

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 1611, Page 1, In the Title, Lines 2-3, by deleting the phrase "the
2 establishment of developmental guidance and counseling programs in schools" and inserting in lieu
3 thereof "elementary and secondary education, with penalty provisions"; and
4

5 Further amend said bill and page, Section A, Line 2, by inserting immediately after all of said
6 section and line the following:
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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
12 or 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
22 personnel who are directly responsible for the student's education or who otherwise interact with the
23 student on a professional basis while acting within the scope of their assigned duties. As used in
24 this section, the phrase "act of school violence" or "violent behavior" means the exertion of physical
25 force by a student with the intent to do serious physical injury as defined in section 556.061 to
26 another person while on school property, including a school bus in service on behalf of the district,
27 or while involved in school activities. The policy shall at a minimum require school administrators
28 to report, as soon as reasonably practical, to the appropriate law enforcement agency any of the
29 following 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;
32 (3) Kidnapping under section 565.110 as it existed prior to January 1, 2017, or kidnapping
33 in the first degree under section 565.110;
34 (4) First degree assault under section 565.050;
35 (5) Rape in the first degree under section 566.030;
36 (6) Sodomy in the first degree under section 566.060;

Standing Action Taken _____ Date _____

Select Action Taken _____ Date _____

- 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 as it existed prior to January 1, 2017,
- 4 or robbery in the first degree under section 570.023;
- 5 (10) Distribution of drugs under section 195.211 as it existed prior to January 1, 2017, or
- 6 manufacture of a controlled substance under section 579.055;
- 7 (11) Distribution of drugs to a minor under section 195.212 as it existed prior to January 1,
- 8 2017, or delivery of a controlled substance under section 579.020;
- 9 (12) Arson in the first degree under section 569.040;
- 10 (13) Voluntary manslaughter under section 565.023;
- 11 (14) Involuntary manslaughter under section 565.024 as it existed prior to January 1, 2017,
- 12 involuntary manslaughter in the first degree under section 565.024, or involuntary manslaughter in
- 13 the second degree under section 565.027;
- 14 (15) Second degree assault under section 565.060 as it existed prior to January 1, 2017, or
- 15 second degree assault under section 565.052;
- 16 (16) Rape in the second degree under section 566.031;
- 17 (17) Felonious restraint under section 565.120 as it existed prior to January 1, 2017, or
- 18 kidnapping in the second degree under section 565.120;
- 19 (18) Property damage in the first degree under section 569.100;
- 20 (19) The possession of a weapon under chapter 571;
- 21 (20) Child molestation in the first degree pursuant to section 566.067 as it existed prior to
- 22 January 1, 2017, or child molestation in the first, second, or third degree pursuant to section
- 23 566.067, 566.068, or 566.069;
- 24 (21) Sodomy in the second degree pursuant to section 566.061;
- 25 (22) Sexual misconduct involving a child pursuant to section 566.083;
- 26 (23) Sexual abuse in the first degree pursuant to section 566.100;
- 27 (24) Harassment under section 565.090 as it existed prior to January 1, 2017, or harassment
- 28 in the first degree under section 565.090; [or]
- 29 (25) Stalking under section 565.225 as it existed prior to January 1, 2017, or stalking in the
- 30 first degree under section 565.225;
- 31 (26) Making a terrorist threat under section 574.115; or
- 32 (27) Statutory rape under section 566.032;

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
30 district policy, except that:

31 (1) The superintendent or, in a school district with no high school, the principal of the
32 school 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,
38 knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade
39 knife; except that this section shall not be construed to prohibit a school board from adopting a
40 policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for
41 educational purposes so long as the firearm is unloaded. The local board of education shall define
42 weapon in the discipline policy. Such definition shall include the weapons defined in this
43 subsection but may also include 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-
47 sponsored activities, or during intermission or recess periods.

48 8. Teachers and other authorized district personnel in public schools responsible for the

1 care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable
2 care by the school district, shall not be civilly liable when acting in conformity with the established
3 policies 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
12 shall include but not be limited to exertion of physical force by a student with the intent to do
13 serious bodily harm to another person while on school property, including a school bus in service on
14 behalf of the district, or while involved in school activities. School districts shall for each student
15 enrolled in the school district compile and maintain records of any serious violation of the district's
16 discipline policy. Such records shall be made available to teachers and other school district
17 employees with a need to know while acting within the scope of their assigned duties, and shall be
18 provided as required in section 167.020 to any school district in which the student subsequently
19 attempts to enroll.

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

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

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

46 13. If, after an initial investigation, the superintendent of schools or the president of the
47 school board finds that the report involves an alleged incident of child abuse other than the
48 administration of a spanking by certificated school personnel or the use of reasonable force to

1 protect persons or property when administered by school personnel pursuant to a written policy of
2 discipline or that the report was made for the sole purpose of harassing a public school employee,
3 the superintendent of schools or the president of the school board shall immediately refer the matter
4 back to the children's division and take no further action. In all matters referred back to the
5 children's division, the division shall treat the report in the same manner as other reports of alleged
6 child abuse received by the division.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (14) Involuntary manslaughter under section 565.024;
- 2 (15) Second degree assault under section 565.060;
- 3 (16) Rape in the second degree under section 566.031;
- 4 (17) Felonious restraint under section 565.120;
- 5 (18) Property damage in the first degree under section 569.100;
- 6 (19) The possession of a weapon under chapter 571;
- 7 (20) Child molestation in the first degree pursuant to section 566.067;
- 8 (21) Sodomy in the second degree pursuant to section 566.061;
- 9 (22) Sexual misconduct involving a child pursuant to section 566.083;
- 10 (23) Sexual abuse in the first degree pursuant to section 566.100;
- 11 (24) Harassment under section 565.090; [or]
- 12 (25) Stalking under section 565.225;
- 13 (26) Making a terrorist threat under section 574.115; or
- 14 (27) Statutory rape under section 566.032;

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

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

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

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

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

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

44 4. Any student who violates the condition of suspension required pursuant to subsection 3 of
 45 this section may be subject to expulsion or further suspension pursuant to the provisions of sections
 46 167.161, 167.164, and 167.171. In making this determination consideration shall be given to
 47 whether the student poses a threat to the safety of any child or school employee and whether such
 48 student's unsupervised presence within one thousand feet of the school is disruptive to the

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

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

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

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

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

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

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

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

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

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

1 attempts to enroll.

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

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

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

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

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

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

46 16. The investigation shall begin no later than forty-eight hours after notification from the
47 children's division is received, and shall consist of, but need not be limited to, interviewing and
48 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
15 to 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
25 case closed, and no record shall be entered in the children's division central registry. If the findings
26 and 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
29 the 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
42 dropout or be included in the calculation of that district's educational persistence ratio."; and
43

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