

SECOND REGULAR SESSION

# HOUSE BILL NO. 1899

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MACKEY.

4269H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal sections 160.522 and 167.161, RSMo, and to enact in lieu thereof three new sections relating to disciplinary removals of public school students.

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

Section A. Sections 160.522 and 167.161, RSMo, are repealed and three new sections  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

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

**5 2. Before July 1, 2024, and before July first each year thereafter, school districts  
6 and charter schools shall annually report all information documented under this section  
7 to the department of elementary and secondary education.**

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

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.

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

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

30           4. The report card shall identify each school or attendance center that has been  
31 identified as a priority school under sections 160.720 and 161.092. The report also shall  
32 identify attendance centers that have been categorized under federal law as needing  
33 improvement or requiring specific school improvement strategies.

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

37           **(1) The number of in-school suspensions, out-of-school suspensions, unilateral**  
38 **removals of pupils with disabilities from such pupils' current educational placements to**  
39 **interim educational settings, and expulsions; and**

40           **(2) For each type of disciplinary removal listed in subdivision (1) of this**  
41 **subsection:**

42           **(a) The races, ethnicities, grade levels, genders, limited English proficiency**  
43 **statuses, disability categories, and free or reduced price lunch statuses of removed**  
44 **pupils;**

45           **(b) The duration of each removal, the number of removals for which the**  
46 **duration was modified, and the actual durations of such modified removals;**

47           **(c) The number of removals of pupils who had been previously suspended from**  
48 **school;**

49           **(d) The number of removed pupils receiving educational services in an**  
50 **alternative educational setting;**

51           **(e) The types of alternative measures and interventions used prior to removal**  
52 **and the aggregate number of times each such type was used;**

53           **(f) Whether a hearing under section 167.161 was conducted and whether such**  
54 **hearing occurred before or after the pupil was removed; and**

55           **(g) For each offense, the nature of the offense including, but not limited to, the**  
56 **following categories:**

57           **a. Offenses related to the possession of a dangerous weapon as defined in 18**  
58 **U.S.C. Section 930, as amended. For such offenses, data on the types of weapon**  
59 **involved in each such offense shall be separately reported;**

60           **b. Violent acts resulting in a serious bodily injury involving a substantial risk of**  
61 **death, extreme physical pain, protracted and obvious physical disfigurement, or**  
62 **protracted loss or impairment of a bodily member, organ, or faculty;**

63           **c. Violent acts that do not result in serious bodily injury;**

64           **d. The use, possession, sale, or solicitation of alcoholic beverages;**

65           **e. The use, possession, sale, or solicitation of tobacco;**

66           **f. The use, possession, sale, or solicitation of electronic cigarette products;**

67           **g. The use, possession, sale, or solicitation of drugs; and**

68           **h. Other offenses that do not correspond to an enumerated category.**

69           **6.** The report card shall not limit or discourage other methods of public reporting and  
70 accountability by local school districts. Districts shall provide information included in the  
71 report card to parents, community members, the print and broadcast news media, and  
72 legislators by December first annually or as soon thereafter as the information is available to  
73 the district, giving preference to methods that incorporate the reporting into substantive  
74 official communications such as student report cards. The school district shall provide a  
75 printed copy of the district-level or school-level report card to any patron upon request and  
76 shall make reasonable efforts to supply businesses such as, but not limited to, real estate and  
77 employment firms with copies or other information about the reports so that parents and  
78 businesses from outside the district who may be contemplating relocation have access.

79           ~~6-~~ **7.** For purposes of completing and distributing the annual report card as  
80 prescribed in this section, a school district may include the data from a charter school located  
81 within such school district, provided the local board of education or special administrative

82 board for such district and the charter school reach mutual agreement for the inclusion of the  
83 data from the charter ~~[schools]~~ **school** and the terms of such agreement are approved by the  
84 state board of education. The charter school shall not be required to be a part of the local  
85 educational agency of such school district and may maintain a separate local educational  
86 agency status.

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

22 **2. No pupil shall be suspended from school or expelled if the sole basis for such**  
23 **removal is truancy, other absences from school, or prior disciplinary actions.**

24 **3. Except as otherwise provided in section 160.261 and this section, no pupil**  
25 **enrolled in preschool through grade three shall be suspended from school or expelled.**

26 **4.** The school board of any district, after notice to parents or others having custodial  
27 care and a hearing upon the matter, may suspend a pupil upon a finding that the pupil has  
28 been charged, convicted or pled guilty in a court of general jurisdiction for the commission of  
29 a felony criminal violation of state or federal law. At a hearing required by this subsection,  
30 the board shall consider statements that the parties present. The board may provide for the  
31 procedure and conduct of such hearings.

32           ~~[3-]~~ 5. The school board shall make a good-faith effort to have the parents or others  
33 having custodial care present at any such hearing. Notwithstanding any other provision of  
34 law to the contrary, student discipline hearings or proceedings related to the rights of students  
35 to attend school or to receive academic credit shall not be required to comply with the  
36 requirements applicable to contested case hearings as provided in chapter 536, provided that  
37 appropriate due process procedures shall be observed which shall include the right for a trial  
38 de novo by the circuit court.

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