

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 599

96TH GENERAL ASSEMBLY

2012

4467S.02T

AN ACT

To repeal sections 160.261, 160.522, and 178.530, RSMo, and to enact in lieu thereof six new sections relating to education, with an existing penalty provision and an emergency clause for a certain section.

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

Section A. Sections 160.261, 160.522, and 178.530, RSMo, are repealed
2 and six new sections enacted in lieu thereof, to be known as sections 160.261,
3 160.522, 163.024, 170.310, 178.530, and 1, to read as follows:

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

15 2. The policy shall require school administrators to report acts of school
16 violence to all teachers at the attendance center and, in addition, to other school

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

- 29 (1) First degree murder under section 565.020;
- 30 (2) Second degree murder under section 565.021;
- 31 (3) Kidnapping under section 565.110;
- 32 (4) First degree assault under section 565.050;
- 33 (5) Forcible rape under section 566.030;
- 34 (6) Forcible sodomy under section 566.060;
- 35 (7) Burglary in the first degree under section 569.160;
- 36 (8) Burglary in the second degree under section 569.170;
- 37 (9) Robbery in the first degree under section 569.020;
- 38 (10) Distribution of drugs under section 195.211;
- 39 (11) Distribution of drugs to a minor under section 195.212;
- 40 (12) Arson in the first degree under section 569.040;
- 41 (13) Voluntary manslaughter under section 565.023;
- 42 (14) Involuntary manslaughter under section 565.024;
- 43 (15) Second degree assault under section 565.060;
- 44 (16) Sexual assault under section 566.040;
- 45 (17) Felonious restraint under section 565.120;
- 46 (18) Property damage in the first degree under section 569.100;
- 47 (19) The possession of a weapon under chapter 571;
- 48 (20) Child molestation in the first degree pursuant to section 566.067;
- 49 (21) Deviate sexual assault pursuant to section 566.070;
- 50 (22) Sexual misconduct involving a child pursuant to section 566.083;
- 51 (23) Sexual abuse pursuant to section 566.100;
- 52 (24) Harassment under section 565.090; or

53 (25) Stalking under section 565.225; committed on school property,
54 including but not limited to actions on any school bus in service on behalf of the
55 district or while involved in school activities. The policy shall require that any
56 portion of a student's individualized education program that is related to
57 demonstrated or potentially violent behavior shall be provided to any teacher and
58 other school district employees who are directly responsible for the student's
59 education or who otherwise interact with the student on an educational basis
60 while acting within the scope of their assigned duties. The policy shall also
61 contain the consequences of failure to obey standards of conduct set by the local
62 board of education, and the importance of the standards to the maintenance of an
63 atmosphere where orderly learning is possible and encouraged.

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

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

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

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

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

86 4. Any student who violates the condition of suspension required pursuant
87 to subsection 3 of this section may be subject to expulsion or further suspension
88 pursuant to the provisions of sections 167.161, 167.164, and 167.171. In making

89 this determination consideration shall be given to whether the student poses a
90 threat to the safety of any child or school employee and whether such student's
91 unsupervised presence within one thousand feet of the school is disruptive to the
92 educational process or undermines the effectiveness of the school's disciplinary
93 policy. Removal of any pupil who is a student with a disability is subject to state
94 and federal procedural rights. This section shall not limit a school district's
95 ability to:

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

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

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

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

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

111 6. For the purpose of this section, the term "weapon" shall mean a firearm
112 as defined under 18 U.S.C. 921 and the following items, as defined in section
113 571.010: a blackjack, a concealable firearm, an explosive weapon, a firearm, a
114 firearm silencer, a gas gun, a knife, knuckles, a machine gun, a projectile weapon,
115 a rifle, a shotgun, a spring gun or a switchblade knife; except that this section
116 shall not be construed to prohibit a school board from adopting a policy to allow
117 a Civil War reenactor to carry a Civil War era weapon on school property for
118 educational purposes so long as the firearm is unloaded. The local board of
119 education shall define weapon in the discipline policy. Such definition shall
120 include the weapons defined in this subsection but may also include other
121 weapons.

122 7. All school district personnel responsible for the care and supervision
123 of students are authorized to hold every pupil strictly accountable for any
124 disorderly conduct in school or on any property of the school, on any school bus

125 going to or returning from school, during school-sponsored activities, or during
126 intermission or recess periods.

127 8. Teachers and other authorized district personnel in public schools
128 responsible for the care, supervision, and discipline of schoolchildren, including
129 volunteers selected with reasonable care by the school district, shall not be civilly
130 liable when acting in conformity with the established policies developed by each
131 board, including but not limited to policies of student discipline or when reporting
132 to his or her supervisor or other person as mandated by state law acts of school
133 violence or threatened acts of school violence, within the course and scope of the
134 duties of the teacher, authorized district personnel or volunteer, when such
135 individual is acting in conformity with the established policies developed by the
136 board. Nothing in this section shall be construed to create a new cause of action
137 against such school district, or to relieve the school district from liability for the
138 negligent acts of such persons.

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

151 10. Spanking, when administered by certificated personnel and in the
152 presence of a witness who is an employee of the school district, or the use of
153 reasonable force to protect persons or property, when administered by personnel
154 of a school district in a reasonable manner in accordance with the local board of
155 education's written policy of discipline, is not abuse within the meaning of
156 chapter 210. The provisions of sections 210.110 to 210.165 notwithstanding, the
157 children's division shall not have jurisdiction over or investigate any report of
158 alleged child abuse arising out of or related to the use of reasonable force to
159 protect persons or property when administered by personnel of a school district
160 or any spanking administered in a reasonable manner by any certificated school

161 personnel in the presence of a witness who is an employee of the school district
162 pursuant to a written policy of discipline established by the board of education
163 of the school district, as long as no allegation of sexual misconduct arises from the
164 spanking or use of force.

165 11. If a student reports alleged sexual misconduct on the part of a teacher
166 or other school employee to a person employed in a school facility who is required
167 to report such misconduct to the children's division under section 210.115, such
168 person and the superintendent of the school district shall forward the allegation
169 to the children's division within twenty-four hours of receiving the
170 information. Reports made to the children's division under this subsection shall
171 be investigated by the division in accordance with the provisions of sections
172 210.145 to 210.153 and shall not be investigated by the school district under
173 subsections 12 to 20 of this section for purposes of determining whether the
174 allegations should or should not be substantiated. The district may investigate
175 the allegations for the purpose of making any decision regarding the employment
176 of the accused employee.

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

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

195 14. If the report pertains to an alleged incident which arose out of or is
196 related to a spanking administered by certificated personnel or the use of

197 reasonable force to protect persons or property when administered by personnel
198 of a school district pursuant to a written policy of discipline or a report made for
199 the sole purpose of harassing a public school employee, a notification of the
200 reported child abuse shall be sent by the superintendent of schools or the
201 president of the school board to the [juvenile officer of] **law enforcement in the**
202 county in which the alleged incident occurred.

203 15. The report shall be jointly investigated by the [juvenile officer or a]
204 law enforcement officer [designated by the juvenile officer] and the
205 superintendent of schools or, if the subject of the report is the superintendent of
206 schools, by [the juvenile officer or] a law enforcement officer [designated by the
207 juvenile officer] and the president of the school board or such president's
208 designee.

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

215 17. The [juvenile officer or a] law enforcement officer [designated by the
216 juvenile officer] and the investigating school district personnel shall issue
217 separate reports of their findings and recommendations after the conclusion of the
218 investigation to the school board of the school district within seven days after
219 receiving notice from the children's division.

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

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

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

231 (2) The report of the alleged child abuse is substantiated. The [juvenile
232 officer or a] law enforcement officer [designated by the juvenile officer] and the

233 investigating school district personnel agree that the preponderance of evidence
234 is sufficient to support a finding that the alleged incident of child abuse did occur;

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

239 20. The findings and conclusions of the school board under subsection 19
240 of this section shall be sent to the children's division. If the findings and
241 conclusions of the school board are that the report of the alleged child abuse is
242 unsubstantiated, the investigation shall be terminated, the case closed, and no
243 record shall be entered in the children's division central registry. If the findings
244 and conclusions of the school board are that the report of the alleged child abuse
245 is substantiated, the children's division shall report the incident to the
246 prosecuting attorney of the appropriate county along with the findings and
247 conclusions of the school district and shall include the information in the
248 division's central registry. If the findings and conclusions of the school board are
249 that the issue involved in the alleged incident of child abuse is unresolved, the
250 children's division shall report the incident to the prosecuting attorney of the
251 appropriate county along with the findings and conclusions of the school board,
252 however, the incident and the names of the parties allegedly involved shall not
253 be entered into the central registry of the children's division unless and until the
254 alleged child abuse is substantiated by a court of competent jurisdiction.

255 21. Any superintendent of schools, president of a school board or such
256 person's designee or [juvenile] **law enforcement** officer who knowingly falsifies
257 any report of any matter pursuant to this section or who knowingly withholds any
258 information relative to any investigation or report pursuant to this section is
259 guilty of a class A misdemeanor.

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

160.522. 1. The department of elementary and secondary education shall
2 produce or cause to be produced, at least annually, a school accountability report
3 card for each public school district, each public school building in a school
4 district, and each charter school in the state. The report card shall be designed

5 to satisfy state and federal requirements for the disclosure of statistics about
6 students, staff, finances, academic achievement, and other indicators. The
7 purpose of the report card shall be to provide educational statistics and
8 accountability information for parents, taxpayers, school personnel, legislators,
9 and the print and broadcast news media in a standardized, easily accessible form.

10 2. The department of elementary and secondary education shall develop
11 a standard form for the school accountability report card. The information
12 reported shall include, but not be limited to, the district's most recent
13 accreditation rating, enrollment, rates of pupil attendance, high school dropout
14 rate and graduation rate, the number and rate of suspensions of ten days or
15 longer and expulsions of pupils, the district ratio of students to administrators
16 and students to classroom teachers, the average years of experience of
17 professional staff and advanced degrees earned, student achievement as
18 measured through the assessment system developed pursuant to section 160.518,
19 student scores on the ACT, along with the percentage of graduates taking the
20 test, average teachers' and administrators' salaries compared to the state
21 averages, average per pupil current expenditures for the district as a whole and
22 by attendance center as reported to the department of elementary and secondary
23 education, the adjusted tax rate of the district, assessed valuation of the district,
24 percent of the district operating budget received from state, federal, and local
25 sources, the percent of students eligible for free or reduced-price lunch, data on
26 the percent of students continuing their education in postsecondary programs,
27 [and] information about the job placement rate for students who complete district
28 vocational education programs, **whether the school district currently has**
29 **a state-approved gifted education program, and the percentage and**
30 **number of students who are currently being served in the district's**
31 **state-approved gifted education program.**

32 3. The report card shall permit the disclosure of data on a school-by-school
33 basis, but the reporting shall not be personally identifiable to any student or
34 education professional in the state.

35 4. The report card shall identify each school or attendance center that has
36 been identified as a priority school under sections 160.720 and 161.092. The
37 report also shall identify attendance centers that have been categorized under
38 federal law as needing improvement or requiring specific school improvement
39 strategies.

40 5. The report card shall not limit or discourage other methods of public

41 reporting and accountability by local school districts. Districts shall provide
42 information included in the report card to parents, community members, the print
43 and broadcast news media, and legislators by December first annually or as soon
44 thereafter as the information is available to the district, giving preference to
45 methods that incorporate the reporting into substantive official communications
46 such as student report cards. The school district shall provide a printed copy of
47 the district-level or school-level report card to any patron upon request and shall
48 make reasonable efforts to supply businesses such as, but not limited to, real
49 estate and employment firms with copies or other information about the reports
50 so that parents and businesses from outside the district who may be
51 contemplating relocation have access.

**163.024. All moneys received in the Iron County School Fund,
2 Reynolds County School Fund, Jefferson County School Fund, and
3 Washington County School Fund from the payment of a civil penalty
4 pursuant to a consent decree filed in the United States district court
5 for the eastern district of Missouri in December 2011 in the case of
6 *United States of America and State of Missouri v. the Doe Run
7 Resources Corporation d/b/a "The Doe Run Company," and the Buick
8 Resource Recycling Facility, LLC*, because of environmental violations
9 shall not be included in any district's "local effort" figure, as such term
10 is defined in section 163.011. The provisions of this section shall
11 terminate on July 1, 2016.**

**170.310. 1. Any public school or charter school serving grades
2 nine through twelve may provide enrolled students instruction in
3 cardiopulmonary resuscitation. Students with disabilities may
4 participate to the extent appropriate as determined by the provisions
5 of the Individuals with Disabilities Education Act or Section 504 of the
6 Rehabilitation Act. Instruction may be embedded in any health
7 education course. Instruction shall be based on a program established
8 by the American Heart Association or the American Red Cross, or
9 through a nationally recognized program based on the most current
10 national evidence-based emergency cardiovascular care guidelines, and
11 psychomotor skills development shall be incorporated into the
12 instruction. For purposes of this section, "psychomotor skills" means
13 the use of hands-on practicing and skills testing to support cognitive
14 learning.**

15 2. The teacher of the cardiopulmonary resuscitation course or

16 **unit shall not be required to be a certified trainer of cardiopulmonary**
17 **resuscitation if the instruction is not designed to result in certification**
18 **of students. Instruction that is designed to result in certification being**
19 **earned shall be required to be taught by an authorized**
20 **cardiopulmonary instructor. Schools may develop agreements with any**
21 **local chapter of a voluntary organization of first responders to provide**
22 **the required hands-on practice and skills testing.**

23 **3. The department of elementary and secondary education may**
24 **promulgate rules to implement this section. Any rule or portion of a**
25 **rule, as that term is defined in section 536.010, that is created under**
26 **the authority delegated in this section shall become effective only if it**
27 **complies with and is subject to all of the provisions of chapter 536 and,**
28 **if applicable, section 536.028. This section and chapter 536 are**
29 **nonseverable and if any of the powers vested with the general assembly**
30 **pursuant to chapter 536 to review, to delay the effective date, or to**
31 **disapprove and annul a rule are subsequently held unconstitutional,**
32 **then the grant of rulemaking authority and any rule proposed or**
33 **adopted after August 28, 2012, shall be invalid and void.**

178.530. 1. The state board of education shall establish standards and
2 annually inspect, as a basis for approval, all public prevocational, vocational
3 schools, Linn State Technical College, departments and classes receiving state or
4 federal moneys for giving training in agriculture, industrial, home economics and
5 commercial subjects and all schools, departments and classes receiving state or
6 federal moneys for the preparation of teachers and supervisors of such
7 subjects. The public prevocational and vocational schools, Linn State Technical
8 College, departments, and classes, and the training schools, departments and
9 classes are entitled to the state or federal moneys so long as they are approved
10 by the state board of education, as to site, plant, equipment, qualifications of
11 teachers, admission of pupils, courses of study and methods of instruction. All
12 disbursements of state or federal moneys for the benefit of the approved
13 prevocational and vocational schools, Linn State Technical College, departments
14 and classes shall be made semiannually. The school board of each approved
15 school or the governing body of Linn State Technical College shall file a report
16 with the state board of education at the times and in the form that the state
17 board requires. Upon receipt of a satisfactory report, the state board of education
18 shall certify to the commissioner of administration for his approval the amount

19 of the state and federal moneys due the school district or Linn State Technical
20 College. The amount due the school district shall be certified by the
21 commissioner of administration and proper warrant therefor shall be issued to
22 the district treasurer or Linn State Technical College.

23 **2. Notwithstanding the provisions of subsection 1 of this section,**
24 **the state board of education shall establish standards for agricultural**
25 **education that may be adopted by a private school accredited by an**
26 **agency recognized by the United States Department of Education as an**
27 **accreditor of private schools that wishes to provide quality vocational**
28 **programming outside the requirements of, but consistent with, the**
29 **federal vocational education act. Such standards shall be sufficient to**
30 **qualify a private school to apply to the state chapter for approval of a**
31 **local chapter of a federally chartered national agricultural education**
32 **association on a form developed for that purpose by the department of**
33 **elementary and secondary education without eligibility to receive state**
34 **or federal funding for agricultural vocational education. Any such**
35 **private school shall reimburse the department annually for the cost of**
36 **oversight and maintenance of the program.**

Section 1. 1. The department of elementary and secondary
2 education shall provide staffing support including but not limited to
3 statewide coordination for career and technical student organizations'
4 activities that are an integral part of the instructional educational
5 curriculum for career and technical education programs approved by
6 the department. Such career and technical organizations shall include,
7 but not be limited to, the nationally recognized organizations of DECA,
8 FBLA, FFA, FCCLA, HOSA, SkillsUSA, and TSA.

9 **2. The department of elementary and secondary education shall**
10 **continue to handle the funds from the organizations in the same**
11 **manner as it did during school year 2011-2012, with department**
12 **personnel maintaining responsibility for the receipt and disbursement**
13 **of funds. The department may ensure accountability and transparency**
14 **by requiring the career and technical student organizations to provide**
15 **sworn affidavits annually by personnel in the organization who are**
16 **responsible for such funds as to the proper receipt and disbursement**
17 **of such funds.**

Section B. Because of the need to provide immediate guidance on the
2 financial operations of career and technical student organizations and their state

3 level direction, the enactment of section 1 of this act is deemed necessary for the
4 immediate preservation of the public health, welfare, peace and safety, and is
5 hereby declared to be an emergency act within the meaning of the constitution,
6 and the enactment of section 1 of this act shall be in full force and effect upon its
7 passage and approval.

✓

Unofficial

Bill

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