

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 42 & 108
91ST GENERAL ASSEMBLY

Reported from the Committee on Education, April 5, 2001, with recommendation that the Senate Committee Substitute do pass.

Senate Committee Substitute for Senate Bills Nos. 42 and 108, adopted April 30, 2001.

Taken up for Perfection April 30, 2001. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

0522S.03P

AN ACT

To repeal section 160.261, RSMo 2000, relating to public education, and to enact in lieu thereof nine new sections relating to the same subject, with penalty provisions and an emergency clause for a certain section.

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

Section A. Section 160.261, RSMo 2000, is repealed and nine new sections enacted in lieu thereof, to be known as sections 160.261, 160.560, 167.271, 172.880, 172.890, 182.825, 182.827, 1 and 2 , to read as follows:

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

2. The policy shall require school administrators to report acts of school violence to teachers and other school district employees with a need to know. For the purposes of this act, "need to

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

- (1) First degree murder under section 565.020, RSMo;
- (2) Second degree murder under section 565.021, RSMo;
- (3) Kidnapping under section 565.110, RSMo;
- (4) First degree assault under section 565.050, RSMo;
- (5) Forcible rape under section 566.030, RSMo;
- (6) Forcible sodomy under section 566.060, RSMo;
- (7) Burglary in the first degree under section 569.160, RSMo;
- (8) Burglary in the second degree under section 569.170, RSMo;
- (9) Robbery in the first degree under section 569.020, RSMo;
- (10) Distribution of drugs under section 195.211, RSMo;
- (11) Distribution of drugs to a minor under section 195.212, RSMo;
- (12) Arson in the first degree under section 569.040, RSMo;
- (13) Voluntary manslaughter under section 565.023, RSMo;
- (14) Involuntary manslaughter under section 565.024, RSMo;
- (15) Second degree assault under section 565.060, RSMo;
- (16) Sexual assault under section 566.040, RSMo;
- (17) Felonious restraint under section 565.120, RSMo;
- (18) Property damage in the first degree under section 569.100, RSMo;
- (19) The possession of a weapon under chapter 571, RSMo;
- (20) Child molestation in the first degree pursuant to section 566.067, RSMo;
- (21) Deviate sexual assault pursuant to section 566.070, RSMo;
- (22) Sexual misconduct involving a child pursuant to section 566.083, RSMo; or
- (23) Sexual abuse pursuant to section 566.100, RSMo;

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

educational basis while acting within the scope of their assigned duties. The policy shall also contain the consequences of failure to obey standards of conduct set by the local board of education, and the importance of the standards to the maintenance of an atmosphere where orderly learning is possible and encouraged.

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

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

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

4. For the purpose of this section, the term "weapon" shall mean a firearm as defined under 18 U.S.C. 921 and the following items, as defined in section 571.010, RSMo: a blackjack, a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except that this section shall not be construed to prohibit a school board from adopting a policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so long as the firearm is unloaded, **nor shall this section be construed to prohibit a school board from adopting a policy to allow employees of the department of conservation to conduct hunter education classes on school grounds, not during school hours, and to allow such employees to carry a weapon on school property for such hunter education classes, so long as the firearm is unloaded.** The local board of education shall define weapon in the discipline policy. Such definition shall include the weapons defined in this subsection but may also include other weapons.

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

6. Teachers and other authorized district personnel in public schools responsible for the care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by the school district, shall not be civilly liable when acting in conformity with the established policy of discipline developed by each board under this section.

7. Each school board shall define in its discipline policy acts of violence and any other acts that constitute a serious violation of that policy. Acts of violence as defined by school boards shall include but not be limited to exertion of physical force by a student with the intent to do serious

bodily harm to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. School districts shall for each student enrolled in the school district compile and maintain records of any serious violation of the district's discipline policy. Such records shall be made available to teachers and other school district employees with a need to know while acting within the scope of their assigned duties, and shall be provided as required in section 167.020, RSMo, to any school district in which the student subsequently attempts to enroll.

8. Spanking, when administered by certificated personnel of a school district in a reasonable manner in accordance with the local board of education's written policy of discipline, is not abuse within the meaning of chapter 210, RSMo. The provisions of sections 210.110 to 210.165, RSMo, notwithstanding, the division of family services shall not have jurisdiction over or investigate any report of alleged child abuse arising out of or related to any spanking administered in a reasonable manner by any certificated school personnel pursuant to a written policy of discipline established by the board of education of the school district. Upon receipt of any reports of child abuse by the division of family services pursuant to sections 210.110 to 210.165, RSMo, which allegedly involves personnel of a school district, the division of family services shall notify the superintendent of schools of the district or, if the person named in the alleged incident is the superintendent of schools, the president of the school board of the school district where the alleged incident occurred. If, after an initial investigation, the superintendent of schools or the president of the school board finds that the report involves an alleged incident of child abuse other than the administration of a spanking by certificated school personnel pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, the superintendent of schools or the president of the school board shall immediately refer the matter back to the division of family services and take no further action. In all matters referred back to the division of family services, the division of family services shall treat the report in the same manner as other reports of alleged child abuse received by the division. If the report pertains to an alleged incident which arose out of or is related to a spanking administered by certificated personnel of a school district pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, a notification of the reported child abuse shall be sent by the superintendent of schools or the president of the school board to the juvenile officer of the county in which the alleged incident occurred. The report shall be jointly investigated by the juvenile officer or a law enforcement officer designated by the juvenile officer and the superintendent of schools or, if the subject of the report is the superintendent of schools, by the juvenile officer or a law enforcement officer designated by the juvenile officer and the president of the school board or such president's designee. The investigation shall begin no later than forty-eight hours after notification from the division of family services is received, and shall consist of, but need not be limited to, interviewing and recording statements of the child and the child's

parents or guardian within two working days after the start of the investigation, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school district personnel shall issue separate reports of their findings and recommendations after the conclusion of the investigation to the school board of the school district within seven days after receiving notice from the division of family services. The reports shall contain a statement of conclusion as to whether the report of alleged child abuse is substantiated or is unsubstantiated. The school board shall consider the separate reports and shall issue its findings and conclusions and the action to be taken, if any, within seven days after receiving the last of the two reports. The findings and conclusions shall be made in substantially the following form:

(1) The report of the alleged child abuse is unsubstantiated. The juvenile officer or a law enforcement officer designated by the juvenile officer and the investigating school board personnel agree that the evidence shows that no abuse occurred;

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

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

9. The findings and conclusions of the school board shall be sent to the division of family services. If the findings and conclusions of the school board are that the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case closed, and no record shall be entered in the division of family services' central registry. If the findings and conclusions of the school board are that the report of the alleged child abuse is substantiated, the division of family services shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school district and shall include the information in the division's central registry. If the findings and conclusions of the school board are that the issue involved in the alleged incident of child abuse is unresolved, the division of family services shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school board, however, the incident and the names of the parties allegedly involved shall not be entered into the central registry of the division of family services unless and until the alleged child abuse is substantiated by a court of competent jurisdiction.

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

160.560. 1. The provisions of this section shall be known and may be cited as the "Mastering Math Program".

2. Beginning July 1, 2003, the department of elementary and secondary education shall provide four-year, competitive matching grants to assist public school districts:

(1) In interpretation of algebraic and pre-algebraic concepts throughout the district's elementary school, middle school and junior high school curriculum; and

(2) With the establishment or enhancement of middle school or junior high school programs providing a curriculum that focuses on algebra to be offered no later than the ninth grade in the school's curriculum.

3. Grant applications may be submitted on behalf of a school building, a combination of school buildings or for all schools in the district.

4. Grant applications shall include, but shall not be limited to:

(1) A description of the school's current mathematics program, which shall, at a minimum, specifically address the focus on algebra or pre-algebra concepts in the curriculum;

(2) An evaluation of the areas of needed instructional improvement or enhancement;

(3) A description of the process of instructional improvement, including a statement regarding parental involvement in program implementation; and

(4) A description of the method for evaluating student progress, which shall, at a minimum, include stated goals for improvement in student performance.

5. Continued funding to a grantee after the second year of the grant shall be based upon improvement in student performance on the eighth grade mathematics portion of the state-wide assessment established pursuant to section 160.518.

6. Upon the conclusion of the grant and based on improvement in student performance on the mathematics portion of the state-wide assessment established pursuant to section 160.518 during the period of the grant, the department of elementary and secondary education may reimburse the grantee for its local match under the grant, with such reimbursement funds to be placed to the credit of the school district's operating funds.

7. The department of elementary and secondary education shall establish standards by rule promulgated pursuant to chapter 536, RSMo, for improvement of student performance relating to continued grant funding and refund of matching funds pursuant to this section.

8. Grants shall be distributed in equal amounts within geographic areas established proportionately based upon student population; provided that funds may be reallocated by the department of elementary and secondary education if an area has

insufficient applications or insufficient eligible applications to obligate all funds for the area.

167.271. 1. Any urban school district containing all or part of a city with a population in excess of three hundred thousand may create a committee to work with teachers and organized parental groups to provide youth-at-risk after school and summer art, science and math programs to minors at least five years of age and not more than fourteen years of age.

2. Curricula criteria may be developed by accredited teachers, parental groups and the committee.

3. The committee may accept funds from any source for the programs.

172.880. 1. There is hereby established, at the Rolla campus of the University of Missouri, a summer program to be known as the "Missouri Engineering and Science Academy" (MESA) for the purpose of educating high ability high school students who have an interest in science, math or engineering and have demonstrated abilities in science and mathematics.

2. The academy curriculum will be developed by faculty at the Rolla campus of the University of Missouri. The academy will be managed and funded through the Rolla campus of the University of Missouri.

172.890. 1. There is hereby established, at the Rolla campus of the University of Missouri, a science summer program for in-service science teachers to enhance their knowledge and awareness of environmental matters associated with the history of natural resource development and land use changes in Missouri.

2. The goals of this program shall include:

(1) Educating teachers who are community leaders about environmental concerns and potential health and public safety risks;

(2) Increasing the local capacity of educators to develop and deliver a coordinated environmental education program;

(3) Developing and illustrating the concepts that demonstrate how the geologic environment directly impacts and controls the social and economic development of Missouri;

(4) Providing opportunities for participants to acquire knowledge about the development of Missouri's mineral and agricultural resources; and

(5) Providing opportunities for science teachers to build networks for common growth and support as they pursue effective careers in teaching the children of Missouri.

3. The science summer program established pursuant to this section will be funded, administered and taught by faculty at the Rolla campus of the University of

Missouri with assistance from the department of elementary and secondary education.

4. Participating in the science summer program may be included as part of a teacher's participation in the career plan of a school district participating in the career development and teacher excellence plan pursuant to sections 168.500 to 168.515, RSMo, to the extent such participation is consistent with the teacher's career plan approved by the school board.

182.825. As used in sections 182.825 and 182.827, the following terms mean:

(1) "Pornographic for minors", as that term is defined in section 573.010, RSMo;

(2) "Public access computer", a computer that is:

(a) Located in a public school or public library;

(b) Frequently or regularly used directly by a minor; and

(c) Connected to any computer communication system.

182.827. 1. A public school that provides a public access computer shall equip the computer with software that seeks to prevent minors from gaining access to material that is pornographic for minors or purchase Internet connectivity from an Internet service provider that provides filter services to limit access to material that is pornographic for minors. Standards and rules for the enforcement of this subsection shall be prescribed by the governing board of every school district and such rules shall reflect the community standards for pornographic material available to minors.

2. A public library that provides a public access computer shall do one or both of the following:

(1) Equip the computer with software that will limit minors' ability to gain access to material that is pornographic for minors or purchase Internet connectivity from an Internet service provider that provides filter services to limit access to material that is pornographic for minors;

(2) Develop and implement by January 1, 2002, a policy that is consistent with community standards and establishes measures to restrict minors from gaining computer access to material that is pornographic for minors.

3. The secretary of state shall establish rules and regulations for the enforcement of subsection 2 of this section.

4. Any school board member, officer or employee, including library personnel, who willfully neglects or refuses to perform a duty imposed by this section shall be subject to the penalties imposed pursuant to section 162.091, RSMo.

5. A public school or public school board member, officer or employee, including library personnel; public library or public library board member, officer, employee or trustee that complies with subsection 1 or 2 of this section or an Internet service

provider providing Internet connectivity to such public school or library in order to comply with this section shall not be criminally liable or liable for any damages that might arise from a minor gaining access to material that is pornographic for minors through the use of a public access computer that is owned or controlled by the public school or public library.

Section 1. Any program providing child care to preschool or school-age children that is located and operated on elementary or secondary public school property shall comply with the child care licensure provisions in chapter 210, RSMo; except that, for safety, health and fire purposes, any such program shall comply with the safety, health and fire provisions required for school districts in this state in lieu of the safety, health and fire provisions of chapter 210, RSMo.

Section 2. Private educational institutions may participate in the MOREnet consortium provided that such institutions reimburse MOREnet for costs incurred for such participation and comply with all general operational guidelines for such participation.

Section B. Because of the urgent need to provide additional educational opportunities for at-risk students the enactment of section 167.271 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 167.271 of this act shall be in full force and effect upon its passage and approval.

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