

HCS#2 HB 1543 -- ELEMENTARY AND SECONDARY EDUCATION

SPONSOR: Wallace

COMMITTEE ACTION: Voted "do pass" by the Committee on Elementary and Secondary Education by a vote of 13 to 0.

This substitute changes the laws regarding elementary and secondary education, school employee liability, safety practices, and reporting acts of violence. In its main provisions, the substitute:

(1) Expands the reporting of acts of violence to include all teachers at the student's school building and other employees who need to know;

(2) Specifies that a suspended student who is not allowed on school property without specific permission is also prohibited from attending school events occurring off school property;

(3) Expands employee immunity from following established discipline policies to include policies of student discipline;

(4) Adds the use of force to protect persons or property by school district personnel to the provisions regarding spanking. Neither act is to be considered as abuse that would be investigated by the Children's Division within the Department of Social Services as long as the spanking or use of force does not give rise to an allegation of sexual misconduct and another employee is present as a witness at the spanking;

(5) Requires, by July 1, 2012, the State Board of Education to add provisions to any school facilities and safety criteria developed for the Missouri School Improvement Program that suggest required drills regarding standards for safe facilities occur at least annually and requires that all staff receive sufficient training on the school's security and crisis management plan that is maintained throughout the school year;

(6) Defines "cyberbullying" as it relates to a school district's anti-bullying policies to include the use of computers, the Internet, and phones to bully a student;

(7) Requires, subject to appropriations and beginning in Fiscal Year 2011, the General Assembly to annually appropriate at least \$500,000 to the newly created School Safety and School Violence Prevention Fund; establishes a procedure for selecting a statewide center for school safety and violence prevention; and specifies the resources that the center will provide for schools including, but not limited to, bullying prevention, building

safety review, and annual training for safety coordinators;

(8) Clarifies that charter schools must designate a staff person as the educational liaison under the Foster Care Education Bill of Rights;

(9) Revises, in school residency provisions, the meaning of "homeless children and youths" to be consistent with the federal definition and specifies which educational records are needed for enrollment;

(10) Changes the current requirement for forwarding educational records from 48 hours to two business days, adds individual education plans and health records to the requirement, and allows private and parochial schools to request a copy of specified school enrollment records;

(11) Requires a notice of reportable offenses to be provided to any school to which the student transfers and requires it to be attached to an offending student's disciplinary record;

(12) Allows all public school districts to require a school uniform or restrict student dress. Currently, these provisions require only the St. Louis City School District to consider adopting a school uniform;

(13) Makes the list of reportable student offenses in Section 167.115, RSMo, consistent with the list in Section 160.261;

(14) Consolidates the provisions regarding expulsion and suspension;

(15) Exempts unqualified employees who refuse to administer medication or medical services from disciplinary action for the refusal;

(16) Exempts qualified employees from any civil liability for administering medication or medical services, including cardiopulmonary resuscitation and other lifesaving methods, in good faith and according to standard medical practices;

(17) Specifies that a student must be allowed to self-administer medication for any chronic health condition;

(18) Adds other school employees trained and supervised by the school nurse to the list of individuals who are authorized to use an epinephrine auto-syringe on a student and specifies that these employees will be immune from civil liability when done in good faith and according to standard medical practices;

(19) Allows the City of St. Louis School District to appoint a hearing officer to conduct a contested case of a teacher's dismissal;

(20) Requires all public schools to observe Veterans Day with appropriate activities;

(21) Raises the limit on non-bidder contracts for repairs or materials for school property from \$5,000 to \$15,000 in the City of St. Louis School District; and

(22) Requires, by July 1, 2011, the Children's Services Commission to recommend best practices on interagency communications regarding students receiving state services while protecting the privacy of the involved student and family.

The provisions regarding the appointment of a hearing officer in the City of St. Louis School District become effective July 1, 2011.

FISCAL NOTE: Estimated Effect on General Revenue Fund of an income of \$0 in FY 2011, a cost of Up to \$500,000 in FY 2012, and a cost of Up to \$500,000 in FY 2013. Estimated Income on Other State Funds of \$0 in FY 2011, Up to \$500,000 in FY 2012, and Up to \$500,000 in FY 2013.

PROPOSERS: Supporters say that the bill provides needed clarifications in several areas that should improve the working conditions for school staff.

Testifying for the bill were Representative Wallace; Missouri National Education Association; Penney Rector, School Administrators' Coalition; Missouri State Teachers Association; Missouri School Boards Association; AFT Missouri; and Cooperating School Districts of Greater Kansas City.

OPPOSERS: There was no opposition voiced to the committee.