

SENATE BILL NO. 747

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR ARTHUR.

3431S.06I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 160.522 and 167.161, RSMo, and to enact in lieu thereof three new sections relating to school accountability measures in elementary and secondary education institutions.

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

Section A. Sections 160.522 and 167.161, RSMo, are
2 repealed and three new sections enacted in lieu thereof, to be
3 known as sections 160.265, 160.522, and 167.161, to read as
4 follows:

160.265. 1. Beginning July 1, 2023, school districts
2 and charter schools shall document each disciplinary removal
3 of a pupil from such pupil's regular educational setting,
4 including all information to be included on the school
5 accountability report card pursuant to subsection 5 of
6 section 160.522.

7 2. By June 30, 2024, and by June thirtieth each year
8 thereafter, school districts and charter schools shall
9 annually report all information documented pursuant to this
10 section to the department of elementary and secondary
11 education.

12 3. Beginning July 1, 2023, any qualified school, as
13 defined in section 166.700, enrolling one or more students
14 receiving scholarships under sections 166.700 to 166.720,
15 shall document each disciplinary removal of a pupil from
16 such pupil's regular educational setting, including all

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

17 information described in subsection 5 of section 160.522.
18 By June 30, 2024, and by June thirtieth each year
19 thereafter, each such qualified school shall annually report
20 all information documented in this subsection to the
21 Missouri empowerment scholarship accounts board created in
22 section 135.715 and the board shall make such information
23 available on a public website.

160.522. 1. The department of elementary and
2 secondary education shall produce or cause to be produced,
3 at least annually, a school accountability report card for
4 each public school district, each public school building in
5 a school district, and each charter school in the state.
6 The report card shall be designed to satisfy state and
7 federal requirements for the disclosure of statistics about
8 students, staff, finances, academic achievement, and other
9 indicators. The purpose of the report card shall be to
10 provide educational statistics and accountability
11 information for parents, taxpayers, school personnel,
12 legislators, and the print and broadcast news media in a
13 standardized, easily accessible form.

14 2. The department of elementary and secondary
15 education shall develop a standard form for the school
16 accountability report card. The information reported shall
17 include, but not be limited to, the district's most recent
18 accreditation rating, enrollment, rates of pupil attendance,
19 high school dropout rate and graduation rate, the number and
20 rate of suspensions of ten days or longer and expulsions of
21 pupils, the district ratio of students to administrators and
22 students to classroom teachers, the average years of
23 experience of professional staff and advanced degrees
24 earned, student achievement as measured through the
25 assessment system developed pursuant to section 160.518,

26 student scores on the ACT, along with the percentage of
27 graduates taking the test, average teachers' and
28 administrators' salaries compared to the state averages,
29 average per-pupil current expenditures for the district as a
30 whole and by attendance center as reported to the department
31 of elementary and secondary education, the adjusted tax rate
32 of the district, assessed valuation of the district, percent
33 of the district operating budget received from state,
34 federal, and local sources, the percent of students eligible
35 for free or reduced-price lunch, data on the percent of
36 students continuing their education in postsecondary
37 programs, information about the job placement rate for
38 students who complete district vocational education
39 programs, whether the school district currently has a state-
40 approved gifted education program, and the percentage and
41 number of students who are currently being served in the
42 district's state-approved gifted education program.

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

47 4. The report card shall identify each school or
48 attendance center that has been identified as a priority
49 school under sections 160.720 and 161.092. The report also
50 shall identify attendance centers that have been categorized
51 under federal law as needing improvement or requiring
52 specific school improvement strategies.

53 5. **Beginning with the report card for the 2023-24**
54 **school year, the report card shall include the following**
55 **aggregate data related to school discipline for offenses**
56 **resulting in the removal of a pupil from such pupil's**
57 **regular educational setting:**

58 (1) The number of in-school suspensions, out-of-school
59 suspensions, unilateral removals of pupils with disabilities
60 from such pupils' current educational placements to interim
61 educational settings, and expulsions;

62 (2) For each type of disciplinary removal listed in
63 subdivision (1) of this subsection:

64 (a) The races, ethnicity, grade levels, genders,
65 limited English proficiency statuses, disability categories,
66 and free or reduced price lunch statuses of removed pupils;

67 (b) The duration of each removal, the number of
68 removals for which the duration was modified subsequent to
69 being imposed, and the actual durations of such modified
70 removals;

71 (c) The number of removals of pupils who had been
72 previously suspended from school;

73 (d) The types of alternative measures and
74 interventions used prior to removal and the aggregate number
75 of times each such type was used;

76 (e) Whether a hearing pursuant to section 167.161 was
77 conducted and whether such hearing occurred before or after
78 the pupil was removed; and

79 (3) For each expulsion, the number of removed pupils
80 receiving educational services in an alternative educational
81 setting.

82 6. The report card shall not limit or discourage other
83 methods of public reporting and accountability by local
84 school districts. Districts shall provide information
85 included in the report card to parents, community members,
86 the print and broadcast news media, and legislators by
87 December first annually or as soon thereafter as the
88 information is available to the district, giving preference
89 to methods that incorporate the reporting into substantive

90 official communications such as student report cards. The
91 school district shall provide a printed copy of the district-
92 level or school-level report card to any patron upon request
93 and shall make reasonable efforts to supply businesses such
94 as, but not limited to, real estate and employment firms
95 with copies or other information about the reports so that
96 parents and businesses from outside the district who may be
97 contemplating relocation have access.

98 [6.] 7. For purposes of completing and distributing
99 the annual report card as prescribed in this section, a
100 school district may include the data from a charter school
101 located within such school district, provided the local
102 board of education or special administrative board for such
103 district and the charter school reach mutual agreement for
104 the inclusion of the data from the charter schools and the
105 terms of such agreement are approved by the state board of
106 education. The charter school shall not be required to be a
107 part of the local educational agency of such school district
108 and may maintain a separate local educational agency status.

167.161. 1. The school board of any district, after
2 notice to parents or others having custodial care and a
3 hearing upon charges preferred, may suspend or expel a pupil
4 for conduct which is prejudicial to good order and
5 discipline in the schools or which tends to impair the
6 morale or good conduct of the pupils. In addition to the
7 authority granted in section 167.171, a school board may
8 authorize, by general rule, the immediate removal of a pupil
9 upon a finding by the principal, superintendent, or school
10 board that the pupil poses a threat of harm to such pupil or
11 others, as evidenced by the prior conduct of such pupil.
12 Prior disciplinary actions, **truancy, and other absences from**
13 **school** shall not be used as the sole basis for removal,

14 suspension or expulsion of a pupil. Removal of any pupil
15 who is a student with a disability is subject to state and
16 federal procedural rights. At the hearing upon any such
17 removal, suspension or expulsion, the board shall consider
18 the evidence and statements that the parties present and
19 **shall consider reasonable alternative measures to out-of-**
20 **school suspension or expulsion, including techniques that**
21 **emphasize repairing the harm caused by criminal behavior,**
22 **alternative behavior strategies, responsive classroom**
23 **interventions, and positive behavioral supports and**
24 **interventions. The board** may consider records of past
25 disciplinary actions, criminal court records or juvenile
26 court records consistent with other provisions of the law,
27 or the actions of the pupil which would constitute a
28 criminal offense. The board may provide by general rule not
29 inconsistent with this section for the procedure and conduct
30 of such hearings. After meeting with the superintendent or
31 his designee to discuss the expulsion, the parent, custodian
32 or the student, if at least eighteen years of age, may, in
33 writing, waive any right to a hearing before the board of
34 education.

35 **2. Notwithstanding any provision of this section or**
36 **section 160.261 to the contrary, no pupil enrolled in**
37 **preschool through third grade shall be suspended out of**
38 **school or expelled.**

39 **3.** The school board of any district, after notice to
40 parents or others having custodial care and a hearing upon
41 the matter, may suspend a pupil upon a finding that the
42 pupil has been charged, convicted or pled guilty in a court
43 of general jurisdiction for the commission of a felony
44 criminal violation of state or federal law. At a hearing
45 required by this subsection, the board shall consider

46 statements that the parties present. The board may provide
47 for the procedure and conduct of such hearings.

48 [3.] 4. The school board shall make a good-faith
49 effort to have the parents or others having custodial care
50 present at any such hearing. Notwithstanding any other
51 provision of law to the contrary, student discipline
52 hearings or proceedings related to the rights of students to
53 attend school or to receive academic credit shall not be
54 required to comply with the requirements applicable to
55 contested case hearings as provided in chapter 536, provided
56 that appropriate due process procedures shall be observed
57 which shall include the right for a trial de novo by the
58 circuit court.

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