student with a disability is subject to state and federal procedural rights. This
 47 section shall not limit a school district's ability to:

- 48 (1) Prohibit all students who are suspended from being on school property or attending an

1 activity while on suspension;

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

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

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

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

13 6. For the purpose of this section, the term "weapon" shall mean a firearm as defined under
14 18 U.S.C. Section 921 and the following items, as defined in section 571.010: a blackjack, a
15 concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles,
16 a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except
17 that this section shall not be construed to prohibit a school board from adopting a policy to allow a
18 Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so
19 long as the firearm is unloaded. The local board of education shall define weapon in the discipline
20 policy. Such definition shall include the weapons defined in this subsection but may also include
21 other weapons.

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

26 8. Teachers and other authorized district personnel in public schools responsible for the care,
27 supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by
28 the school district, shall not be civilly liable when acting in conformity with the established policies
29 developed by each board, including but not limited to policies of student discipline or when
30 reporting to his or her supervisor or other person as mandated by state law acts of school violence or
31 threatened acts of school violence, within the course and scope of the duties of the teacher,
32 authorized district personnel or volunteer, when such individual is acting in conformity with the
33 established policies developed by the board. Nothing in this section shall be construed to create a
34 new cause of action against such school district, or to relieve the school district from liability for the
35 negligent acts of such persons.

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

45 10. Spanking, when administered by certificated personnel and in the presence of a witness
46 who is an employee of the school district, or the use of reasonable force to protect persons or
47 property, when administered by personnel of a school district in a reasonable manner in accordance
48 with the local board of education's written policy of discipline, is not abuse within the meaning of

1 chapter 210. The provisions of sections 210.110 to 210.165 notwithstanding, the children's division
2 shall not have jurisdiction over or investigate any report of alleged child abuse arising out of or
3 related to the use of reasonable force to protect persons or property when administered by personnel
4 of a school district or any spanking administered in a reasonable manner by any certificated school
5 personnel in the presence of a witness who is an employee of the school district pursuant to a written
6 policy of discipline established by the board of education of the school district, as long as no
7 allegation of sexual misconduct arises from the spanking or use of force.

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

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

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

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

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

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

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

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

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

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

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

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

16 20. The findings and conclusions of the school board under subsection 19 of this section
17 shall be sent to the children's division. If the findings and conclusions of the school board are that
18 the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case
19 closed, and no record shall be entered in the children's division central registry. If the findings and
20 conclusions of the school board are that the report of the alleged child abuse is substantiated, the
21 children's division shall report the incident to the prosecuting attorney of the appropriate county
22 along with the findings and conclusions of the school district and shall include the information in the
23 division's central registry. If the findings and conclusions of the school board are that the issue
24 involved in the alleged incident of child abuse is unresolved, the children's division shall report the
25 incident to the prosecuting attorney of the appropriate county along with the findings and
26 conclusions of the school board, however, the incident and the names of the parties allegedly
27 involved shall not be entered into the central registry of the children's division unless and until the
28 alleged child abuse is substantiated by a court of competent jurisdiction.

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

33 22. In order to ensure the safety of all students, should a student be expelled for bringing a
34 weapon to school, violent behavior, or for an act of school violence, that student shall not, for the
35 purposes of the accreditation process of the Missouri school improvement plan, be considered a
36 dropout or be included in the calculation of that district's educational persistence ratio."; and
37

38 Further amend said bill, Page 4, Section B, Line 3, by inserting after the word, "semester," the
39 words, "section 160.545 of"; and
40

41 Further amend said page and section, Line 6, by inserting after the first occurrence of the word,
42 "and" the words, "section 160.545 of"; and
43

44 Further amend said bill by amending the title, enacting clause, and intersectional references
45 accordingly.