

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 473,
2 Page 1, In the Title, Lines 5 and 6, by deleting the words "school directors for urban school districts"
3 and inserting in lieu thereof the words "elementary and secondary education"; and
4

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

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

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

30 (1) First degree murder under section 565.020;

31 (2) Second degree murder under section 565.021;

Action Taken _____ Date _____

Action Taken _____ Date _____

- 1 (3) Kidnapping under section 565.110 as it existed prior to January 1, 2017, or kidnapping in
2 the first degree under section 565.110;
- 3 (4) First degree assault under section 565.050;
- 4 (5) Rape in the first degree under section 566.030;
- 5 (6) Sodomy in the first degree under section 566.060;
- 6 (7) Burglary in the first degree under section 569.160;
- 7 (8) Burglary in the second degree under section 569.170;
- 8 (9) Robbery in the first degree under section 569.020 as it existed prior to January 1, 2017,
9 or robbery in the first degree under section 570.023;
- 10 (10) Distribution of drugs under section 195.211 as it existed prior to January 1, 2017, or
11 manufacture of a controlled substance under section 579.055;
- 12 (11) Distribution of drugs to a minor under section 195.212 as it existed prior to January 1,
13 2017, or delivery of a controlled substance under section 579.020;
- 14 (12) Arson in the first degree under section 569.040;
- 15 (13) Voluntary manslaughter under section 565.023;
- 16 (14) Involuntary manslaughter under section 565.024 as it existed prior to January 1, 2017,
17 involuntary manslaughter in the first degree under section 565.024, or involuntary manslaughter in
18 the second degree under section 565.027;
- 19 (15) Second degree assault under section 565.060 as it existed prior to January 1, 2017, or
20 second degree assault under section 565.052;
- 21 (16) Rape in the second degree under section 566.031;
- 22 (17) Felonious restraint under section 565.120 as it existed prior to January 1, 2017, or
23 kidnapping in the second degree under section 565.120;
- 24 (18) Property damage in the first degree under section 569.100;
- 25 (19) The possession of a weapon under chapter 571;
- 26 (20) Child molestation in the first degree pursuant to section 566.067 as it existed prior to
27 January 1, 2017, or child molestation in the first, second, or third degree pursuant to section 566.067,
28 566.068, or 566.069;
- 29 (21) Sodomy in the second degree pursuant to section 566.061;
- 30 (22) Sexual misconduct involving a child pursuant to section 566.083;
- 31 (23) Sexual abuse in the first degree pursuant to section 566.100;
- 32 (24) Harassment under section 565.090 as it existed prior to January 1, 2017, or harassment
33 in the first degree under section 565.090; [or]
- 34 (25) Stalking under section 565.225 as it existed prior to January 1, 2017, or stalking in the
35 first degree under section 565.225; or
- 36 (26) Making a terrorist threat under section 574.115;

37
38 committed on school property, including but not limited to actions on any school bus in service on
39 behalf of the district or while involved in school activities. The policy shall require that any portion
40 of a student's individualized education program that is related to demonstrated or potentially violent
41 behavior shall be provided to any teacher and other school district employees who are directly

1 responsible for the student's education or who otherwise interact with the student on an educational
2 basis while acting within the scope of their assigned duties. The policy shall also contain the
3 consequences of failure to obey standards of conduct set by the local board of education, and the
4 importance of the standards to the maintenance of an atmosphere where orderly learning is possible
5 and encouraged.

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

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

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

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

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

25 4. Any student who violates the condition of suspension required pursuant to subsection 3 of
26 this section may be subject to expulsion or further suspension pursuant to the provisions of sections
27 167.161, 167.164, and 167.171. In making this determination consideration shall be given to
28 whether the student poses a threat to the safety of any child or school employee and whether such
29 student's unsupervised presence within one thousand feet of the school is disruptive to the
30 educational process or undermines the effectiveness of the school's disciplinary policy. Removal of
31 any pupil who is a student with a disability is subject to state and federal procedural rights. This
32 section shall not limit a school district's ability to:

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

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

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

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

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

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

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

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

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

37 10. Spanking, when administered by certificated personnel and in the presence of a witness
38 who is an employee of the school district, or the use of reasonable force to protect persons or
39 property, when administered by personnel of a school district in a reasonable manner in accordance
40 with the local board of education's written policy of discipline, is not abuse within the meaning of
41 chapter 210. The provisions of sections 210.110 to 210.165 notwithstanding, the children's division

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

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

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

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

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

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

39 16. The investigation shall begin no later than forty-eight hours after notification from the
40 children's division is received, and shall consist of, but need not be limited to, interviewing and
41 recording statements of the child and the child's parents or guardian within two working days after

1 the start of the investigation, of the school district personnel allegedly involved in the report, and of
2 any witnesses to the alleged incident.

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

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

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

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

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

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

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

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

39 22. In order to ensure the safety of all students, should a student be expelled for bringing a
40 weapon to school, violent behavior, or for an act of school violence, that student shall not, for the
41 purposes of the accreditation process of the Missouri school improvement plan, be considered a

1 dropout or be included in the calculation of that district's educational persistence ratio.

2 160.261. 1. The local board of education of each school district shall clearly establish a
3 written policy of discipline, including the district's determination on the use of corporal punishment
4 and the procedures in which punishment will be applied. A written copy of the district's discipline
5 policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or
6 legal guardian of every pupil enrolled in the district at the beginning of each school year and also
7 made available in the office of the superintendent of such district, during normal business hours, for
8 public inspection. All employees of the district shall annually receive instruction related to the
9 specific contents of the policy of discipline and any interpretations necessary to implement the
10 provisions of the policy in the course of their duties, including but not limited to approved methods
11 of dealing with acts of school violence, disciplining students with disabilities and instruction in the
12 necessity and requirements for confidentiality.

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

- 24 (1) First degree murder under section 565.020;
- 25 (2) Second degree murder under section 565.021;
- 26 (3) Kidnapping under section 565.110;
- 27 (4) First degree assault under section 565.050;
- 28 (5) Rape in the first degree under section 566.030;
- 29 (6) Sodomy in the first degree under section 566.060;
- 30 (7) Burglary in the first degree under section 569.160;
- 31 (8) Burglary in the second degree under section 569.170;
- 32 (9) Robbery in the first degree under section 569.020;
- 33 (10) Distribution of drugs under section 195.211;
- 34 (11) Distribution of drugs to a minor under section 195.212;
- 35 (12) Arson in the first degree under section 569.040;
- 36 (13) Voluntary manslaughter under section 565.023;
- 37 (14) Involuntary manslaughter under section 565.024;
- 38 (15) Second degree assault under section 565.060;
- 39 (16) Rape in the second degree under section 566.031;
- 40 (17) Felonious restraint under section 565.120;
- 41 (18) Property damage in the first degree under section 569.100;

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

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

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

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

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

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

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

38 4. Any student who violates the condition of suspension required pursuant to subsection 3 of
39 this section may be subject to expulsion or further suspension pursuant to the provisions of sections
40 167.161, 167.164, and 167.171. In making this determination consideration shall be given to
41 whether the student poses a threat to the safety of any child or school employee and whether such

1 student's unsupervised presence within one thousand feet of the school is disruptive to the
2 educational process or undermines the effectiveness of the school's disciplinary policy. Removal of
3 any pupil who is a student with a disability is subject to state and federal procedural rights. This
4 section shall not limit a school district's ability to:

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

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

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

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

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

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

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

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

41 9. Each school board shall define in its discipline policy acts of violence and any other acts

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

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

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

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

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

1 child abuse received by the division.

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

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

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

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

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

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

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

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

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

35 20. The findings and conclusions of the school board under subsection 19 of this section
36 shall be sent to the children's division. If the findings and conclusions of the school board are that
37 the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case
38 closed, and no record shall be entered in the children's division central registry. If the findings and
39 conclusions of the school board are that the report of the alleged child abuse is substantiated, the
40 children's division shall report the incident to the prosecuting attorney of the appropriate county
41 along with the findings and conclusions of the school district and shall include the information in the

1 division's central registry. If the findings and conclusions of the school board are that the issue
2 involved in the alleged incident of child abuse is unresolved, the children's division shall report the
3 incident to the prosecuting attorney of the appropriate county along with the findings and
4 conclusions of the school board, however, the incident and the names of the parties allegedly
5 involved shall not be entered into the central registry of the children's division unless and until the
6 alleged child abuse is substantiated by a court of competent jurisdiction.

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

11 22. In order to ensure the safety of all students, should a student be expelled for bringing a
12 weapon to school, violent behavior, or for an act of school violence, that student shall not, for the
13 purposes of the accreditation process of the Missouri school improvement plan, be considered a
14 dropout or be included in the calculation of that district's educational persistence ratio."; and
15

16 Further amend said bill by amending the title, enacting clause, and intersectional references
17 accordingly.
18