

FIRST REGULAR SESSION

HOUSE BILL NO. 946

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CUNNINGHAM (86).

Read 1st time March 31, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0151L.02I

AN ACT

To repeal section 167.166, RSMo, and to enact in lieu thereof one new section relating to school attire.

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

Section A. Section 167.166, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.166, to read as follows:

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

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

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

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

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.

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
28 emblem, insignia, or garment is worn in a manner that does not promote disruptive behavior.
29 **If such emblem or insignia is placed on a garment that in and of itself is prohibited by a**
30 **school or school district as contrary to the school or district's educational mission, the**
31 **student may be instructed not to wear the garment to school again.**