

FIRST REGULAR SESSION

# HOUSE BILL NO. 1123

## 100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HOUX.

1856H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal sections 160.261, 160.405, 160.420, 160.660, 160.2500, 162.069, 167.020, 167.022, 167.023, 167.117, 167.122, 167.123, 167.161, 167.164, 167.166, 167.171, 167.627, 168.133, 170.315, 171.011, 210.865, 271.370, 571.010, and 571.030, RSMo, and section 167.121 as enacted by house bill no. 1606 merged with senate bill no. 603, et al., ninety-ninth general assembly, second regular session, and to enact in lieu thereof twenty-three new sections relating to elementary and secondary education, with penalty provisions.

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

Section A. Sections 160.261, 160.405, 160.420, 160.660, 160.2500, 162.069, 167.020, 167.022, 167.023, 167.117, 167.122, 167.123, 167.161, 167.164, 167.166, 167.171, 167.627, 168.133, 170.315, 171.011, 210.865, 271.370, 571.010, and 571.030, RSMo, and section 167.121 as enacted by house bill no. 1606 merged with senate bill no. 603, et al., ninety-ninth general assembly, second regular session, are repealed and twenty-three new sections enacted in lieu thereof, to be known as sections 160.261, 160.405, 160.420, 160.660, 160.2500, 162.069, 167.020, 167.022, 167.023, 167.121, 167.122, 167.161, 167.164, 167.166, 167.171, 167.627, 168.133, 170.315, 171.011, 210.865, 271.370, 571.010, and 571.030, to read as follows:

160.261. 1. **(1)** The local board of education of each school district **and the governing board of each charter school** shall clearly establish a written policy of discipline, including the ~~district's~~ determination **of the district or charter school** on the use of corporal punishment and the procedures in which punishment will be applied.

**(2)** A written copy of the district's **or charter school's** discipline policy and corporal punishment procedures, if applicable, shall be provided to the ~~pupil~~ **student** and parent or legal guardian of every ~~pupil~~ **student** enrolled in the district **or charter school** at the beginning of

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

8 each school year and also made available in the office of the superintendent of such district **or**  
9 **in the office of the administrator of the charter school**, during normal business hours, for  
10 public inspection.

11 **(3) A school district or charter school may satisfy the requirements of subdivision**  
12 **(2) of this subsection by posting a copy of its discipline policy and corporal punishment**  
13 **procedures, if applicable, on its website.**

14 **(4)** All employees of the district **or charter school** shall annually receive instruction  
15 related to the specific contents of the policy of discipline and any interpretations necessary to  
16 implement the provisions of the policy in the course of their duties, including but not limited to  
17 approved methods of dealing with acts of school violence, disciplining students with disabilities  
18 and instruction in the necessity and requirements for confidentiality.

19 2. The policy shall require school administrators to report acts of school violence to all  
20 teachers at the attendance center and, in addition, to other school district **or charter school**  
21 employees with a need to know. For the purposes of this chapter or chapter 167, "need to know"  
22 is defined as school personnel who are directly responsible for the student's education or who  
23 otherwise interact with the student on a professional basis while acting within the scope of their  
24 assigned duties. As used in this section, the phrase "act of school violence" or "violent behavior"  
25 means the exertion of physical force by a student with the intent to do serious physical injury as  
26 defined in section 556.061 to another person while on school property, including a school bus  
27 in service on behalf of the district, or while involved in school activities. The policy shall at a  
28 minimum require school administrators to report, as soon as reasonably practical, to the  
29 appropriate law enforcement agency any of the following crimes, or any act which if committed  
30 by an adult would be one of the following crimes:

31 (1) First degree murder under section 565.020;

32 (2) Second degree murder under section 565.021;

33 (3) Kidnapping under section 565.110 as it existed prior to January 1, 2017, or  
34 kidnapping in the first degree under section 565.110;

35 (4) First degree assault under section 565.050;

36 (5) Rape in the first degree under section 566.030;

37 (6) Sodomy in the first degree under section 566.060;

38 (7) Burglary in the first degree under section 569.160;

39 (8) Burglary in the second degree under section 569.170;

40 (9) Robbery in the first degree under section 569.020 as it existed prior to January 1,  
41 2017, or robbery in the first degree under section 570.023;

42 (10) Distribution of drugs under section 195.211 as it existed prior to January 1, 2017,  
43 or manufacture of a controlled substance under section 579.055;

- 44 (11) Distribution of drugs to a minor under section 195.212 as it existed prior to January  
45 1, 2017, or delivery of a controlled substance under section 579.020;
- 46 (12) Arson in the first degree under section 569.040;
- 47 (13) Voluntary manslaughter under section 565.023;
- 48 (14) Involuntary manslaughter under section 565.024 as it existed prior to January 1,  
49 2017, involuntary manslaughter in the first degree under section 565.024, or involuntary  
50 manslaughter in the second degree under section 565.027;
- 51 (15) Second degree assault under section 565.060 as it existed prior to January 1, 2017,  
52 or second degree assault under section 565.052;
- 53 (16) Rape in the second degree under section 566.031;
- 54 (17) Felonious restraint under section 565.120 as it existed prior to January 1, 2017, or  
55 kidnapping in the second degree under section 565.120;
- 56 (18) Property damage in the first degree under section 569.100;
- 57 (19) The possession of a weapon under chapter 571;
- 58 (20) Child molestation in the first degree pursuant to section 566.067 as it existed prior  
59 to January 1, 2017, or child molestation in the first, second, or third degree pursuant to section  
60 566.067, 566.068, or 566.069;
- 61 (21) Sodomy in the second degree pursuant to section 566.061;
- 62 (22) Sexual misconduct involving a child pursuant to section 566.083;
- 63 (23) Sexual abuse in the first degree pursuant to section 566.100;
- 64 (24) Harassment under section 565.090 as it existed prior to January 1, 2017, or  
65 harassment in the first degree under section 565.090; or
- 66 (25) Stalking under section 565.225 as it existed prior to January 1, 2017, or stalking in  
67 the first degree under section 565.225;

68

69 committed on school property, including but not limited to actions on any school bus in service  
70 on behalf of the district or while involved in school activities. **School districts and charter**  
71 **schools may enter into written agreements with law enforcement agencies as to the**  
72 **procedure for reporting criminal offenses. The agreement may authorize the district or**  
73 **charter school to report the criminal offense to the children's division rather than law**  
74 **enforcement.**

75 **3. If a school employee, agent, or official becomes aware of an offense that is**  
76 **required to be reported, the employee, agent, or official shall immediately notify the**  
77 **superintendent or his or her designee or the charter school administrator or his or her**  
78 **designee to make the report. A school employee, agent, or official who in good faith**  
79 **provides information to a school employee or to law enforcement in accordance with this**

80 **section shall not be civilly liable for providing such information. Any school employee,**  
81 **agent, or official responsible for reporting under this section who willfully neglects or**  
82 **refuses to perform this duty may be subject to the penalty established in section 162.091.**

83 4. The **discipline** policy shall require that any portion of a student's individualized  
84 education program that is related to demonstrated or potentially violent behavior shall be  
85 provided to any teacher and other school district **or charter school** employees who are directly  
86 responsible for the student's education or who otherwise interact with the student on an  
87 educational basis while acting within the scope of their assigned duties. The policy shall also  
88 contain the consequences of failure to obey standards of conduct set by the local board of  
89 education **or the governing board of the charter school**, and the importance of the standards  
90 to the maintenance of an atmosphere where orderly learning is possible and encouraged.

91 ~~[3-]~~ 5. The policy shall provide that any student who is on suspension for any ~~[of the~~  
92 ~~offenses listed in subsection 2 of this section or any act of violence or drug-related activity~~  
93 ~~defined by school district policy as a serious]~~ violation of school discipline ~~[pursuant to~~  
94 ~~subsection 9 of this section]~~ shall have as a condition of his or her suspension the requirement  
95 that such student is not allowed, while on such suspension, to be within one thousand feet of any  
96 school property in the school district **or charter school** where such student attended school or  
97 any activity of that district **or charter school**, regardless of whether or not the activity takes  
98 place on district **or charter school** property unless:

99 (1) Such student is under the direct supervision of the student's parent, legal guardian,  
100 or custodian and the superintendent or the superintendent's designee **or the charter school**  
101 **administrator or his or her designee** has authorized the student to be on school property;

102 (2) Such student is under the direct supervision of another adult designated by the  
103 student's parent, legal guardian, or custodian, in advance, in writing, to the principal of the school  
104 which suspended the student and the superintendent or the superintendent's designee **or the**  
105 **charter school administrator or his or her designee** has authorized the student to be on school  
106 property;

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

110 (4) Such student resides within one thousand feet of **the charter school the student**  
111 **attended or** any public school in the school district where such student attended school, in which  
112 case such student may be on the property of his or her residence without direct adult supervision.

113 ~~[4-]~~ 6. Any student who violates the condition of suspension required pursuant to  
114 subsection ~~[3]~~ 5 of this section may be subject to expulsion or further suspension pursuant to the  
115 provisions of sections 167.161, 167.164, and 167.171. In making this determination

116 consideration shall be given to whether the student poses a threat to the safety of any child or  
117 school employee and whether such student's unsupervised presence within one thousand feet of  
118 the school is disruptive to the educational process or undermines the effectiveness of the school's  
119 disciplinary policy. Removal of any ~~[pupil]~~ **student** who is a student with a disability is subject  
120 to state and federal procedural rights. This section shall not limit a school district's **or charter**  
121 **school's** ability to:

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

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

126 ~~[5-]~~ 7. The policy shall provide for a suspension for a period of not less than one year,  
127 or expulsion, for a student who is determined to have brought a weapon to school, including but  
128 not limited to the school playground or the school parking lot, brought a weapon on a school bus  
129 or brought a weapon to a school activity whether on or off of the school property in violation of  
130 district **or charter school** policy, except that:

131 (1) The superintendent **or charter school administrator** or, in a school district with no  
132 high school **or in a charter school that does not offer instruction in any grade higher than**  
133 **eighth grade**, the principal of the school which such child attends may modify such suspension  
134 on a case-by-case basis; ~~[and]~~

135 (2) This section shall not prevent the school district **or charter school** from providing  
136 educational services in an alternative setting to a student suspended under the provisions of this  
137 section; **and**

138 (3) **This section shall not prevent a student from transporting or possessing a**  
139 **weapon on school district or charter school property in order to participate in a district-**  
140 **sponsored, school-sponsored, or school-sanctioned weapon-related activity or event**  
141 **including, but not limited to, gun safety courses, trap-shooting clubs or competitions, or**  
142 **archery clubs or competitions, as long as the student follows district or charter school**  
143 **policy and other rules regarding the transportation, possession, use, and storage of the**  
144 **weapon.**

145 ~~[6-]~~ 8. For the purpose of this section, the term "weapon" shall mean a firearm as  
146 defined under 18 U.S.C. Section 921 and ~~[the following items, as defined in section 571.010:~~  
147 ~~a blackjack, a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun,~~  
148 ~~a knife, knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a~~  
149 ~~switchblade knife; except that this section shall not be construed to prohibit a school board from~~  
150 ~~adopting a policy to allow a Civil War reenactor to carry a Civil War era weapon on school~~  
151 ~~property for educational purposes so long as the firearm is unloaded] **the weapon or weapon**~~

152 **components listed in section 571.010.** The local board of education **or the governing board**  
153 **of the charter school** shall define weapon in the discipline policy. Such definition shall include  
154 the weapons defined in this subsection but may also include other weapons. **Notwithstanding**  
155 **any other provision of law, adults may possess weapons on school property for use in a**  
156 **program approved by the board of the district or the governing board of the charter**  
157 **school.**

158 [7-] **9.** All school district **or charter school** personnel responsible for the care and  
159 supervision of students are authorized to hold every ~~[pupil]~~ **student** strictly accountable for any  
160 disorderly conduct in school or on any property of the school, on any school bus going to or  
161 returning from school, during school-sponsored activities, or during intermission or recess  
162 periods.

163 [~~8-~~] **10.** Teachers and other authorized district **or charter school** personnel in public  
164 schools responsible for the care, supervision, and discipline of schoolchildren, including  
165 volunteers selected with reasonable care by the school district **or charter school**, shall not be  
166 civilly liable when acting in conformity with the established policies developed by each board,  
167 including but not limited to policies of student discipline or when reporting to his or her  
168 supervisor or other person as mandated by state law acts of school violence or threatened acts  
169 of school violence, within the course and scope of the duties of the teacher, authorized district  
170 **or charter school** personnel or volunteer, when such individual is acting in conformity with the  
171 established policies developed by the board. Nothing in this section shall be construed to create  
172 a new cause of action against such school district **or charter school**, or to relieve the school  
173 district **or charter school** from liability for the negligent acts of such persons.

174 [9-] **11.** Each school board **of a district or governing board of a charter school** shall  
175 define in its discipline policy acts of violence and any other acts that constitute a serious  
176 violation of that policy. "Acts of violence" as defined by school boards **and governing boards**  
177 **of charter schools** shall include but not be limited to **threats of or** exertion of physical force by  
178 a student with the intent to do serious bodily harm to another person while on school property,  
179 including a school bus in service on behalf of the district **or charter school**, or while involved  
180 in school activities. School districts **and charter schools** shall for each student enrolled in the  
181 school district **or charter school** compile and maintain records of any serious violation of the  
182 district's **or charter school's** discipline policy. Such records shall be made available to teachers  
183 and other school district **or charter school** employees with a need to know while acting within  
184 the scope of their assigned duties, and shall be provided as required in section 167.020 to any  
185 school district **or charter school** in which the student subsequently attempts to enroll.

186 [~~10-~~] **12.** Spanking, when administered by ~~[certificated]~~ personnel **of a school district**  
187 **or charter school** and in the presence of a witness who is an employee of the school district **or**

188 **charter school**, or the use of reasonable force to protect persons or property, when administered  
189 by personnel of a school district **or charter school** in a reasonable manner in accordance with  
190 the [~~local board of education's~~] written policy of discipline **of the local board of education or**  
191 **the governing board of the charter school**, is not abuse within the meaning of chapter 210.  
192 The provisions of sections 210.110 to 210.165 notwithstanding, the children's division shall ~~not~~  
193 have jurisdiction over ~~or~~ **and** investigate, **only to the extent allowed under this section**, any  
194 report of alleged child abuse arising out of or related to the use of reasonable force to protect  
195 persons or property when administered by personnel of a school district **or charter school** or any  
196 spanking administered in a reasonable manner by [~~any certificated school~~] **personnel of a school**  
197 **district or charter school** in the presence of a witness who is an employee of the school district  
198 **or charter school** pursuant to a written policy of discipline established by the board of education  
199 of the school district~~]; as long as no allegation of sexual misconduct arises from the spanking or~~  
200 ~~use of force] **or the governing board of the charter school.**~~

201 ~~[11.]~~ **13.** If a student reports alleged sexual misconduct on the part of a teacher or other  
202 school employee to a person employed in a school facility who is required to report such  
203 misconduct to the children's division under section 210.115, such person [~~and the superintendent~~  
204 ~~of the school district~~] shall report the allegation to the children's division as set forth in section  
205 210.115 **and to the school district superintendent or his or her designee or the charter**  
206 **school administrator or his or her designee.** Reports made to the children's division under this  
207 subsection shall be investigated by the division in accordance with the provisions of sections  
208 210.145 to 210.153 and shall not be investigated by the school district **or charter school** under  
209 subsections [~~12 to 20~~] **14 and 15** of this section for purposes of determining whether the  
210 allegations should or should not be substantiated. The district **or charter school** may investigate  
211 the allegations for the purpose of making any decision regarding the employment of the accused  
212 employee. **The children's division shall define the term "sexual misconduct" for purposes**  
213 **of this section and section 162.068.**

214 ~~[12.]~~ **14.** Upon receipt of any reports of child abuse by the children's division other than  
215 reports provided under subsection [~~11~~] **13** of this section, pursuant to sections 210.110 to  
216 210.165 which allegedly involve personnel **or agents** of a school district **or charter school**, the  
217 children's division shall notify the superintendent of schools of the district **or the charter school**  
218 **administrator** or, if the person named in the alleged incident is the superintendent of schools  
219 **or the charter school administrator**, the president of the school board of the school district **or**  
220 **of the governing board of the charter school** where the alleged incident occurred. **The**  
221 **children's division is responsible for investigating complaints made to the division. If, after**  
222 **an investigation, the children's division determines that a school district or charter school**  
223 **employee or agent spanked a student or used force to protect persons or property and the**

224 school district or charter school has a policy that allows such actions, the children's  
225 division shall refer the case to the school board of the district or the governing board of the  
226 charter school to determine if the policy was violated and the complaint should be  
227 substantiated. The school board of the district or the governing board of the charter  
228 school, or a committee appointed by the school board or governing board, shall issue its  
229 findings and conclusions within thirty days of receiving notice of the findings from the  
230 children's division.

231 ~~[13. If, after an initial investigation, the superintendent of schools or the president of the~~  
232 ~~school board finds that the report involves an alleged incident of child abuse other than the~~  
233 ~~administration of a spanking by certificated school personnel or the use of reasonable force to~~  
234 ~~protect persons or property when administered by school personnel pursuant to a written policy~~  
235 ~~of discipline or that the report was made for the sole purpose of harassing a public school~~  
236 ~~employee, the superintendent of schools or the president of the school board shall immediately~~  
237 ~~refer the matter back to the children's division and take no further action. In all matters referred~~  
238 ~~back to the children's division, the division shall treat the report in the same manner as other~~  
239 ~~reports of alleged child abuse received by the division.~~

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

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

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

255 ~~———— 17. The law enforcement officer and the investigating school district personnel shall~~  
256 ~~issue separate reports of their findings and recommendations after the conclusion of the~~  
257 ~~investigation to the school board of the school district within seven days after receiving notice~~  
258 ~~from the children's division.~~



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

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

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

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

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

274 ~~20.] 15. The findings and conclusions of the school board [under subsection 19 of this~~  
275 ~~section] of the district or the governing board of the charter school shall be sent to the~~  
276 ~~children's division. If the findings and conclusions of the school board of the district or the~~  
277 ~~governing board of the charter school are that the report of the alleged child abuse is~~  
278 ~~unsubstantiated, the investigation shall be terminated, the case closed, and no record shall be~~  
279 ~~entered in the children's division central registry. If the findings and conclusions of the school~~  
280 ~~board of the district or the governing board of the charter school are that the report of the~~  
281 ~~alleged child abuse is substantiated, the children's division shall report the incident to the~~  
282 ~~prosecuting attorney of the appropriate county along with the findings and conclusions of the~~  
283 ~~school district or charter school and shall include the information in the division's central~~  
284 ~~registry. If the findings and conclusions of the school board of the district or the governing~~  
285 ~~board of the charter school are that the issue involved in the alleged incident of child abuse is~~  
286 ~~unresolved, the children's division shall report the incident to the prosecuting attorney of the~~  
287 ~~appropriate county along with the findings and conclusions of the school board of the district~~  
288 ~~or the governing board of the charter school, however, the incident and the names of the~~  
289 ~~parties allegedly involved shall not be entered into the central registry of the children's division~~  
290 ~~unless and until the alleged child abuse is substantiated by a court of competent jurisdiction.~~

291 ~~[21.] 16. Any [superintendent of schools, president of a school board or such person's~~  
292 ~~designee or law enforcement officer] employee, agent, or officer of the school district, charter~~  
293 ~~school, or children's division who knowingly falsifies any report of any matter pursuant to this~~

294 section or who knowingly withholds any information relative to any investigation or report  
295 pursuant to this section is guilty of a class A misdemeanor.

296 ~~[22. In order to ensure the safety of all students, should a student be expelled for bringing~~  
297 ~~a weapon to school, violent behavior, or for an act of school violence]~~ **17. If a student is**  
298 **expelled for a criminal offense in which the student causes a person to suffer serious**  
299 **physical injury, as defined in section 556.061; for a criminal offense in which there is sexual**  
300 **contact, as defined in section 566.010; or for a criminal offense that involves the possession,**  
301 **sale, or use of weapons or illegal drugs,** that student shall not, for the purposes of the  
302 accreditation process of the Missouri school improvement plan, be considered a dropout or be  
303 included in the calculation of that district's educational persistence ratio.

160.405. 1. A person, group or organization seeking to establish a charter school shall  
2 submit the proposed charter, as provided in this section, to a sponsor. If the sponsor is not a  
3 school board, the applicant shall give a copy of its application to the school board of the district  
4 in which the charter school is to be located and to the state board of education, within five  
5 business days of the date the application is filed with the proposed sponsor. The school board  
6 may file objections with the proposed sponsor, and, if a charter is granted, the school board may  
7 file objections with the state board of education. The charter shall include a legally binding  
8 performance contract that describes the obligations and responsibilities of the school and the  
9 sponsor as outlined in sections 160.400 to 160.425 and section 167.349 and shall address the  
10 following:

11 (1) A mission and vision statement for the charter school;

12 (2) A description of the charter school's organizational structure and bylaws of the  
13 governing body, which will be responsible for the policy, financial management, and operational  
14 decisions of the charter school, including the nature and extent of parental, professional educator,  
15 and community involvement in the governance and operation of the charter school;

16 (3) A financial plan for the first three years of operation of the charter school including  
17 provisions for annual audits;

18 (4) A description of the charter school's policy for securing personnel services, its  
19 personnel policies, personnel qualifications, and professional development plan;

20 (5) A description of the grades or ages of students being served;

21 (6) The school's calendar of operation, which shall include at least the equivalent of a  
22 full school term as defined in section 160.011;

23 (7) A description of the charter school's ~~[pupil]~~ **student** performance standards and  
24 academic program performance standards, which shall meet the requirements of subdivision (6)  
25 of subsection 4 of this section. The charter school program shall be designed to enable each  
26 ~~[pupil]~~ **student** to achieve such standards and shall contain a complete set of indicators,

27 measures, metrics, and targets for academic program performance, including specific goals on  
28 graduation rates and standardized test performance and academic growth;

29 (8) A description of the charter school's educational program and curriculum;

30 (9) The term of the charter, which shall be five years and may be renewed;

31 (10) Procedures, consistent with the Missouri financial accounting manual, for  
32 monitoring the financial accountability of the charter, which shall meet the requirements of  
33 subdivision (4) of subsection 4 of this section;

34 (11) Preopening requirements for applications that require that charter schools meet all  
35 health, safety, and other legal requirements prior to opening;

36 (12) A description of the charter school's policies on student discipline and student  
37 admission, which shall include a statement, where applicable, of the validity of attendance of  
38 students who do not reside in the district but who may be eligible to attend under the terms of  
39 judicial settlements and procedures that ensure admission of students with disabilities in a  
40 nondiscriminatory manner;

41 (13) A description of the charter school's grievance procedure for parents or guardians;

42 (14) A description of the agreement and time frame for implementation between the  
43 charter school and the sponsor as to when a sponsor shall intervene in a charter school, when a  
44 sponsor shall revoke a charter for failure to comply with subsection 8 of this section, and when  
45 a sponsor will not renew a charter under subsection 9 of this section;

46 (15) Procedures to be implemented if the charter school should close, as provided in  
47 subdivision (6) of subsection 16 of section 160.400 including:

48 (a) Orderly transition of student records to new schools and archival of student records;

49 (b) Archival of business operation and transfer or repository of personnel records;

50 (c) Submission of final financial reports;

51 (d) Resolution of any remaining financial obligations;

52 (e) Disposition of the charter school's assets upon closure; and

53 (f) A notification plan to inform parents or guardians of students, the local school  
54 district, the retirement system in which the charter school's employees participate, and the state  
55 board of education within thirty days of the decision to close;

56 (16) A description of the special education and related services that shall be available  
57 to meet the needs of students with disabilities; and

58 (17) For all new or revised charters, procedures to be used upon closure of the charter  
59 school requiring that unobligated assets of the charter school be returned to the department of  
60 elementary and secondary education for their disposition, which upon receipt of such assets shall  
61 return them to the local school district in which the school was located, the state, or any other  
62 entity to which they would belong.

63

64 Charter schools operating on August 27, 2012, shall have until August 28, 2015, to meet the  
65 requirements of this subsection.

66 2. Proposed charters shall be subject to the following requirements:

67 (1) A charter shall be submitted to the sponsor, and follow the sponsor's policies and  
68 procedures for review and granting of a charter approval, and be approved by the state board of  
69 education by January thirty-first prior to the school year of the proposed opening date of the  
70 charter school;

71 (2) A charter may be approved when the sponsor determines that the requirements of this  
72 section are met, determines that the applicant is sufficiently qualified to operate a charter school,  
73 and that the proposed charter is consistent with the sponsor's charter sponsorship goals and  
74 capacity. The sponsor's decision of approval or denial shall be made within ninety days of the  
75 filing of the proposed charter;

76 (3) If the charter is denied, the proposed sponsor shall notify the applicant in writing as  
77 to the reasons for its denial and forward a copy to the state board of education within five  
78 business days following the denial;

79 (4) If a proposed charter is denied by a sponsor, the proposed charter may be submitted  
80 to the state board of education, along with the sponsor's written reasons for its denial. If the state  
81 board determines that the applicant meets the requirements of this section, that the applicant is  
82 sufficiently qualified to operate the charter school, and that granting a charter to the applicant  
83 would be likely to provide educational benefit to the children of the district, the state board may  
84 grant a charter and act as sponsor of the charter school. The state board shall review the  
85 proposed charter and make a determination of whether to deny or grant the proposed charter  
86 within sixty days of receipt of the proposed charter, provided that any charter to be considered  
87 by the state board of education under this subdivision shall be submitted no later than March first  
88 prior to the school year in which the charter school intends to begin operations. The state board  
89 of education shall notify the applicant in writing as to the reasons for its denial, if applicable; and

90 (5) The sponsor of a charter school shall give priority to charter school applicants that  
91 propose a school oriented to high-risk students and to the reentry of dropouts into the school  
92 system. If a sponsor grants three or more charters, at least one-third of the charters granted by  
93 the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student  
94 body and address the needs of dropouts or high-risk students through their proposed mission,  
95 curriculum, teaching methods, and services. For purposes of this subsection, a "high-risk"  
96 student is one who is at least one year behind in satisfactory completion of course work or  
97 obtaining high school credits for graduation, has dropped out of school, is at risk of dropping out  
98 of school, needs drug and alcohol treatment, has severe behavioral problems, has been suspended

99 from school three or more times, has a history of severe truancy, is a pregnant or parenting teen,  
100 has been referred for enrollment by the judicial system, is exiting incarceration, is a refugee, is  
101 homeless or has been homeless sometime within the preceding six months, has been referred by  
102 an area school district for enrollment in an alternative program, or qualifies as high risk under  
103 department of elementary and secondary education guidelines. Dropout shall be defined through  
104 the guidelines of the school core data report. The provisions of this subsection do not apply to  
105 charters sponsored by the state board of education.

106 3. If a charter is approved by a sponsor, the charter application shall be submitted to the  
107 state board of education, along with a statement of finding by the sponsor that the application  
108 meets the requirements of sections 160.400 to 160.425 and section 167.349 and a monitoring  
109 plan under which the charter sponsor shall evaluate the academic performance, including annual  
110 performance reports, of students enrolled in the charter school. The state board of education  
111 shall approve or deny a charter application within sixty days of receipt of the application. The  
112 state board of education may deny a charter on grounds that the application fails to meet the  
113 requirements of sections 160.400 to 160.425 and section 167.349 or that a charter sponsor  
114 previously failed to meet the statutory responsibilities of a charter sponsor. Any denial of a  
115 charter application made by the state board of education shall be in writing and shall identify the  
116 specific failures of the application to meet the requirements of sections 160.400 to 160.425 and  
117 section 167.349, and the written denial shall be provided within ten business days to the sponsor.

118 4. A charter school shall, as provided in its charter:

119 (1) Be nonsectarian in its programs, admission policies, employment practices, and all  
120 other operations;

121 (2) Comply with laws and regulations of the state, county, or city relating to health,  
122 safety, and state minimum educational standards, as specified by the state board of education,  
123 including the requirements relating to student discipline under sections 160.261, 167.161,  
124 167.164, and 167.171, notification of criminal conduct to law enforcement authorities under  
125 sections **160.261 and** 167.115 [~~to 167.117~~], academic assessment under section 160.518,  
126 transmittal of school records under section 167.020, the minimum amount of school time  
127 required under section 171.031, and the employee criminal history background check [~~and the~~  
128 ~~family care safety registry check~~] under section 168.133;

129 (3) Except as provided in sections 160.400 to 160.425 and as specifically provided in  
130 other sections, be exempt from all laws and rules relating to schools, governing boards and  
131 school districts;

132 (4) Be financially accountable, use practices consistent with the Missouri financial  
133 accounting manual, provide for an annual audit by a certified public accountant, publish audit  
134 reports and annual financial reports as provided in chapter 165, provided that the annual financial

135 report may be published on the department of elementary and secondary education's internet  
136 website in addition to other publishing requirements, and provide liability insurance to indemnify  
137 the school, its board, staff and teachers against tort claims. A charter school that receives local  
138 educational agency status under subsection 6 of this section shall meet the requirements imposed  
139 by the Elementary and Secondary Education Act for audits of such agencies and comply with all  
140 federal audit requirements for charters with local educational agency status. For purposes of an  
141 audit by petition under section 29.230, a charter school shall be treated as a political subdivision  
142 on the same terms and conditions as the school district in which it is located. For the purposes  
143 of securing such insurance, a charter school shall be eligible for the Missouri public entity risk  
144 management fund pursuant to section 537.700. A charter school that incurs debt shall include  
145 a repayment plan in its financial plan;

146 (5) Provide a comprehensive program of instruction for at least one grade or age group  
147 from early childhood through grade twelve, as specified in its charter;

148 (6) (a) Design a method to measure ~~[pupil]~~ **student** progress toward the ~~[pupil]~~ **student**  
149 academic standards adopted by the state board of education pursuant to section 160.514,  
150 establish baseline student performance in accordance with the performance contract during the  
151 first year of operation, collect student performance data as defined by the annual performance  
152 report throughout the duration of the charter to annually monitor student academic performance,  
153 and to the extent applicable based upon grade levels offered by the charter school, participate in  
154 the statewide system of assessments, comprised of the essential skills tests and the nationally  
155 standardized norm-referenced achievement tests, as designated by the state board pursuant to  
156 section 160.518, complete and distribute an annual report card as prescribed in section 160.522,  
157 which shall also include a statement that background checks have been completed on the charter  
158 school's board members, and report to its sponsor, the local school district, and the state board  
159 of education as to its teaching methods and any educational innovations and the results thereof.  
160 No charter school shall be considered in the Missouri school improvement program review of  
161 the district in which it is located for the resource or process standards of the program.

162 (b) For proposed high-risk or alternative charter schools, sponsors shall approve  
163 performance measures based on mission, curriculum, teaching methods, and services. Sponsors  
164 shall also approve comprehensive academic and behavioral measures to determine whether  
165 students are meeting performance standards on a different time frame as specified in that school's  
166 charter. Student performance shall be assessed comprehensively to determine whether a  
167 high-risk or alternative charter school has documented adequate student progress. Student  
168 performance shall be based on sponsor-approved comprehensive measures as well as  
169 standardized public school measures. Annual presentation of charter school report card data to

170 the department of elementary and secondary education, the state board, and the public shall  
171 include comprehensive measures of student progress.

172 (c) Nothing in this subdivision shall be construed as permitting a charter school to be  
173 held to lower performance standards than other public schools within a district; however, the  
174 charter of a charter school may permit students to meet performance standards on a different time  
175 frame as specified in its charter. The performance standards for alternative and special purpose  
176 charter schools that target high-risk students as defined in subdivision (5) of subsection 2 of this  
177 section shall be based on measures defined in the school's performance contract with its  
178 sponsors;

179 (7) Comply with all applicable federal and state laws and regulations regarding students  
180 with disabilities, including sections 162.670 to 162.710, the Individuals with Disabilities  
181 Education Act (20 U.S.C. Section 1400, **et seq.**) and Section 504 of the Rehabilitation Act of  
182 1973 (29 U.S.C. Section 794) or successor legislation;

183 (8) Provide along with any request for review by the state board of education the  
184 following:

185 (a) Documentation that the applicant has provided a copy of the application to the school  
186 board of the district in which the charter school is to be located, except in those circumstances  
187 where the school district is the sponsor of the charter school; and

188 (b) A statement outlining the reasons for approval or denial by the sponsor, specifically  
189 addressing the requirements of sections 160.400 to 160.425 and 167.349.

190 5. (1) Proposed or existing high-risk or alternative charter schools may include  
191 alternative arrangements for students to obtain credit for satisfying graduation requirements in  
192 the school's charter application and charter. Alternative arrangements may include, but not be  
193 limited to, credit for off-campus instruction, embedded credit, work experience through an  
194 internship arranged through the school, and independent studies. When the state board of  
195 education approves the charter, any such alternative arrangements shall be approved at such time.

196 (2) The department of elementary and secondary education shall conduct a study of any  
197 charter school granted alternative arrangements for students to obtain credit under this subsection  
198 after three years of operation to assess student performance, graduation rates, educational  
199 outcomes, and entry into the workforce or higher education.

200 6. The charter of a charter school may be amended at the request of the governing body  
201 of the charter school and on the approval of the sponsor. The sponsor and the governing board  
202 and staff of the charter school shall jointly review the school's performance, management and  
203 operations during the first year of operation and then every other year after the most recent  
204 review or at any point where the operation or management of the charter school is changed or  
205 transferred to another entity, either public or private. The governing board of a charter school

206 may amend the charter, if the sponsor approves such amendment, or the sponsor and the  
207 governing board may reach an agreement in writing to reflect the charter school's decision to  
208 become a local educational agency. In such case the sponsor shall give the department of  
209 elementary and secondary education written notice no later than March first of any year, with the  
210 agreement to become effective July first. The department may waive the March first notice date  
211 in its discretion. The department shall identify and furnish a list of its regulations that pertain  
212 to local educational agencies to such schools within thirty days of receiving such notice.

213 7. Sponsors shall annually review the charter school's compliance with statutory  
214 standards including:

215 (1) Participation in the statewide system of assessments, as designated by the state board  
216 of education under section 160.518;

217 (2) Assurances for the completion and distribution of an annual report card as prescribed  
218 in section 160.522;

219 (3) The collection of baseline data during the first three years of operation to determine  
220 the longitudinal success of the charter school;

221 (4) A method to measure ~~[pupil]~~ **student** progress toward the ~~[pupil]~~ **student** academic  
222 standards adopted by the state board of education under section 160.514; and

223 (5) Publication of each charter school's annual performance report.

224 8. (1) (a) A sponsor's policies shall give schools clear, adequate, evidence-based, and  
225 timely notice of contract violations or performance deficiencies and mandate intervention based  
226 upon findings of the state board of education of the following:

227 a. The charter school provides a high school program which fails to maintain a  
228 graduation rate of at least seventy percent in three of the last four school years unless the school  
229 has dropout recovery as its mission;

230 b. The charter school's annual performance report results are below the district's annual  
231 performance report results based on the performance standards that are applicable to the grade  
232 level configuration of both the charter school and the district in which the charter school is  
233 located in three of the last four school years; and

234 c. The charter school is identified as a persistently lowest achieving school by the  
235 department of elementary and secondary education.

236 (b) A sponsor shall have a policy to revoke a charter during the charter term if there is:

237 a. Clear evidence of underperformance as demonstrated in the charter school's annual  
238 performance report in three of the last four school years; or

239 b. A violation of the law or the public trust that imperils students or public funds.

240 (c) A sponsor shall revoke a charter or take other appropriate remedial action, which may  
241 include placing the charter school on probationary status for no more than twenty-four months,



242 provided that no more than one designation of probationary status shall be allowed for the  
243 duration of the charter contract, at any time if the charter school commits a serious breach of one  
244 or more provisions of its charter or on any of the following grounds: failure to meet the  
245 performance contract as set forth in its charter, failure to meet generally accepted standards of  
246 fiscal management, failure to provide information necessary to confirm compliance with all  
247 provisions of the charter and sections 160.400 to 160.425 and 167.349 within forty-five days  
248 following receipt of written notice requesting such information, or violation of law.

249 (2) The sponsor may place the charter school on probationary status to allow the  
250 implementation of a remedial plan, which may require a change of methodology, a change in  
251 leadership, or both, after which, if such plan is unsuccessful, the charter may be revoked.

252 (3) At least sixty days before acting to revoke a charter, the sponsor shall notify the  
253 governing board of the charter school of the proposed action in writing. The notice shall state  
254 the grounds for the proposed action. The school's governing board may request in writing a  
255 hearing before the sponsor within two weeks of receiving the notice.

256 (4) The sponsor of a charter school shall establish procedures to conduct administrative  
257 hearings upon determination by the sponsor that grounds exist to revoke a charter. Final  
258 decisions of a sponsor from hearings conducted pursuant to this subsection are subject to an  
259 appeal to the state board of education, which shall determine whether the charter shall be  
260 revoked.

261 (5) A termination shall be effective only at the conclusion of the school year, unless the  
262 sponsor determines that continued operation of the school presents a clear and immediate threat  
263 to the health and safety of the children.

264 (6) A charter sponsor shall make available the school accountability report card  
265 information as provided under section 160.522 and the results of the academic monitoring  
266 required under subsection 3 of this section.

267 9. (1) A sponsor shall take all reasonable steps necessary to confirm that each charter  
268 school sponsored by such sponsor is in material compliance and remains in material compliance  
269 with all material provisions of the charter and sections 160.400 to 160.425 and 167.349. Every  
270 charter school shall provide all information necessary to confirm ongoing compliance with all  
271 provisions of its charter and sections 160.400 to 160.425 and 167.349 in a timely manner to its  
272 sponsor.

273 (2) The sponsor's renewal process of the charter school shall be based on the thorough  
274 analysis of a comprehensive body of objective evidence and consider if:

275 (a) The charter school has maintained results on its annual performance report that meet  
276 or exceed the district in which the charter school is located based on the performance standards

277 that are applicable to the grade-level configuration of both the charter school and the district in  
278 which the charter school is located in three of the last four school years;

279 (b) The charter school is organizationally and fiscally viable determining at a minimum  
280 that the school does not have:

281 a. A negative balance in its operating funds;

282 b. A combined balance of less than three percent of the amount expended for such funds  
283 during the previous fiscal year; or

284 c. Expenditures that exceed receipts for the most recently completed fiscal year;

285 (c) The charter is in compliance with its legally binding performance contract and  
286 sections 160.400 to 160.425 and section 167.349; and

287 (d) The charter school has an annual performance report consistent with a classification  
288 of accredited for three of the last four years and is fiscally viable as described in paragraph (b)  
289 of this subdivision. If such is the case, the charter school may have an expedited renewal process  
290 as defined by rule of the department of elementary and secondary education.

291 (3) (a) Beginning August first during the year in which a charter is considered for  
292 renewal, a charter school sponsor shall demonstrate to the state board of education that the  
293 charter school is in compliance with federal and state law as provided in sections 160.400 to  
294 160.425 and section 167.349 and the school's performance contract including but not limited to  
295 those requirements specific to academic performance.

296 (b) Along with data reflecting the academic performance standards indicated in  
297 paragraph (a) of this subdivision, the sponsor shall submit a revised charter application to the  
298 state board of education for review.

299 (c) Using the data requested and the revised charter application under paragraphs (a) and  
300 (b) of this subdivision, the state board of education shall determine if compliance with all  
301 standards enumerated in this subdivision has been achieved. The state board of education at its  
302 next regularly scheduled meeting shall vote on the revised charter application.

303 (d) If a charter school sponsor demonstrates the objectives identified in this subdivision,  
304 the state board of education shall renew the school's charter.

305 10. A school district may enter into a lease with a charter school for physical facilities.

306 11. A governing board or a school district employee who has control over personnel  
307 actions shall not take unlawful reprisal against another employee at the school district because  
308 the employee is directly or indirectly involved in an application to establish a charter school. A  
309 governing board or a school district employee shall not take unlawful reprisal against an  
310 educational program of the school or the school district because an application to establish a  
311 charter school proposes the conversion of all or a portion of the educational program to a charter  
312 school. As used in this subsection, "unlawful reprisal" means an action that is taken by a

313 governing board or a school district employee as a direct result of a lawful application to  
314 establish a charter school and that is adverse to another employee or an educational program.

315 12. Charter school board members shall be subject to the same liability for acts while  
316 in office as if they were regularly and duly elected members of school boards in any other public  
317 school district in this state. The governing board of a charter school may participate, to the same  
318 extent as a school board, in the Missouri public entity risk management fund in the manner  
319 provided under sections 537.700 to 537.756.

320 13. Any entity, either public or private, operating, administering, or otherwise managing  
321 a charter school shall be considered a quasi-public governmental body and subject to the  
322 provisions of sections 610.010 to 610.035.

323 14. The chief financial officer of a charter school shall maintain:

324 (1) A surety bond in an amount determined by the sponsor to be adequate based on the  
325 cash flow of the school; or

326 (2) An insurance policy issued by an insurance company licensed to do business in  
327 Missouri on all employees in the amount of five hundred thousand dollars or more that provides  
328 coverage in the event of employee theft.

329 15. The department of elementary and secondary education shall calculate an annual  
330 performance report for each charter school and shall publish it in the same manner as annual  
331 performance reports are calculated and published for districts and attendance centers.

332 16. The joint committee on education shall create a committee to investigate facility  
333 access and affordability for charter schools. The committee shall be comprised of equal numbers  
334 of the charter school sector and the public school sector and shall report its findings to the  
335 general assembly by December 31, 2016.

160.420. 1. Any school district in which charter schools may be established under  
2 sections 160.400 to 160.425 shall establish a uniform policy which provides that if a charter  
3 school offers to retain the services of an employee of a school district, and the employee accepts  
4 a position at the charter school, an employee at the employee's option may remain an employee  
5 of the district and the charter school shall pay to the district the district's full costs of salary and  
6 benefits provided to the employee. The district's policy shall provide that any teacher who  
7 accepts a position at a charter school and opts to remain an employee of the district retains such  
8 teacher's permanent teacher status and retains such teacher's seniority rights in the district for  
9 three years. The school district shall not be liable for any such employee's acts while an  
10 employee of the charter school.

11 2. A charter school may employ noncertificated instructional personnel; provided that  
12 no more than twenty percent of the full-time equivalent instructional staff positions at the school  
13 are filled by noncertificated personnel. All noncertificated instructional personnel shall be

14 supervised by certificated instructional personnel. A charter school that has a foreign language  
15 immersion experience as its chief educational mission, as stated in its charter, shall not be subject  
16 to the twenty-percent requirement of this subsection but shall ensure that any teachers whose  
17 duties include instruction given in a foreign language have current valid credentials in the  
18 country in which such teacher received his or her training and shall remain subject to the  
19 remaining requirements of this subsection. The charter school shall ensure that all instructional  
20 employees of the charter school have experience, training and skills appropriate to the  
21 instructional duties of the employee, and the charter school shall ensure that a criminal  
22 background check ~~[and family care safety registry check are]~~ is conducted for each employee of  
23 the charter school prior to the hiring of the employee under the requirements of section 168.133.  
24 The charter school may not employ instructional personnel whose certificate of license to teach  
25 has been revoked or is currently suspended by the state board of education. Appropriate  
26 experience, training and skills of noncertificated instructional personnel shall be determined  
27 considering:

- 28 (1) Teaching certificates issued by another state or states;
- 29 (2) Certification by the National Board for Professional Teaching Standards;
- 30 (3) College degrees in the appropriate field;
- 31 (4) Evidence of technical training and competence when such is appropriate; and
- 32 (5) The level of supervision and coordination with certificated instructional staff.

33 3. Personnel employed by the charter school shall participate in the retirement system  
34 of the school district in which the charter school is located, subject to the same terms, conditions,  
35 requirements and other provisions applicable to personnel employed by the school district. For  
36 purposes of participating in the retirement system, the charter school shall be considered to be  
37 a public school within the school district, and personnel employed by the charter school shall be  
38 public school employees. In the event of a lapse of the school district's corporate organization  
39 as described in subsections 1 and 4 of section 162.081, personnel employed by the charter school  
40 shall continue to participate in the retirement system and shall do so on the same terms,  
41 conditions, requirements and other provisions as they participated prior to the lapse.

~~160.660. 1. [On or before July 1, 2001, the state board of education shall add to any  
2 school facilities and safety criteria developed for the Missouri school improvement program  
3 provisions that require:~~

4 ~~————(1)] Each school board of a school district or governing board of a charter school~~  
5 ~~shall designate an employee to serve as the safety coordinator for the district or charter~~  
6 ~~school. The school board or governing board shall report the name of the safety~~  
7 ~~coordinator to the department of public safety. Each school district's or charter school's~~  
8 ~~designated safety coordinator [to] shall have or develop a thorough knowledge of all federal,~~

9 state and local school violence prevention programs and resources available to students, teachers  
10 or staff in the district]; ~~and~~

11 ~~———— (2) Each school district to fully utilize all such programs and resources that the local~~  
12 ~~school board or its designee determines are necessary and cost-effective for the school district].~~

13 2. ~~[Any rule or portion of a rule, as that term is defined in section 536.010, that is created~~  
14 ~~under the authority delegated in this section shall become effective only if it complies with and~~  
15 ~~is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section~~  
16 ~~and chapter 536 are nonseverable and if any of the powers vested with the general assembly~~  
17 ~~pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule~~  
18 ~~are subsequently held unconstitutional, then the grant of rulemaking authority and any rule~~  
19 ~~proposed or adopted after August 28, 2000, shall be invalid and void.]~~ **The school safety**  
20 **coordinator shall attend a minimum of twenty hours of annual training on safety issues**  
21 **applicable to schools provided by the department of public safety.**

22 3. **The school safety coordinator shall attend behavior risk assessment training with**  
23 **other appropriate school district and charter school employees on a regular basis. This**  
24 **training, even if not provided by the department of public safety, may count toward the**  
25 **twenty hours of annual training required under subsection 2 of this section.**

26 4. **The school safety coordinator shall develop and maintain a high-quality**  
27 **emergency operations plan for the district or charter school and each school building, and**  
28 **shall work directly with the superintendent and school board or charter school**  
29 **administrator and governing board of the charter school to implement the plan. The**  
30 **school board of the district or the governing board of the charter school shall adopt the**  
31 **emergency operations plan before July 1, 2020, and shall provide the plan to the**  
32 **department of public safety. The plan shall be a closed record under chapter 610, but it**  
33 **may be developed in cooperation with law enforcement and other relevant agencies and**  
34 **shared with those agencies. Each school year, the school board of the district or the**  
35 **governing board of the charter school shall review the plan, re-adopt it, and provide it to**  
36 **the department of public safety. The school board or governing board may change the**  
37 **plan as necessary throughout the school year.**

38 5. **The school safety coordinator shall oversee implementation of safety training**  
39 **including, but not limited to, bullying prevention, suicide prevention, methods of dealing**  
40 **with acts of school violence, and active shooter drills. The school safety coordinator shall**  
41 **coordinate safety drills or exercises in each building in a manner that aligns with the**  
42 **district's or charter school's emergency operations plan.**

43           **6. The school safety coordinator shall work with employees to develop strategies**  
44 **to foster an environment in which students feel comfortable sharing information regarding**  
45 **a potentially threatening or dangerous situation with a responsible adult.**

46           **7. The school safety coordinator shall collaborate on safety issues with outside**  
47 **agencies including, but not limited to, law enforcement, emergency first responders, mental**  
48 **health services, and public health services.**

49           **8. The school safety coordinator shall evaluate district or charter school facilities,**  
50 **or coordinate a facility evaluation, and make recommendations to improve the physical**  
51 **security and safety of school buildings.**

52           **9. The school safety coordinator shall make recommendations at least annually to**  
53 **the superintendent and the school board or the charter school administrator and the**  
54 **governing board of the charter school on methods of improving safety in the district or**  
55 **charter school.**

56           **10. The department of public safety shall promulgate any necessary rules for the**  
57 **administration of this section. Any rule or portion of a rule, as that term is defined in**  
58 **section 536.010, that is created under the authority delegated in this section shall become**  
59 **effective only if it complies with and is subject to all of the provisions of chapter 536 and,**  
60 **if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any**  
61 **of the powers vested with the general assembly pursuant to chapter 536 to review, to delay**  
62 **the effective date, or to disapprove and annul a rule are subsequently held**  
63 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**  
64 **after August 28, 2019, shall be invalid and void.**

          160.2500. 1. This section shall be known and may be cited as the "Missouri Student  
2 Religious Liberties Act".

3           2. A public school district shall not discriminate against students or parents on the basis  
4 of a religious viewpoint or religious expression. A school district shall treat a student's voluntary  
5 expression of a religious viewpoint, if any, on an otherwise permissible subject in the same  
6 manner the district treats a student's voluntary expression of a secular or other viewpoint on an  
7 otherwise permissible subject and shall not discriminate against the student based on a religious  
8 viewpoint expressed by the student on an otherwise permissible subject.

9           3. Students may express their beliefs about religion in homework, artwork, and other  
10 written and oral assignments free from discrimination based on the religious content of their  
11 submissions. Homework and classroom assignments shall be judged by ordinary academic  
12 standards of substance and relevance and against other legitimate pedagogical concerns identified  
13 by the school district. Students shall not be penalized or rewarded on account of the religious  
14 content of their work. If an assignment requires a student's viewpoints to be expressed in course

15 work, artwork or other written or oral assignments, a public school district shall not penalize or  
16 reward a student on the basis of religious content or a religious viewpoint. In such an  
17 assignment, a student's academic work that expresses a religious viewpoint shall be evaluated  
18 based on ordinary academic standards of substance and relevance to the course curriculum or  
19 requirements of the course work or assignment.

20 4. Students in public schools may pray or engage in religious activities or religious  
21 expression before, during and after the school day in the same manner and to the same extent that  
22 students may engage in nonreligious activities or expression, provided that such religious  
23 expression or religious activities are not disruptive of scheduled instructional time or other  
24 educational activities and do not impede access to school facilities or mobility on school  
25 premises. Students may organize prayer groups, religious clubs, or other religious gatherings  
26 before, during and after school to the same extent that students are permitted to organize other  
27 noncurricular student activities and groups. Religious groups shall be given the same access to  
28 school facilities for assembling as is given to other noncurricular groups without discrimination  
29 based on the religious content of the student's expression. If student groups that meet for  
30 nonreligious activities are permitted to advertise or announce meetings of the groups, the school  
31 district shall not discriminate against groups that meet for prayer or other religious speech. A  
32 school district may disclaim school sponsorship of noncurricular groups and events in a manner  
33 that neither favors nor disfavors groups that meet to engage in prayer or religious speech.

34 5. Students in public schools may wear clothing, accessories and jewelry that display  
35 religious messages or religious symbols in the same manner and to the same extent that other  
36 types of clothing, accessories and jewelry that display messages or symbols are permitted [~~as~~  
37 ~~specified in subsection 7 of section 167.166~~] **by the school district.**

38 6. (1) To ensure that the school district does not discriminate against a student's publicly  
39 stated voluntary expression of a religious viewpoint, if any, and to eliminate any actual or  
40 perceived affirmative school sponsorship or attribution to the district of a student's expression  
41 of a religious viewpoint, if any, a school district shall adopt a policy, which shall include the  
42 establishment of a limited public forum for student speakers at all school events at which a  
43 student is to publicly speak. The policy regarding the limited public forum shall also require the  
44 school district to:

45 (a) Provide the forum in a manner that does not discriminate against a student's voluntary  
46 expression of a religious viewpoint, if any, on an otherwise permissible subject;

47 (b) Provide a method, based on neutral criteria, for the selection of student speakers at  
48 school events and graduation ceremonies;

49 (c) Ensure that a student speaker does not engage in obscene, vulgar, offensively lewd  
50 or indecent speech; and

51 (d) State, in writing, orally, or both, that the student's speech does not reflect the  
52 endorsement, sponsorship, position or expression of the district.

53 (2) The school district disclaimer required by paragraph (d) of subdivision (1) of this  
54 subsection shall be provided at all graduation ceremonies. The school district shall also continue  
55 to provide the disclaimer at any other event in which a student speaks publicly for as long as a  
56 need exists to dispel confusion over the district's nonsponsorship of the student's speech.

57 (3) Student expression on an otherwise permissible subject shall not be excluded from  
58 the limited public forum because the subject is expressed from a religious viewpoint.

59 (4) All public school districts shall adopt and implement a local policy regarding a  
60 limited public forum and voluntary student expression of religious viewpoints.

61 7. The provisions of this section shall not be construed to authorize this state or any of  
62 its political subdivisions to either:

63 (1) Require any person to participate in prayer or in any other religious activity; or

64 (2) Violate the constitutional rights of any person.

65 8. The provisions of this section shall not be construed to limit the authority of any  
66 public school to do any of the following:

67 (1) Maintain order and discipline on the campus of the public school in a content and  
68 viewpoint neutral manner;

69 (2) Protect the safety of students, employees and visitors of the public school;

70 (3) Adopt and enforce policies and procedures regarding student speech at school,  
71 provided that the policies and procedures do not violate the rights of students as guaranteed by  
72 law.

73 9. The provisions of section 1.140 are applicable to this section.

162.069. 1. Every school district **and charter school** shall~~by March 1, 2012,~~  
2 promulgate a written policy concerning employee-student communication. ~~[The governing body~~  
3 ~~of each charter school shall adopt a written policy concerning employee-student communication~~  
4 ~~by January 1, 2014.]~~ Such policy shall include, but not be limited to, the use of electronic media  
5 and other mechanisms to prevent improper communications between staff members and students.

6 2. The school board of each school district and the governing body of each charter school  
7 shall~~by January 1, 2014,~~ adopt and implement training guidelines and an annual training  
8 program for all school employees who are mandatory reporters of child abuse or neglect under  
9 section 210.115.

10 3. Every school district and the governing body of each charter school shall~~by July 1,~~  
11 ~~2014,~~ include in its teacher and employee training a component that provides up-to-date and  
12 reliable information on identifying signs of sexual abuse in children and danger signals of  
13 potentially abusive relationships between children and adults. The training shall emphasize the



14 importance of mandatory reporting of abuse under section 210.115 including the obligation of  
15 mandated reporters to report suspected abuse by other mandated reporters, and how to establish  
16 an atmosphere of trust so that students feel their school has concerned adults with whom they  
17 feel comfortable discussing matters related to abuse. The training shall also emphasize that:

18 (1) All mandatory reporters shall, upon finding reasonable cause, directly and  
19 immediately report suspected child abuse or neglect as provided in section 210.115;

20 (2) No supervisor or administrator may impede or inhibit any reporting under section  
21 210.115; and

22 (3) No person making a report under section 210.115 shall be subject to any sanction,  
23 including any adverse employment action, for making such report.

24 **4. As a condition of obtaining and maintaining a license as a school district**  
25 **administrator, the state board of education shall require every applicant and license holder**  
26 **to attend a training provided or approved by the department of elementary and secondary**  
27 **education on improper sexual relationships between adults and children in the school**  
28 **environment, how to prevent this misconduct, and how to investigate and respond to**  
29 **allegations. Every license holder shall attend the training at least every four years.**

167.020. 1. As used in this section, the term "homeless child" or "homeless youth" shall  
2 mean a person less than twenty-one years of age who lacks a fixed, regular and adequate  
3 nighttime residence, including a child or youth who:

4 (1) Is sharing the housing of other persons due to loss of housing, economic hardship,  
5 or a similar reason; is living in motels, hotels, or camping grounds due to lack of alternative  
6 adequate accommodations; is living in emergency or transitional shelters; is abandoned in  
7 hospitals; or is awaiting foster care placement;

8 (2) Has a primary nighttime residence that is a public or private place not designed for  
9 or ordinarily used as a regular sleeping accommodation for human beings;

10 (3) Is living in cars, parks, public spaces, abandoned buildings, substandard housing, bus  
11 or train stations, or similar settings; and

12 (4) Is a migratory child or youth who qualifies as homeless because the child or youth  
13 is living in circumstances described in subdivisions (1) to (3) of this subsection.

14 2. In order to register a ~~[pupil]~~ **student**, the parent or legal guardian of the ~~[pupil]~~  
15 **student** or the ~~[pupil]~~ **student** himself or herself shall provide, at the time of registration, one  
16 of the following:

17 (1) Proof of residency in the district. Except as otherwise provided in section 167.151,  
18 the term "residency" shall mean that a person both physically resides within a school district and  
19 is domiciled within that district or, in the case of a private school student suspected of having  
20 a disability under the Individuals With Disabilities Education Act, 20 U.S.C. Section 1412, et

21 seq., that the student attends private school within that district. The domicile of a minor child  
22 shall be the domicile of a parent, military guardian pursuant to a military-issued guardianship or  
23 court-appointed legal guardian. For instances in which the family of a student living in Missouri  
24 co-locates to live with other family members or live in a military family support community  
25 because one or both of the child's parents are stationed or deployed out of state or deployed  
26 within Missouri under ~~[Title 32 or Title 10]~~ active duty orders **under Title 10 or Title 32 of the**  
27 **United States Code**, the student may attend the school district in which the family member's  
28 residence or family support community is located. If the active duty orders expire during the  
29 school year, the student may finish the school year in that district; or

30 (2) Proof that the person registering the student has requested a waiver under subsection  
31 3 of this section within the last forty-five days.

32

33 In instances where there is reason to suspect that admission of the ~~[pupil]~~ **student** will create an  
34 immediate danger to the safety of other ~~[pupils]~~ **students** and employees of the district, the  
35 superintendent or the superintendent's designee may convene a hearing within five working days  
36 of the request to register and determine whether or not the ~~[pupil]~~ **student** may register.

37 3. Any person subject to the requirements of subsection 2 of this section may request a  
38 waiver from the district board of any of those requirements on the basis of hardship or good  
39 cause. Under no circumstances shall athletic ability be a valid basis of hardship or good cause  
40 for the issuance of a waiver of the requirements of subsection 2 of this section. The district  
41 board or committee of the board appointed by the president and which shall have full authority  
42 to act in lieu of the board shall convene a hearing as soon as possible, but no later than forty-five  
43 days after receipt of the waiver request made under this subsection or the waiver request shall  
44 be granted. The district board or committee of the board may grant the request for a waiver of  
45 any requirement of subsection 2 of this section. The district board or committee of the board  
46 may also reject the request for a waiver in which case the ~~[pupil]~~ **student** shall not be allowed  
47 to register. Any person aggrieved by a decision of a district board or committee of the board on  
48 a request for a waiver under this subsection may appeal such decision to the circuit court in the  
49 county where the school district is located.

50 4. Any person who knowingly submits false information to satisfy any requirement of  
51 subsection 2 of this section is guilty of a class A misdemeanor.

52 5. In addition to any other penalties authorized by law, a district board may file a civil  
53 action to recover, from the parent, military guardian or legal guardian of the ~~[pupil]~~ **student**, the  
54 costs of school attendance for any ~~[pupil]~~ **student** who was enrolled at a school in the district and  
55 whose parent, military guardian or legal guardian filed false information to satisfy any  
56 requirement of subsection 2 of this section.

57           6. Subsection 2 of this section shall not apply to a ~~[pupil]~~ **student** who is a homeless  
58 child or youth, or a ~~[pupil]~~ **student** attending a school not in the ~~[pupils]~~ **student's** district of  
59 residence as a participant in an interdistrict transfer program established under a court-ordered  
60 desegregation program, a ~~[pupil]~~ **student** who is a ward of the state and has been placed in a  
61 residential care facility by state officials, a ~~[pupil]~~ **student** who has been placed in a residential  
62 care facility due to a mental illness or developmental disability, a ~~[pupil]~~ **student** attending a  
63 school pursuant to sections 167.121 and 167.151, a ~~[pupil]~~ **student** placed in a residential facility  
64 by a juvenile court, a ~~[pupil]~~ **student** with a disability identified under state eligibility criteria  
65 if the student is in the district for reasons other than accessing the district's educational program,  
66 or a ~~[pupil]~~ **student** attending a regional or cooperative alternative education program or an  
67 alternative education program on a contractual basis.

68           7. Within two business days of enrolling a ~~[pupil]~~ **student**, the school official enrolling  
69 a ~~[pupil]~~ **student**, including any special education ~~[pupil]~~ **student**, shall request those records  
70 required by district policy for student transfer and those discipline records required by subsection  
71 ~~[9]~~ **11** of section 160.261 from all schools previously attended by the ~~[pupil]~~ **student** within the  
72 last twelve months. Any school district **or charter school** that receives a request for such  
73 records from another school district **or charter school** enrolling a ~~[pupil]~~ **student** that had  
74 previously attended a school in such district **or charter school** shall respond to such request  
75 within five business days of receiving the request. School districts may report or disclose  
76 education records to law enforcement and juvenile justice authorities if the disclosure concerns  
77 law enforcement's or juvenile justice authorities' ability to effectively serve, prior to adjudication,  
78 the student whose records are released. The officials and authorities to whom such information  
79 is disclosed must comply with applicable restrictions set forth in 20 U.S.C. Section  
80 1232g(b)(1)(E).

          167.022. Consistent with the provisions of section 167.020, within forty-eight hours of  
2 enrolling a nonresident ~~[pupil]~~ **student** placed pursuant to sections 210.481 to 210.536, the  
3 school official enrolling a ~~[pupil]~~ **student**, including any special education ~~[pupil]~~ **student**, shall  
4 request those records required by district policy for student transfer and those discipline records  
5 required by subsection ~~[9]~~ **11** of section 160.261 from all schools and other facilities previously  
6 attended by the ~~[pupil]~~ **student** and from other state agencies as enumerated in section 210.518  
7 and any entities involved with the placement of the student within the last twenty-four months.  
8 Any request for records under this section shall include, if applicable to the student, any records  
9 relating to an act of violence as defined under subsection ~~[7]~~ **11** of section ~~[160.262]~~ **160.261**.

          167.023. Prior to admission to any public school, **including any charter school**, a  
2 school board **of a district or governing board of a charter school** may require the parent,  
3 guardian, or other person having control or charge of a child of school age to provide, upon

4 enrollment, a sworn statement or affirmation indicating whether the student has been **or is**  
 5 **currently suspended or** expelled from school attendance at any school, public or private, in this  
 6 state or in any other state ~~[for an offense in violation of school board policies relating to~~  
 7 ~~weapons, alcohol or drugs, or for the willful infliction of injury to another person. Any person~~  
 8 ~~making a materially false statement or affirmation shall be guilty upon conviction of a class B~~  
 9 ~~misdemeanor]~~ **or has left a school under the threat of suspension or expulsion.** The  
 10 registration document shall be maintained as a part of the student's scholastic record. **Any**  
 11 **person who knowingly or recklessly falsifies information on the sworn statement is guilty**  
 12 **of a class E felony. All cases shall be referred to the local prosecuting attorney or the**  
 13 **attorney general's office for investigation and prosecution.**

167.121. If the residence of a ~~[pupil]~~ **student** is so located that attendance in the district  
 2 of residence constitutes an unusual or unreasonable transportation hardship because of natural  
 3 barriers, travel time, or distance, the commissioner of education or his or her designee may  
 4 assign the ~~[pupil]~~ **student** to another district **or charter school**, except as provided in section  
 5 167.125. Subject to the provisions of this section, all ~~[existing]~~ assignments shall be reviewed  
 6 ~~[prior to July 1, 1984, and from time to time thereafter,]~~ **annually** and may be continued or  
 7 rescinded. Any assignment granted to a ~~[pupil]~~ **student** under this section prior to August 28,  
 8 2018, shall remain in effect until the ~~[pupil]~~ **student** completes his or her course of study in the  
 9 receiving district or until the parent or guardian withdraws the ~~[pupil]~~ **student** from the  
 10 assignment. Any assignment granted to a ~~[pupil]~~ **student** under this section prior to August 28,  
 11 2018, shall also be applicable to any sibling of the ~~[pupil]~~ **student** and shall remain in effect until  
 12 the ~~[pupil]~~ **student** completes his or her course of study in the receiving district or until the  
 13 parent or guardian withdraws the ~~[pupil]~~ **student** from the assignment. The board of education  
 14 of the district in which the ~~[pupil]~~ **student** lives shall pay the tuition of the ~~[pupil]~~ **student**  
 15 assigned. The tuition shall not exceed the ~~[pro-rata cost of instruction]~~ **rate of tuition described**  
 16 **in section 167.131.**

167.122. 1. Notwithstanding any provisions of chapter 211 or chapter 610 to the  
 2 contrary the juvenile officer or an employee of the children's division shall notify the school  
 3 district **or charter school** that a child under judicial custody pursuant to subsection 3 of section  
 4 211.031 is being enrolled in that district or **charter school**, that a child already enrolled has been  
 5 taken into judicial custody, **or that a case is active regarding a child.**

2. The notification shall be given to the superintendent of schools or a designee **or the**  
 7 **charter school administrator or his or her designee**, either orally or in writing, at the time of  
 8 enrollment or no later than ~~[five]~~ **two business** days following the court taking custody of the  
 9 child under subsection 3 of section 211.031. If the report is made orally, written notice shall  
 10 follow in a timely manner. The notification shall ~~[describe any conduct that involved physical~~

11 ~~force with the intent to do serious bodily harm to another person]~~ **include a complete**  
12 **description of the case, the conduct the child is alleged to have committed, and the dates**  
13 **the conduct occurred,** but shall not include the name of any victim other than the child **unless**  
14 **the victim attends the same school district or charter school as the child.**

15 3. The superintendent or a designee **or charter school administrator or his or her**  
16 **designee** is authorized to share this information with teachers and other school district **or**  
17 **charter school** employees with a need to know while acting within the scope of their assigned  
18 duties pursuant to subsection 2 of section 160.261. Any information received by school district  
19 officials pursuant to this section shall be received in confidence and used for the limited purposes  
20 of assuring that good order and discipline is maintained in the school, or for intervention and  
21 counseling purposes for the benefit of the child. The information shall not be part of the child's  
22 permanent record. The information shall not be used as the sole basis for denying educational  
23 services to a ~~[pupil]~~ **student but may be used to provide the student educational services in**  
24 **an alternative environment. The school district or charter school may request that the**  
25 **attorney general's office seek an injunction from a court of competent jurisdiction on**  
26 **behalf of the school district or charter school to exclude the student from educational**  
27 **services if there is a substantial likelihood of danger to the safety of students or employees**  
28 **of the school district or charter school.**

167.161. 1. The school board of any district **or the governing board of any charter**  
2 **school,** after notice to parents or others having custodial care and a hearing upon charges  
3 preferred, may suspend or expel a ~~[pupil]~~ **student** for conduct which is prejudicial to good order  
4 and discipline in the schools or which tends to impair the morale or good conduct of the ~~[pupils]~~  
5 **students.** In addition to the authority granted in section 167.171, a school board **of a district**  
6 **or governing board of a charter school** may authorize, by general rule, the immediate removal  
7 of a ~~[pupil]~~ **student** upon a finding by the principal, superintendent, or ~~[school]~~ board that the  
8 ~~[pupil]~~ **student** poses a threat of harm to such ~~[pupil]~~ **student** or others, as evidenced by the  
9 prior conduct of such ~~[pupil]~~ **student.** Prior disciplinary actions shall not be used as the sole  
10 basis for removal, suspension or expulsion of a ~~[pupil]~~ **student.** Removal of any ~~[pupil who is~~  
11 ~~a]~~ student with a disability is subject to state and federal procedural rights. At the hearing upon  
12 any such removal, suspension or expulsion, the board shall consider the evidence and statements  
13 that the parties present and may consider records of past disciplinary actions, criminal court  
14 records or juvenile court records consistent with other provisions of the law, or the actions of the  
15 ~~[pupil]~~ **student** which would constitute a criminal offense. The board may provide by general  
16 rule not inconsistent with this section for the procedure and conduct of such hearings. After  
17 meeting with the superintendent or his **or her** designee **or charter school administrator or his**  
18 **or her designee** to discuss the expulsion, the parent, custodian or the student, if at least eighteen

19 years of age, may, in writing, waive any right to a hearing before the board of education **of the**  
 20 **district or the governing board of the charter school.**

21 2. The school board of any district **or governing board of any charter school**, after  
 22 notice to parents or others having custodial care and a hearing upon the matter, may suspend **or**  
 23 **expel** a ~~[pupil]~~ **student** upon a finding that the ~~[pupil]~~ **student** has been charged, convicted or  
 24 pled guilty in a court of general jurisdiction for the commission of a felony criminal violation of  
 25 state or federal law. At a hearing required by this subsection, the board shall consider statements  
 26 that the parties present. The board may provide for the procedure and conduct of such hearings.  
 27 **The superintendent or his or her designee or charter school administrator or his or her**  
 28 **designee may suspend the student pending the hearing or provide education in an**  
 29 **alternative environment.**

30 3. The school board **of the district or governing board of the charter school** shall  
 31 make a good-faith effort to have the parents or others having custodial care present at any such  
 32 hearing. Notwithstanding any other provision of law to the contrary, student discipline hearings  
 33 or proceedings related to the rights of students to attend school or to receive academic credit shall  
 34 not be required to comply with the requirements applicable to contested case hearings as  
 35 provided in chapter 536, provided that appropriate due process procedures shall be observed  
 36 which shall include the right for a trial de novo by the circuit court.

167.164. 1. Any ~~[suspension]~~ **expulsion** issued **by a school district or charter school**  
 2 pursuant to section 167.161[,], or this section~~[-, or expulsion pursuant to section 167.161,]~~ shall  
 3 not relieve the state or the ~~[suspended]~~ **expelled** student's parents or guardians of their  
 4 responsibilities to educate the student.

5 2. School districts are encouraged to provide an in-school suspension system and to  
 6 search for other acceptable discipline alternatives prior to using suspensions of more than ten  
 7 days or expelling a student from the school. **School districts that suspend or expel students**  
 8 **may provide education in an alternative location and may collect state aid for the**  
 9 **instruction provided.**

10 3. Each school district or special school district constituting the domicile of any child  
 11 for whom alternative education programs are provided or procured under this section shall pay  
 12 toward the per ~~[pupil]~~ **student** costs for alternative education programs for such child. A school  
 13 district which is not a special school district shall pay an amount equal to the average sum  
 14 produced per child by the local tax effort of the district of domicile. A special school district  
 15 shall pay an amount not to exceed the average sum produced per child by the local tax efforts of  
 16 the domiciliary districts. When educational services have been provided by the school district  
 17 or special school district in which a child actually resides, other than the district of domicile, the  
 18 amounts as provided in ~~[subsection 2 of]~~ this section for which the domiciliary school district

19 or special school district is responsible shall be paid by such district directly to the serving  
20 district. The school district, or special school district, as the case may be, shall send a written  
21 voucher for payment to the regular or special district constituting the domicile of the child served  
22 and the domiciliary school district or special school district receiving such voucher shall pay the  
23 district providing or procuring the services an amount not to exceed the average sum produced  
24 per child by the local tax efforts of the domiciliary districts. In the event the responsible district  
25 fails to pay the appropriate amount to the district within ninety days after a voucher is submitted,  
26 the state department of elementary and secondary education shall deduct the appropriate amount  
27 due from the next payments of any state financial aid due that district and shall pay the same to  
28 the appropriate district.

29 ~~[2-]~~ 4. A school district may contract with other political subdivisions, public agencies,  
30 not-for-profit organizations, or private agencies for the provision of alternative education  
31 services for students whose demonstrated disruptive behavior indicates that they cannot be  
32 adequately served in the traditional classroom setting. Such contracting may be included as part  
33 of a grant application pursuant to section 167.335 or conducted independent of the provisions  
34 of section 167.335.

167.166. 1. Except as provided in subsections 2 and 3 of this section, no employee of  
2 or volunteer at any public school or charter school within this state shall perform a strip search,  
3 as that term is defined in section 544.193, of any student of any such school. However, strip  
4 searches may be conducted by, or under the authority of, a commissioned law enforcement  
5 officer.

6 2. A student may be strip searched by a school employee only if a commissioned law  
7 enforcement officer is not immediately available and if the school employee reasonably believes  
8 that a student possesses a weapon, explosive, or substance that poses an imminent threat of  
9 physical harm to himself or herself or another person.

10 3. For the purposes of this section, the term "strip search" shall not include the removal  
11 of clothing in order to investigate the potential abuse or neglect of a student; give medical  
12 attention to a student; provide health services to a student; or screen a student for medical  
13 conditions.

14 4. If a student is strip searched by an employee of a school or a commissioned law  
15 enforcement officer, the district will attempt to notify the student's parent or guardian as soon  
16 as possible.

17 5. Any employee of a public school or charter school who violates the provisions of  
18 subsections 1 to 4 of this section shall be immediately suspended without pay, pending an  
19 evidentiary hearing when such employee is entitled by statute or contract to such hearing. If an  
20 employee is not entitled to such evidentiary hearing, the employee shall be suspended pending

21 completion of due process or further disciplinary action as provided in the district's personnel  
22 policies, as applicable.

23 6. For the purposes of subsections 1 to 5 of this section, the term "employee" shall  
24 include all temporary, part-time, and full-time employees of a public school or charter school.

25 ~~[7. No employee of or volunteer in or school board member of or school district  
26 administrator of a public school or charter school shall direct a student to remove an emblem,  
27 insignia, or garment, including a religious emblem, insignia, or garment, as long as such emblem,  
28 insignia, or garment is worn in a manner that does not promote disruptive behavior.]~~

167.171. 1. The school board in any district **or governing board of any charter school**,  
2 by general rule and for the causes provided in section 167.161, may authorize the summary  
3 suspension of ~~[pupils]~~ **students** by principals of schools for a period not to exceed ten school  
4 days and by the superintendent of schools **or charter school administrator** for a period not to  
5 exceed **an additional** one hundred and eighty school days. In case of a suspension by the  
6 superintendent **or charter school administrator** for more than ten school days, the ~~[pupil]~~  
7 **student**, the ~~[pupils]~~ **student's** parents or others having such ~~[pupils]~~ **student's** custodial care  
8 may appeal the decision of the superintendent **or charter school administrator** to the board or  
9 to a committee of board members appointed by the president of the board which shall have full  
10 authority to act in lieu of the board. Any suspension by a principal shall be immediately reported  
11 to the superintendent **or charter school administrator**, who may revoke the suspension at any  
12 time. In event of an appeal to the board, the superintendent **or charter school administrator**  
13 shall promptly transmit to it a full report in writing of the facts relating to the suspension, the  
14 action taken by the superintendent **or charter school administrator** and the reasons therefor and  
15 the board, upon request, shall grant a hearing to the appealing party to be conducted as provided  
16 in section 167.161.

17 2. No ~~[pupil]~~ **student** shall be suspended unless:

18 (1) The ~~[pupil]~~ **student** shall be given oral or written notice of the charges against such  
19 ~~[pupil]~~ **student**;

20 (2) If the ~~[pupil]~~ **student** denies the charges, such ~~[pupil]~~ **student** shall be given an oral  
21 or written explanation of the facts which form the basis of the proposed suspension;

22 (3) The ~~[pupil]~~ **student** shall be given an opportunity to present such ~~[pupils]~~ **student's**  
23 version of the incident; and

24 (4) In the event of a suspension for more than ten school days, where the ~~[pupil]~~ **student**  
25 gives notice that such ~~[pupil]~~ **student** wishes to appeal the suspension to the board, the  
26 suspension shall be stayed until the board renders its decision, unless in the judgment of the  
27 superintendent of schools, or of the district superintendent **or charter school administrator**, the  
28 ~~[pupils]~~ **student's** presence poses a continuing danger to persons or property or an ongoing



29 threat of disrupting the academic process, in which case the ~~[pupil]~~ **student** may be immediately  
30 removed from school, and the notice and hearing shall follow as soon as practicable.

31 3. ~~No school board shall readmit or enroll a pupil properly suspended for more than ten~~  
32 ~~consecutive school days for an act of school violence as defined in subsection 2 of section~~  
33 ~~160.261 regardless of whether or not such act was committed at a public school or at a private~~  
34 ~~school in this state, provided that such act shall have resulted in the suspension or expulsion of~~  
35 ~~such pupil in the case of a private school, or otherwise permit such pupil to attend school without~~  
36 ~~first holding a conference to review the conduct that resulted in the expulsion or suspension and~~  
37 ~~any remedial actions needed to prevent any future occurrences of such or related conduct] If a~~  
38 **student has been suspended for more than ten consecutive school days for an act of school**  
39 **violence, as defined in subsection 2 of section 160.261, from a public school, charter school,**  
40 **or private or parochial school, the student shall not be enrolled or readmitted by the board**  
41 **of a district or governing board of a charter school until a conference is held with the**  
42 **superintendent or his or her designee or charter school administrator or his or her designee**  
43 **to review the conduct and consider any remedial actions necessary to prevent additional**  
44 **misbehavior.** The conference shall include the appropriate school officials including any teacher  
45 employed in that school or district directly involved with the conduct that resulted in the  
46 suspension or expulsion, the ~~[pupil]~~ **student**, the parent or guardian of the ~~[pupil]~~ **student** or any  
47 agency having legal jurisdiction, care, custody or control of the ~~[pupil]~~ **student**. The school  
48 board **of the district or governing board of the charter school** shall notify in writing the  
49 parents or guardians and all other parties of the time, place, and agenda of any such conference.  
50 Failure of any party to attend this conference shall not preclude holding the conference.

51 4. Notwithstanding any provision of this subsection to the contrary, no ~~[pupil]~~ **student**  
52 shall be readmitted or enrolled to a regular program of instruction if:

53 (1) Such ~~[pupil]~~ **student** has been convicted of, **found guilty of, pled guilty to, or pled**  
54 **nolo contendere to any act, or an attempt to commit any act, enumerated in subdivision (4)**  
55 **of this subsection;** or

56 (2) An indictment or information has been filed alleging that the ~~[pupil]~~ **student** has  
57 committed **or attempted to commit** one of the acts enumerated in subdivision (4) of this  
58 subsection to which there has been no final judgment; or

59 (3) A petition has been filed pursuant to section 211.091 alleging that the ~~[pupil]~~ **student**  
60 has committed **or attempted to commit** one of the acts enumerated in subdivision (4) of this  
61 subsection to which there has been no final judgment; or

62 (4) The ~~[pupil]~~ **student** has been adjudicated to have committed **or attempted to**  
63 **commit** an act which if committed by an adult would be one of the following:

64 (a) First degree murder under section 565.020;

- 65 (b) Second degree murder under section 565.021;
- 66 (c) First degree assault under section 565.050;
- 67 (d) **Second degree assault under section 565.052;**
- 68 (e) Forcible rape under section 566.030 as it existed prior to August 28, 2013, or rape
- 69 in the first degree under section 566.030;
- 70 ~~[(e)]~~ **(f) Rape in the second degree under section 566.031;**
- 71 (g) Forcible sodomy under section 566.060 as it existed prior to August 28, 2013, or
- 72 sodomy in the first degree under section 566.060;
- 73 ~~[(f) Statutory rape under section 566.032;~~
- 74 ~~— [(g) Statutory sodomy under section 566.062;]~~
- 75 (h) **Sodomy in the second degree under section 566.061;**
- 76 (i) **Child molestation in the first degree under section 566.067;**
- 77 (j) **Child molestation in the second degree under section 566.068;**
- 78 (k) **Child molestation in the third degree under section 566.069;**
- 79 (l) **Child molestation in the fourth degree under section 566.071;**
- 80 (m) **Sexual abuse in the first degree under section 566.100;**
- 81 (n) Robbery in the first degree under section 569.020 as it existed prior to January 1,
- 82 2017, or robbery in the first degree under section 570.023;
- 83 ~~[(i)]~~ (o) Distribution of drugs to a minor under section 195.212 as it existed prior to
- 84 January 1, 2017, or delivery of a controlled substance under section 579.020;
- 85 ~~[(j)]~~ (p) Arson in the first degree under section 569.040;
- 86 ~~[(k)]~~ (q) Kidnapping or kidnapping in the first degree, when classified as a class A
- 87 felony under section 565.110.

88

89 ~~[Nothing in this subsection shall prohibit the readmittance or enrollment of any pupil]~~ **The**

90 **student shall be enrolled or readmitted** if ~~[a]~~ the petition has been dismissed, or when a

91 ~~[pupil]~~ **student** has been acquitted or adjudicated not to have committed any of the above acts.

92 This subsection shall not apply to a student with a disability, as identified under state eligibility

93 criteria, who is convicted or adjudicated guilty as a result of an action related to the student's

94 disability. Nothing in this subsection shall be construed to prohibit a school district which

95 provides an alternative education program from enrolling a ~~[pupil]~~ **student** in an alternative

96 education program if the district determines such enrollment is appropriate.

97 ~~[4.]~~ **5.** If a ~~[pupil]~~ **student** is attempting to enroll in a school district **or charter school**

98 during a suspension or expulsion from another in-state or out-of-state school district including

99 a private, charter or parochial school or school district, ~~[a conference with]~~ the superintendent

100 or the superintendent's designee ~~[may be held at the request of the parent, court-appointed legal~~

101 ~~guardian, someone acting as a parent as defined by rule in the case of a special education student,~~  
 102 ~~or the pupil] or the charter school administrator or his or her designee shall meet with the~~  
 103 **student and the parent, guardian, or person acting as a parent** to consider if the conduct of  
 104 the ~~[pupil] student~~ would have resulted in a suspension or expulsion in the district **or charter**  
 105 **school** in which the ~~[pupil] student~~ is enrolling. Upon a determination by the superintendent  
 106 or the superintendent's designee **or charter school administrator or his or her designee** that  
 107 such conduct would have resulted in a suspension or expulsion in the district **or charter school**  
 108 in which the ~~[pupil] student~~ is enrolling or attempting to enroll, the school district **or charter**  
 109 **school** may make such suspension or expulsion from another school or district effective in the  
 110 district **or charter school** in which the ~~[pupil] student~~ is enrolling or attempting to enroll. Upon  
 111 a determination by the superintendent or the superintendent's designee **or charter school**  
 112 **administrator or his or her designee** that such conduct would not have resulted in a suspension  
 113 or expulsion in the district **or charter school** in which the student is enrolling or attempting to  
 114 enroll, the school district **or charter school** shall not make such suspension or expulsion  
 115 effective in ~~[its]~~ **the district or charter school** in which the student is enrolling or attempting to  
 116 enroll.

167.627. 1. For purposes of this section, the following terms shall mean:

2 (1) "Medication", any medicine prescribed or ordered by a physician for the treatment  
 3 of asthma ~~[or]~~ , anaphylaxis, ~~[including without limitation inhaled bronchodilators and~~  
 4 ~~auto-injectible epinephrine]~~ **or other chronic health conditions;**

5 (2) "Self-administration", a ~~[pupil's] student's~~ discretionary use of medication prescribed  
 6 by a physician or under a written treatment plan from a physician.

7 2. Each board of education **of a district or governing board of a charter school** and  
 8 its employees and agents in this state shall grant any ~~[pupil] student~~ in the school authorization  
 9 for the possession and self-administration of medication to treat such ~~[pupil's] student's~~ chronic  
 10 health condition, including but not limited to asthma or anaphylaxis if:

11 (1) A licensed physician prescribed or ordered such medication for use by the ~~[pupil]~~  
 12 **student** and instructed such ~~[pupil] student~~ in the correct and responsible use of such  
 13 medication;

14 (2) The ~~[pupil] student~~ has demonstrated to the ~~[pupil's] student's~~ licensed physician  
 15 or the licensed physician's designee, and the school nurse, if available, the skill level necessary  
 16 to use the medication and any device necessary to administer such medication prescribed or  
 17 ordered;

18 (3) The ~~[pupil's] student's~~ physician has approved and signed a written treatment plan  
 19 for managing the ~~[pupil's] student's~~ chronic health condition, including asthma or anaphylaxis

20 episodes and for medication for use by the [pupil] **student**. Such plan shall include a statement  
 21 that the [pupil] **student** is capable of self-administering the medication under the treatment plan;

22 (4) The [pupils] **student's** parent or guardian has completed and submitted to the school  
 23 any written documentation required by the school, including the treatment plan required under  
 24 subdivision (3) of this subsection and the liability statement required under subdivision (5) of  
 25 this subsection; and

26 (5) The [pupils] **student's** parent or guardian has signed a statement acknowledging that  
 27 the school district **or charter school** and its employees or agents shall incur no liability as a  
 28 result of any injury arising from the self-administration of medication by the [pupil] **student** or  
 29 the administration of such medication by school staff. Such statement shall not be construed to  
 30 release the school district **or charter school** and its employees or agents from liability for  
 31 negligence.

32 3. An authorization granted under subsection 2 of this section shall:

33 (1) Permit such [pupil] **student** to possess and self-administer such [pupils] **student's**  
 34 medication while in school, at a school-sponsored activity, and in transit to or from school or a  
 35 school-sponsored activity; and

36 (2) Be effective only for the same school and school year for which it is granted. Such  
 37 authorization shall be renewed by the [pupils] **student's** parent or guardian each subsequent  
 38 school year in accordance with this section.

39 4. Any current duplicate prescription medication, if provided by a [pupils] **student's**  
 40 parent or guardian or by the school, shall be kept at a [pupils] **student's** school in a location at  
 41 which the [pupil] **student** or school staff has immediate access in the event of an asthma or  
 42 anaphylaxis emergency.

43 5. The information described in subdivisions (3) and (4) of subsection 2 of this section  
 44 shall be kept on file at the [pupils] **student's** school in a location easily accessible in the event  
 45 of an emergency.

46 **6. The school district or charter school may revoke the authorization granted in this**  
 47 **section if:**

48 (1) **The student has negligently maintained the medication or improperly handled**  
 49 **or disposed of syringes; or**

50 (2) **The school district or charter school has evidence that the student is not**  
 51 **properly administering the medication or otherwise endangering the student or others.**

168.133. 1. [The] A school district **or charter school** shall ensure that a criminal  
 2 background check is conducted on any person employed [~~after January 1, 2005,~~] **who is**  
 3 authorized to have contact with [pupils] **students** and prior to the individual having contact with  
 4 any [pupil] **student**. Such persons include, but are not limited to, administrators, teachers, aides,

5 paraprofessionals, assistants, secretaries, custodians, cooks, and nurses. The school district **or**  
6 **charter school** shall also ensure that a criminal background check is conducted for school bus  
7 drivers. ~~[The district may allow such drivers to operate buses pending the result of the criminal~~  
8 ~~background check.]~~ For bus drivers, the school district **or charter school** shall be responsible  
9 for conducting the criminal background check on drivers employed by the school district **or**  
10 **charter school**. For drivers employed by a ~~[pupil]~~ **student** transportation company under  
11 contract with the school district, the criminal background check shall be conducted pursuant to  
12 section 43.540 and conform to the requirements established in the National Child Protection Act  
13 of 1993, as amended by the Volunteers for Children Act. Personnel who have successfully  
14 undergone a criminal background check ~~[and a check of the family care safety registry]~~ as part  
15 of the professional license application process under section 168.021 and who have received  
16 clearance on the checks within one prior year of employment shall be considered to have  
17 completed the background check requirement. ~~[A criminal background check under this section~~  
18 ~~shall include a search of any information publicly available in an electronic format through a~~  
19 ~~public index or single case display]~~ **The department of elementary and secondary education**  
20 **is authorized to provide to the employing school district, upon request, criminal**  
21 **background check results at any time before the expiration of one year after the initial**  
22 **receipt of the results.**

23         2. **A criminal background check under this section shall include a fingerprint**  
24 **search of the Missouri criminal history repository and a search of the sexual offender**  
25 **registry under sections 589.400 to 589.425. Fingerprints and other information shall also**  
26 **be forwarded to the Federal Bureau of Investigation for searching the federal criminal**  
27 **history files. The criminal background check shall also include a search of the family care**  
28 **safety registry established in sections 210.900 to 210.936 or a search of the child abuse**  
29 **central registry under sections 210.109 to 210.183.** In order to facilitate the criminal history  
30 background check, the applicant shall submit a set of fingerprints collected pursuant to standards  
31 determined by the Missouri highway patrol. ~~[The fingerprints shall be used by the highway~~  
32 ~~patrol to search the criminal history repository and shall be forwarded to the Federal Bureau of~~  
33 ~~Investigation for searching the federal criminal history files.]~~

34         3. The applicant shall pay the ~~[fee for the state criminal history record information~~  
35 ~~pursuant to section 43.530 and sections 210.900 to 210.936 and pay the appropriate fee~~  
36 ~~determined by the Federal Bureau of Investigation for the federal criminal history record when~~  
37 ~~he or she applies for a position authorized to have contact with pupils pursuant to this section]~~  
38 **fees for the criminal background check unless the school district or charter school agrees**  
39 **to pay the fees or reimburse the applicant.** The department shall distribute the fees collected  
40 for the state and federal criminal histories to the Missouri highway patrol.

41 4. The department of elementary and secondary education shall facilitate an annual check  
42 of employed persons holding current active certificates under section 168.021 against criminal  
43 history records in the central repository under section 43.530, the sexual offender registry under  
44 sections 589.400 to ~~589.475~~ **589.425**, and child abuse central registry under sections 210.109  
45 to 210.183. The department of elementary and secondary education ~~[shall facilitate procedures~~  
46 ~~for school districts to submit personnel information annually for persons employed by the school~~  
47 ~~districts who do not hold a current valid certificate who are required by subsection 1 of this~~  
48 ~~section to undergo a criminal background check, sexual offender registry check, and child abuse~~  
49 ~~central registry check]~~ **shall create a procedure for school districts or charter schools to**  
50 **conduct subsequent background checks for employees who do not hold certificates.** The  
51 Missouri state highway patrol shall provide ongoing electronic updates to criminal history  
52 background checks of those persons previously submitted, both those who have an active  
53 certificate and those who do not have an active certificate, by the department of elementary and  
54 secondary education. This shall fulfill the annual check against the criminal history records in  
55 the central repository under section 43.530.

56 5. ~~[The school district may adopt a policy to provide for reimbursement of expenses~~  
57 ~~incurred by an employee for state and federal criminal history information pursuant to section~~  
58 ~~43.530.~~

59 ~~6.]~~ If, as a result of the criminal history background check mandated by this section, it  
60 is determined that the holder of a certificate issued pursuant to section 168.021 has pled guilty  
61 or nolo contendere to, or been found guilty of a crime or offense listed in section 168.071, or a  
62 similar crime or offense committed in another state, the United States, or any other country,  
63 regardless of imposition of sentence, such information shall be reported to the department of  
64 elementary and secondary education.

65 ~~[7.]~~ **6.** Any school official making a report to the department of elementary and  
66 secondary education in conformity with this section shall not be subject to civil liability for such  
67 action.

68 ~~[8.]~~ **7.** For any teacher who is employed by a school district on a substitute or part-time  
69 basis within one year of such teacher's retirement from a Missouri school, the state of Missouri  
70 shall not require such teacher to be subject to any additional background checks prior to having  
71 contact with ~~[pupils]~~ **students**. Nothing in this subsection shall be construed as prohibiting or  
72 otherwise restricting a school district from requiring additional background checks for such  
73 teachers employed by the school district.

74 ~~[9.]~~ **8.** A criminal background check and fingerprint collection conducted under  
75 subsections 1 and 2 of this section shall be valid for at least a period of one year and transferrable  
76 from one school district to another district. A school district may, in its discretion, conduct a

77 new criminal background check and fingerprint collection under subsections 1 and 2 for a newly  
78 hired employee at the district's expense. A teacher's change in type of certification shall have no  
79 effect on the transferability or validity of such records.

80 ~~[10.]~~ **9.** Nothing in this section shall be construed to alter the standards for suspension,  
81 denial, or revocation of a certificate issued pursuant to this chapter.

82 ~~[11.]~~ **10.** The state board of education may promulgate rules for criminal history  
83 background checks made pursuant to this section. Any rule or portion of a rule, as that term is  
84 defined in section 536.010, that is created under the authority delegated in this section shall  
85 become effective only if it complies with and is subject to all of the provisions of chapter 536  
86 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of  
87 the powers vested with the general assembly pursuant to chapter 536 to review, to delay the  
88 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the  
89 grant of rulemaking authority and any rule proposed or adopted after January 1, 2005, shall be  
90 invalid and void.

170.315. 1. ~~[There is hereby established the Active Shooter and Intruder Response~~  
2 ~~Training for Schools Program (ASIRT).]~~ Each school district and charter school ~~[may, by July~~  
3 ~~1, 2014,]~~ **shall** include in its teacher and school employee training a component on how to  
4 properly respond to students who provide them with information about a threatening situation  
5 and how to address situations in which there is a potentially dangerous or armed intruder in the  
6 school. Training ~~[may]~~ **shall** also include information and techniques on how to address  
7 situations where an active shooter is present in the school or on school property.

8 2. ~~[Each school district and charter school may conduct the training on an annual basis.~~  
9 ~~If no formal training has previously occurred, the length of the training may be eight hours. The~~  
10 ~~length of annual continuing training may be four hours.~~

11 ~~3.~~ All] School personnel shall participate in a simulated active shooter and intruder  
12 response drill conducted and led by law enforcement professionals **at least every three years.**  
13 Each drill may include an explanation of its purpose and a safety briefing. The training shall  
14 require each participant to know and understand how to respond in the event of an actual  
15 emergency on school property or at a school event. ~~[The drill may include:~~

16 ~~——(1) Allowing school personnel to respond to the simulated emergency in whatever way~~  
17 ~~they have been trained or informed; and~~

18 ~~——(2) Allowing school personnel to attempt and implement new methods of responding to~~  
19 ~~the simulated emergency based upon previously used unsuccessful methods of response.~~

20 ~~4.]~~ **3.** All instructors for the program shall be certified by the department of public  
21 safety's peace officers standards training commission.

22           ~~[5.]~~ 4. School districts and charter schools may consult and collaborate with law  
23 enforcement authorities, emergency response agencies, and other organizations and entities  
24 trained to deal with active shooters or potentially dangerous or armed intruders.

25           ~~[6.]~~ 5. Public schools shall foster an environment in which students feel comfortable  
26 sharing information they have regarding a potentially threatening or dangerous situation with a  
27 responsible adult.

          171.011. The school board of each school district **and the governing board of each**  
2 **charter school** in the state ~~[may make all needful rules and regulations for the organization,~~  
3 ~~grading and government in]~~ **shall adopt policies to govern** the school district **or charter school**.  
4 The ~~[rules]~~ **policies** shall take effect when ~~[a copy of the rules, duly signed by order of the board,~~  
5 ~~is deposited with the district clerk. The district clerk shall transmit forthwith a copy of the rules~~  
6 ~~to the teachers employed in the schools. The rules may be amended or repealed in like manner]~~  
7 **approved by a majority of a quorum of the school board or the governing board of the**  
8 **charter school. The approval shall be documented in the official minutes, and an official**  
9 **copy shall be maintained physically or electronically in the primary office of the school**  
10 **district or charter school. The policies shall be distributed in accordance with section**  
11 **162.208, when applicable, and as determined appropriate by the school board or the**  
12 **governing board of the charter school.**

          210.865. The juvenile divisions of the circuit courts; **public, charter, private, and**  
2 **parochial schools**; and the departments of social services, mental health, elementary and  
3 secondary education and health shall share information regarding individual children who have  
4 come into contact with, or been provided services by, the courts, **schools**, and such departments.  
5 The state courts administrator and the departments of social services, mental health, elementary  
6 and secondary education and health shall coordinate their information systems to allow for  
7 sharing of information regarding and tracking of individual children by the juvenile divisions of  
8 the circuit courts, the departments of social services, mental health, elementary and secondary  
9 education and health and school districts. All information received by a court, any department  
10 or any **school or** school district pursuant to this section shall remain subject to the same  
11 confidentiality requirements as are imposed on the department that originally collected the  
12 information. With regard to the information required to be shared pursuant to this section, the  
13 department of elementary and secondary education shall only share information on students who  
14 have committed an act which, if it had been committed by an adult, would be a misdemeanor or  
15 felony offense pursuant to the laws of Missouri, other states or the federal government.

          271.370. 1. All fines, penalties and forfeitures, also all moneys, except fees collected  
2 from the taker-up of any stray, under the provisions of this chapter, shall be paid into the county



3 treasury, and [~~become a part~~] **be deposited into a subaccount** of the permanent school fund of  
4 the county **that is designated to be used for the benefit of school safety programs.**

5 **2. The department of public safety shall promulgate rules on the manner in which**  
6 **the moneys deposited into the subaccount shall be used for the benefit of school safety**  
7 **programs. Any rule or portion of a rule, as that term is defined in section 536.010, that is**  
8 **created under the authority delegated in this section shall become effective only if it**  
9 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**  
10 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**  
11 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**  
12 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**  
13 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2019,**  
14 **shall be invalid and void.**

571.010. As used in this chapter, the following terms shall mean:

2 (1) "Antique, curio or relic firearm", any firearm so defined by the National Gun Control  
3 Act, 18 U.S.C. Title 26, Section 5845, and the United States Treasury/Bureau of Alcohol  
4 Tobacco and Firearms, 27 CFR Section 178.11:

5 (a) "Antique firearm" is any firearm not designed or redesigned for using rim fire or  
6 conventional center fire ignition with fixed ammunition and manufactured in or before 1898, said  
7 ammunition not being manufactured any longer; this includes any matchlock, wheel lock,  
8 flintlock, percussion cap or similar type ignition system, or replica thereof;

9 (b) "Curio or relic firearm" is any firearm deriving value as a collectible weapon due to  
10 its unique design, ignition system, operation or at least fifty years old, associated with a historical  
11 event, renown personage or major war;

12 (2) "Blackjack", any instrument that is designed or adapted for the purpose of stunning  
13 or inflicting physical injury by striking a person, and which is readily capable of lethal use;

14 (3) "Blasting agent", any material or mixture, consisting of fuel and oxidizer that is  
15 intended for blasting, but not otherwise defined as an explosive under this section, provided that  
16 the finished product, as mixed for use of shipment, cannot be detonated by means of a numbered  
17 8 test blasting cap when unconfined;

18 (4) "Concealable firearm", any firearm with a barrel less than sixteen inches in length,  
19 measured from the face of the bolt or standing breech;

20 (5) "Deface", to alter or destroy the manufacturer's or importer's serial number or any  
21 other distinguishing number or identification mark;

22 (6) "Detonator", any device containing a detonating charge that is used for initiating  
23 detonation in an explosive, including but not limited to, electric blasting caps of instantaneous

24 and delay types, nonelectric blasting caps for use with safety fuse or shock tube and detonating  
25 cord delay connectors;

26 (7) "Explosive weapon", any explosive, incendiary, or poison gas bomb or similar device  
27 designed or adapted for the purpose of inflicting death, serious physical injury, or substantial  
28 property damage; or any device designed or adapted for delivering or shooting such a weapon.  
29 For the purposes of this subdivision, the term "explosive" shall mean any chemical compound  
30 mixture or device, the primary or common purpose of which is to function by explosion,  
31 including but not limited to, dynamite and other high explosives, pellet powder, initiating  
32 explosives, detonators, safety fuses, squibs, detonating cords, igniter cords, and igniters or  
33 blasting agents;

34 (8) "Firearm", any weapon that is designed or adapted to expel a projectile by the action  
35 of an explosive;

36 (9) "Firearm silencer", any instrument, attachment, or appliance that is designed or  
37 adapted to muffle the noise made by the firing of any firearm;

38 (10) "Gas gun", any gas ejection device, weapon, cartridge, container or contrivance  
39 other than a gas bomb that is designed or adapted for the purpose of ejecting any poison gas that  
40 will cause death or serious physical injury, but not any device that ejects a repellant or temporary  
41 incapacitating substance;

42 (11) "Intoxicated", substantially impaired mental or physical capacity resulting from  
43 introduction of any substance into the body;

44 (12) "Knife", any dagger, dirk, stiletto, or bladed hand instrument that is readily capable  
45 of inflicting serious physical injury or death by cutting or stabbing a person. For purposes of this  
46 chapter, "knife" does not include any ordinary pocketknife with no blade more than four inches  
47 in length;

48 (13) "Knuckles", any instrument that consists of finger rings or guards made of a hard  
49 substance that is designed or adapted for the purpose of inflicting serious physical injury or death  
50 by striking a person with a fist enclosed in the knuckles;

51 (14) "Machine gun", any firearm that is capable of firing more than one shot  
52 automatically, without manual reloading, by a single function of the trigger;

53 (15) "Projectile weapon", any bow, crossbow, pellet gun, slingshot or other weapon that  
54 is not a firearm, which is capable of expelling a projectile that could inflict serious physical  
55 injury or death by striking or piercing a person;

56 (16) "Rifle", any firearm designed or adapted to be fired from the shoulder and to use  
57 the energy of the explosive in a fixed metallic cartridge to fire a projectile through a rifled bore  
58 by a single function of the trigger;

59 (17) "Short barrel", a barrel length of less than sixteen inches for a rifle and eighteen  
60 inches for a shotgun, both measured from the face of the bolt or standing breech, or an overall  
61 rifle or shotgun length of less than twenty-six inches;

62 (18) "Shotgun", any firearm designed or adapted to be fired from the shoulder and to use  
63 the energy of the explosive in a fixed shotgun shell to fire a number of shot or a single projectile  
64 through a smooth bore barrel by a single function of the trigger;

65 (19) "Spring gun", any fused, timed or nonmanually controlled trap or device designed  
66 or adapted to set off an explosion for the purpose of inflicting serious physical injury or death;

67 (20) **"Stun gun", any device designed to temporarily immobilize a victim by**  
68 **delivering an electric shock;**

69 (21) "Switchblade knife", any knife which has a blade that folds or closes into the handle  
70 or sheath, and:

71 (a) That opens automatically by pressure applied to a button or other device located on  
72 the handle; or

73 (b) That opens or releases from the handle or sheath by the force of gravity or by the  
74 application of centrifugal force.

571.030. 1. A person commits the offense of unlawful use of weapons, except as  
2 otherwise provided by sections 571.101 to 571.121, if he or she knowingly:

3 (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or  
4 any other weapon readily capable of lethal use into any area where firearms are restricted under  
5 section 571.107; or

6 (2) Sets a spring gun; or

7 (3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft,  
8 or motor vehicle as defined in section 302.010, or any building or structure used for the  
9 assembling of people; or

10 (4) Exhibits, in the presence of one or more persons, any weapon readily capable of  
11 lethal use in an angry or threatening manner; or

12 (5) Has a firearm or projectile weapon readily capable of lethal use on his or her person,  
13 while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon  
14 in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless  
15 acting in self-defense; or

16 (6) Discharges a firearm within one hundred yards of any occupied schoolhouse,  
17 courthouse, or church building; or

18 (7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or  
19 across a public highway or discharges or shoots a firearm into any outbuilding; or

20 (8) Carries a firearm or any other weapon readily capable of lethal use into any church  
21 or place where people have assembled for worship, or into any election precinct on any election  
22 day, or into any building owned or occupied by any agency of the federal government, state  
23 government, or political subdivision thereof; or

24 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section  
25 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any  
26 building or habitable structure, unless the person was lawfully acting in self-defense; or

27 (10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable  
28 of lethal use into any school, onto any school bus, or onto the premises of any function or activity  
29 sponsored or sanctioned by school officials or the district school board; or

30 (11) Possesses a firearm while also knowingly in possession of a controlled substance  
31 that is sufficient for a felony violation of section 579.015.

32 2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the  
33 persons described in this subsection, regardless of whether such uses are reasonably associated  
34 with or are necessary to the fulfillment of such person's official duties except as otherwise  
35 provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 of this section  
36 shall not apply to or affect any of the following persons, when such uses are reasonably  
37 associated with or are necessary to the fulfillment of such person's official duties, except as  
38 otherwise provided in this subsection:

39 (1) All state, county and municipal peace officers who have completed the training  
40 required by the police officer standards and training commission pursuant to sections 590.030  
41 to 590.050 and who possess the duty and power of arrest for violation of the general criminal  
42 laws of the state or for violation of ordinances of counties or municipalities of the state, whether  
43 such officers are on or off duty, and whether such officers are within or outside of the law  
44 enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection  
45 12 of this section, and who carry the identification defined in subsection 13 of this section, or  
46 any person summoned by such officers to assist in making arrests or preserving the peace while  
47 actually engaged in assisting such officer;

48 (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other  
49 institutions for the detention of persons accused or convicted of crime;

50 (3) Members of the Armed Forces or National Guard while performing their official  
51 duty;

52 (4) Those persons vested by Article V, Section 1 of the Constitution of Missouri with  
53 the judicial power of the state and those persons vested by Article III of the Constitution of the  
54 United States with the judicial power of the United States, the members of the federal judiciary;

55 (5) Any person whose bona fide duty is to execute process, civil or criminal;

56 (6) Any federal probation officer or federal flight deck officer as defined under the  
57 federal flight deck officer program, 49 U.S.C. Section 44921, regardless of whether such officers  
58 are on duty, or within the law enforcement agency's jurisdiction;

59 (7) Any state probation or parole officer, including supervisors and members of the  
60 board of probation and parole;

61 (8) Any corporate security advisor meeting the definition and fulfilling the requirements  
62 of the regulations established by the department of public safety under section 590.750;

63 (9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

64 (10) Any municipal or county prosecuting attorney or assistant prosecuting attorney;  
65 circuit attorney or assistant circuit attorney; municipal, associate, or circuit judge; or any person  
66 appointed by a court to be a special prosecutor who has completed the firearms safety training  
67 course required under subsection 2 of section 571.111;

68 (11) Any member of a fire department or fire protection district who is employed on a  
69 full-time basis as a fire investigator and who has a valid concealed carry endorsement issued  
70 prior to August 28, 2013, or a valid concealed carry permit under section 571.111 when such  
71 uses are reasonably associated with or are necessary to the fulfillment of such person's official  
72 duties; and

73 (12) Upon the written approval of the governing body of a fire department or fire  
74 protection district, any paid fire department or fire protection district member who is employed  
75 on a full-time basis and who has a valid concealed carry endorsement issued prior to August 28,  
76 2013, or a valid concealed carry permit, when such uses are reasonably associated with or are  
77 necessary to the fulfillment of such person's official duties.

78 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when  
79 the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when  
80 ammunition is not readily accessible or when such weapons are not readily accessible.  
81 Subdivision (1) of subsection 1 of this section does not apply to any person nineteen years of age  
82 or older or eighteen years of age or older and a member of the United States Armed Forces, or  
83 honorably discharged from the United States Armed Forces, transporting a concealable firearm  
84 in the passenger compartment of a motor vehicle, so long as such concealable firearm is  
85 otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or  
86 projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon  
87 premises over which the actor has possession, authority or control, or is traveling in a continuous  
88 journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not  
89 apply if the firearm is otherwise lawfully possessed by a person while traversing school premises  
90 for the purposes of transporting a student to or from school, or **if a firearm or other weapon**  
91 **is possessed by an adult or student for the purposes of [facilitation of] facilitating or**

92 **participating in** a school-sanctioned firearm-related event or club event **or other school-**  
93 **sanctioned event involving weapons as long as the adult or student is authorized by the**  
94 **school to do so and follows school policy and other rules.**

95 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any  
96 person who has a valid concealed carry permit issued pursuant to sections 571.101 to 571.121,  
97 a valid concealed carry endorsement issued before August 28, 2013, or a valid permit or  
98 endorsement to carry concealed firearms issued by another state or political subdivision of  
99 another state.

100 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall  
101 not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

102 6. Notwithstanding any provision of this section to the contrary, the state shall not  
103 prohibit any state employee from having a firearm in the employee's vehicle on the state's  
104 property provided that the vehicle is locked and the firearm is not visible. This subsection shall  
105 only apply to the state as an employer when the state employee's vehicle is on property owned  
106 or leased by the state and the state employee is conducting activities within the scope of his or  
107 her employment. For the purposes of this subsection, "state employee" means an employee of  
108 the executive, legislative, or judicial branch of the government of the state of Missouri.

109 7. Nothing in this section shall make it unlawful for a student to actually participate in  
110 school-sanctioned gun safety courses, student military or ROTC courses, [~~or other~~]  
111 school-sponsored or club-sponsored firearm-related events, **or other school-sponsored or club-**  
112 **sponsored events involving weapons**, provided the student [~~does not carry a firearm or other~~  
113 ~~weapon readily capable of lethal use into any school, onto any school bus, or onto the premises~~  
114 ~~of any other function or activity sponsored or sanctioned by school officials or the district school~~  
115 ~~board~~] **follows district or charter school policy and other related rules regarding the**  
116 **transportation, possession, use, or storage of the weapon and any ammunition.**

117 8. A person who commits the [~~crime~~] **offense** of unlawful use of weapons under:

118 (1) Subdivision (2), (3), (4), or (11) of subsection 1 of this section shall be guilty of a  
119 class E felony;

120 (2) Subdivision (1), (6), (7), or (8) of subsection 1 of this section shall be guilty of a class  
121 B misdemeanor, except when a concealed weapon is carried onto any private property whose  
122 owner has posted the premises as being off-limits to concealed firearms by means of one or more  
123 signs displayed in a conspicuous place of a minimum size of eleven inches by fourteen inches  
124 with the writing thereon in letters of not less than one inch, in which case the penalties of  
125 subsection 2 of section 571.107 shall apply;

126 (3) Subdivision (5) or (10) of subsection 1 of this section shall be guilty of a class A  
127 misdemeanor if the firearm is unloaded and a class E felony if the firearm is loaded;

128 (4) Subdivision (9) of subsection 1 of this section shall be guilty of a class B felony,  
129 except that if the violation of subdivision (9) of subsection 1 of this section results in injury or  
130 death to another person, it is a class A felony.

131 9. Violations of subdivision (9) of subsection 1 of this section shall be punished as  
132 follows:

133 (1) For the first violation a person shall be sentenced to the maximum authorized term  
134 of imprisonment for a class B felony;

135 (2) For any violation by a prior offender as defined in section 558.016, a person shall be  
136 sentenced to the maximum authorized term of imprisonment for a class B felony without the  
137 possibility of parole, probation or conditional release for a term of ten years;

138 (3) For any violation by a persistent offender as defined in section 558.016, a person  
139 shall be sentenced to the maximum authorized term of imprisonment for a class B felony without  
140 the possibility of parole, probation, or conditional release;

141 (4) For any violation which results in injury or death to another person, a person shall  
142 be sentenced to an authorized disposition for a class A felony.

143 10. Any person knowingly aiding or abetting any other person in the violation of  
144 subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that  
145 prescribed by this section for violations by other persons.

146 11. Notwithstanding any other provision of law, no person who pleads guilty to or is  
147 found guilty of a felony violation of subsection 1 of this section shall receive a suspended  
148 imposition of sentence if such person has previously received a suspended imposition of sentence  
149 for any other firearms- or weapons-related felony offense.

150 12. As used in this section "qualified retired peace officer" means an individual who:

151 (1) Retired in good standing from service with a public agency as a peace officer, other  
152 than for reasons of mental instability;

153 (2) Before such retirement, was authorized by law to engage in or supervise the  
154 prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any  
155 violation of law, and had statutory powers of arrest;

156 (3) Before such retirement, was regularly employed as a peace officer for an aggregate  
157 of fifteen years or more, or retired from service with such agency, after completing any  
158 applicable probationary period of such service, due to a service-connected disability, as  
159 determined by such agency;

160 (4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such  
161 a plan is available;

162 (5) During the most recent twelve-month period, has met, at the expense of the  
163 individual, the standards for training and qualification for active peace officers to carry firearms;

164 (6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or  
 165 substance; and

166 (7) Is not prohibited by federal law from receiving a firearm.

167 13. The identification required by subdivision (1) of subsection 2 of this section is:

168 (1) A photographic identification issued by the agency from which the individual retired  
 169 from service as a peace officer that indicates that the individual has, not less recently than one  
 170 year before the date the individual is carrying the concealed firearm, been tested or otherwise  
 171 found by the agency to meet the standards established by the agency for training and qualification  
 172 for active peace officers to carry a firearm of the same type as the concealed firearm; or

173 (2) A photographic identification issued by the agency from which the individual retired  
 174 from service as a peace officer; and

175 (3) A certification issued by the state in which the individual resides that indicates that  
 176 the individual has, not less recently than one year before the date the individual is carrying the  
 177 concealed firearm, been tested or otherwise found by the state to meet the standards established  
 178 by the state for training and qualification for active peace officers to carry a firearm of the same  
 179 type as the concealed firearm.

2 ~~[167.117. 1. In any instance when any person is believed to have~~  
 3 ~~committed an act which if committed by an adult would be assault in the first,~~  
 4 ~~second or third degree, sexual assault, or deviate sexual assault against a pupil or~~  
 5 ~~school employee, while on school property, including a school bus in service on~~  
 6 ~~behalf of the district, or while involved in school activities, the principal shall~~  
 7 ~~immediately report such incident to the appropriate local law enforcement agency~~  
 8 ~~and to the superintendent, except in any instance when any person is believed to~~  
 9 ~~have committed an act which if committed by an adult would be assault in the~~  
 10 ~~third degree and a written agreement as to the procedure for the reporting of such~~  
 11 ~~incidents of third degree assault has been executed between the superintendent~~  
 12 ~~of the school district and the appropriate local law enforcement agency, the~~  
 13 ~~principal shall report such incident to the appropriate local law enforcement~~  
 14 ~~agency in accordance with such agreement.~~

15 ~~2. In any instance when a pupil is discovered to have on or about such~~  
 16 ~~pupil's person, or among such pupil's possessions, or placed elsewhere on the~~  
 17 ~~school premises, including but not limited to the school playground or the school~~  
 18 ~~parking lot, on a school bus or at a school activity whether on or off of school~~  
 19 ~~property any controlled substance as defined in section 195.010 or any weapon~~  
 20 ~~as defined in subsection 6 of section 160.261 in violation of school policy, the~~  
 21 ~~principal shall immediately report such incident to the appropriate local law~~  
 22 ~~enforcement agency and to the superintendent.~~

23 ~~3. In any instance when a teacher becomes aware of an assault as set forth~~  
~~in subsection 1 of this section or finds a pupil in possession of a weapon or~~



24 ~~controlled substances as set forth in subsection 2 of this section, the teacher shall~~  
25 ~~immediately report such incident to the principal.~~

26 ~~4. A school employee, superintendent or such person's designee who in~~  
27 ~~good faith provides information to law enforcement or juvenile authorities~~  
28 ~~pursuant to this section or section 160.261 shall not be civilly liable for providing~~  
29 ~~such information.~~

30 ~~5. Any school official responsible for reporting pursuant to this section~~  
31 ~~or section 160.261 who willfully neglects or refuses to perform this duty shall be~~  
32 ~~subject to the penalty established pursuant to section 162.091.]~~  
33

~~[167.123. 1. Notwithstanding any other provisions of this chapter, or~~  
2 ~~chapter 610, to the contrary, the juvenile officer or an employee of the children's~~  
3 ~~division shall notify the superintendent of the school district in which the child~~  
4 ~~is enrolled, or the superintendent's designee, upon request by the superintendent~~  
5 ~~or designee regarding such child, when a case is active regarding the child.~~

6 ~~2. The notification shall be made orally or in writing, in a timely manner,~~  
7 ~~no later than five days following the request by the superintendent or designee.~~  
8 ~~If the report is made orally, written notice shall follow in a timely manner. The~~  
9 ~~notification shall include a complete description of the case involving the pupil,~~  
10 ~~the conduct the child is alleged to have committed, if any, and the dates the~~  
11 ~~conduct occurred but shall not include the name of any victim other than the~~  
12 ~~child.~~

13 ~~3. The superintendent or the designee of the superintendent shall report~~  
14 ~~such information to teachers and other school district employees with a need to~~  
15 ~~know while acting within the scope of their assigned duties. Any information~~  
16 ~~received by school district officials pursuant to this section shall be received in~~  
17 ~~confidence and used for the limited purposes of assuring that good order and~~  
18 ~~discipline is maintained in the school, or for intervention and counseling~~  
19 ~~purposes for the benefit of the child. The information shall not be part of the~~  
20 ~~child's permanent record. The information shall not be used as the sole basis for~~  
21 ~~not providing educational services to a pupil.]~~

✓