

FIRST REGULAR SESSION

# HOUSE BILL NO. 1122

## 99TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE UNSICKER.

2254H.011

D. ADAM CRUMBLISS, Chief Clerk

---

### AN ACT

To repeal section 167.161, RSMo, and to enact in lieu thereof one new section relating to discipline of students.

---

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

Section A. Section 167.161, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.161, to read as follows:

167.161. 1. The school board of any district, after notice to parents or others having custodial care and a hearing upon charges preferred, may suspend or expel a pupil for conduct which is prejudicial to good order and discipline in the schools or which tends to impair the morale or good conduct of the pupils. In addition to the authority granted in section 167.171, a school board may authorize, by general rule, the immediate removal of a pupil upon a finding by the principal, superintendent, or school board that the pupil poses a threat of harm to such pupil or others, as evidenced by the prior conduct of such pupil. Prior disciplinary actions shall not be used as the sole basis for removal, suspension or expulsion of a pupil. Removal of any pupil ~~[who is a student with a disability]~~ is subject to state and federal procedural rights. **Removal of any pupil to an alternative school or virtual school, expulsion of a pupil, or suspension of a pupil for more than ten days is subject to the procedure outlined in subsection 2 of section 167.171.** At the hearing upon any such removal, suspension or expulsion, the board shall consider the evidence and statements that the parties present and may consider records of past disciplinary actions, criminal court records or juvenile court records consistent with other provisions of the law, or the actions of the pupil which would constitute a criminal offense. The board ~~[may]~~ **shall** provide by general rule not inconsistent with this section for the procedure and conduct of such hearings. After meeting with the superintendent

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.

18 or his **or her** designee to discuss the expulsion, the parent, custodian or the student, if at least  
19 eighteen years of age, may, in writing, waive any right to a hearing before the board of education.

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

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

33 **4. Notwithstanding the provisions of this section or any other section, no school**  
34 **board shall suspend any pupil out of school for an act or acts of truancy.**

✓