

ORIGINAL



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G266

House _____ Amendment NO. _____

Marsha Haefner Offered By AS

1 AMEND HCS HB No. 717, Page 2, Section 1.250, Line 11, by inserting
2 after all of said section and line the following:
3

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

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

- 26 (1) First degree murder under section 565.020;
- 27 (2) Second degree murder under section 565.021;
- 28 (3) Kidnapping under section 565.110;
- 29 (4) First degree assault under section 565.050;
- 30 (5) Forcible rape under section 566.030;
- 31 (6) Forcible sodomy under section 566.060;
- 32 (7) Burglary in the first degree under section 569.160;
- 33 (8) Burglary in the second degree under section 569.170;
- 34 (9) Robbery in the first degree under section 569.020;
- 35 (10) Distribution of drugs under section 195.211;
- 36 (11) Distribution of drugs to a minor under section 195.212;
- 37 (12) Arson in the first degree under section 569.040;
- 38 (13) Voluntary manslaughter under section 565.023;

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- 1 (14) Involuntary manslaughter under section 565.024;
- 2 (15) Second degree assault under section 565.060;
- 3 (16) Sexual assault under section 566.040;
- 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) Deviate sexual assault pursuant to section 566.070;
- 9 (22) Sexual misconduct involving a child pursuant to section 566.083;
- 10 (23) Sexual abuse pursuant to section 566.100;
- 11 (24) Harassment under section 565.090; or
- 12 (25) Stalking under section 565.225;

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

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

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

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

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

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

41 4. Any student who violates the condition of suspension required pursuant to subsection 3 of
42 this section may be subject to expulsion or further suspension pursuant to the provisions of sections
43 167.161, 167.164, and 167.171. In making this determination consideration shall be given to whether
44 the student poses a threat to the safety of any child or school employee and whether such student's
45 unsupervised presence within one thousand feet of the school is disruptive to the educational process
46 or undermines the effectiveness of the school's disciplinary policy. Removal of any pupil who is a
47 student with a disability is subject to state and federal procedural rights. This section shall not limit a
48 school district's ability to:

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

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

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

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

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

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

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

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

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

45 10. Spanking, when administered by certificated personnel and in the presence of a witness
46 who is an employee of the school district, or the use of reasonable force to protect persons or
47 property, when administered by personnel of a school district in a reasonable manner in accordance
48 with the local board of education's written policy of discipline, is not abuse within the meaning of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 22. In order to ensure the safety of all students, should a student be expelled for bringing a
34 weapon to school, violent behavior, or for an act of school violence, that student shall not, for the
35 purposes of the accreditation process of the Missouri school improvement plan, be considered a
36 dropout or be included in the calculation of that district's educational persistence ratio."; and
37

38 Further amend _____ No. ____, Page ____, Section ____, Line ____, by
39 inserting after all of said section and line the following:

40
41 "210.115. 1. When any physician, medical examiner, coroner, dentist, chiropractor,
42 optometrist, podiatrist, resident, intern, nurse, hospital or clinic personnel that are engaged in the
43 examination, care, treatment or research of persons, and any other health practitioner, psychologist,
44 mental health professional, social worker, day care center worker or other child-care worker, juvenile
45 officer, probation or parole officer, jail or detention center personnel, teacher, principal or other school
46 official, minister as provided by section 352.400, peace officer or law enforcement official, or other
47 person with responsibility for the care of children has reasonable cause to suspect that a child has been
48 or may be subjected to abuse or neglect or observes a child being subjected to conditions or

1 circumstances which would reasonably result in abuse or neglect, that person shall immediately report
2 [or cause a report to be made] to the division in accordance with the provisions of sections 210.109 to
3 210.183. No internal investigation shall be initiated until such a report has been made. As used in this
4 section, the term "abuse" is not limited to abuse inflicted by a person responsible for the child's care,
5 custody and control as specified in section 210.110, but shall also include abuse inflicted by any other
6 person.

7 2. [Whenever such person is required to report pursuant to sections 210.109 to 210.183 in an
8 official capacity as a staff member of a medical institution, school facility, or other agency, whether
9 public or private, the person in charge or a designated agent shall be notified immediately. The person
10 in charge or a designated agent shall then become responsible for immediately making or causing such
11 report to be made to the division. Nothing in this section, however, is meant to preclude any person
12 from reporting abuse or neglect] If two or more members of a medical institution who are required to
13 report jointly have knowledge of a known or suspected instance of child abuse or neglect, a single
14 report may be made by a member of that team. Any member who has knowledge that the member
15 designated to report has failed to do so shall thereafter immediately make the report.

16 3. The reporting requirements under this section are individual, and no supervisor or
17 administrator may impede or inhibit any reporting under this section. No person making a report
18 under this section shall be subject to any sanction, including any adverse employment action, for
19 making such report.

20 4. Notwithstanding any other provision of sections 210.109 to 210.183, any child who does
21 not receive specified medical treatment by reason of the legitimate practice of the religious belief of
22 the child's parents, guardian, or others legally responsible for the child, for that reason alone, shall not
23 be found to be an abused or neglected child, and such parents, guardian or other persons legally
24 responsible for the child shall not be entered into the central registry. However, the division may
25 accept reports concerning such a child and may subsequently investigate or conduct a family
26 assessment as a result of that report. Such an exception shall not limit the administrative or judicial
27 authority of the state to ensure that medical services are provided to the child when the child's health
28 requires it.

29 [4.] 5. In addition to those persons and officials required to report actual or suspected abuse
30 or neglect, any other person may report in accordance with sections 210.109 to 210.183 if such
31 person has reasonable cause to suspect that a child has been or may be subjected to abuse or neglect
32 or observes a child being subjected to conditions or circumstances which would reasonably result in
33 abuse or neglect.

34 [5.] 6. Any person or official required to report pursuant to this section, including employees
35 of the division, who has probable cause to suspect that a child who is or may be under the age of
36 eighteen, who is eligible to receive a certificate of live birth, has died shall report that fact to the
37 appropriate medical examiner or coroner. If, upon review of the circumstances and medical
38 information, the medical examiner or coroner determines that the child died of natural causes while
39 under medical care for an established natural disease, the coroner, medical examiner or physician shall
40 notify the division of the child's death and that the child's attending physician shall be signing the death
41 certificate. In all other cases, the medical examiner or coroner shall accept the report for
42 investigation, shall immediately notify the division of the child's death as required in section 58.452
43 and shall report the findings to the child fatality review panel established pursuant to section 210.192.

44 [6.] 7. Any person or individual required to report may also report the suspicion of abuse or
45 neglect to any law enforcement agency or juvenile office. Such report shall not, however, take the
46 place of reporting [or causing a report to be made] to the division.

47 [7.] 8. If an individual required to report suspected instances of abuse or neglect pursuant to
48 this section has reason to believe that the victim of such abuse or neglect is a resident of another state

1 or was injured as a result of an act which occurred in another state, the person required to report such
2 abuse or neglect may, in lieu of reporting to the Missouri division of family services, make such a
3 report to the child protection agency of the other state with the authority to receive such reports
4 pursuant to the laws of such other state. If such agency accepts the report, no report is required to be
5 made, but may be made, to the [Missouri] division [of family services]."; and

6
7 Further amend said bill by amending the title, enacting clause, and intersectional references
8 accordingly.

