

SECOND REGULAR SESSION

HOUSE BILL NO. 1281

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BROWN (70).

3585H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 167.171, RSMo, and to enact in lieu thereof one new section relating to the suspension of pupils.

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

Section A. Section 167.171, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.171, to read as follows:

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

2. No pupil shall be suspended unless:

(1) The pupil shall be given oral or written notice of the charges against such pupil;

(2) If the pupil denies the charges, such pupil shall be given an oral or written explanation of the facts which form the basis of the proposed suspension;

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 (3) The pupil shall be given an opportunity to present such pupil's version of the
19 incident; and

20 (4) In the event of a suspension for more than ten school days, where the pupil gives
21 notice that such pupil wishes to appeal the suspension to the board, the suspension shall be
22 stayed until the board renders its decision, unless in the judgment of the superintendent of
23 schools, or of the district superintendent, the pupil's presence poses a continuing danger to
24 persons or property or an ongoing threat of disrupting the academic process, in which case the
25 pupil may be immediately removed from school, and the notice and hearing shall follow as soon
26 as practicable.

27 3. (1) No school board shall readmit or enroll a pupil properly suspended for more than
28 ten consecutive school days for an act of school violence as defined in subsection 2 of section
29 160.261 regardless of whether or not such act was committed at a public school or at a private
30 school in this state, provided that such act shall have resulted in the suspension or expulsion of
31 such pupil in the case of a private school, or otherwise permit such pupil to attend school without
32 first holding a conference to review the conduct that resulted in the expulsion or suspension and
33 any remedial actions needed to prevent any future occurrences of such or related conduct. The
34 conference shall include the appropriate school officials including any teacher employed in that
35 school or district directly involved with the conduct that resulted in the suspension or expulsion,
36 the pupil, the parent or guardian of the pupil or any agency having legal jurisdiction, care,
37 custody or control of the pupil. The school board shall notify in writing the parents or guardians
38 and all other parties of the time, place, and agenda of any such conference. Failure of any party
39 to attend this conference shall not preclude holding the conference. Notwithstanding any
40 provision of this subsection to the contrary, no pupil shall be readmitted or enrolled to a regular
41 program of instruction if:

42 ~~[(1)]~~ (a) Such pupil has been convicted of; or

43 ~~[(2)]~~ (b) An indictment or information has been filed alleging that the pupil has
44 committed one of the acts enumerated in ~~[subdivision (4)]~~ **paragraph (d)** of this ~~[subsection]~~
45 **subdivision** to which there has been no final judgment; or

46 ~~[(3)]~~ (c) A petition has been filed pursuant to section 211.091 alleging that the pupil has
47 committed one of the acts enumerated in ~~[subdivision (4)]~~ **paragraph (d)** of this ~~[subsection]~~
48 **subdivision** to which there has been no final judgment; or

49 ~~[(4)]~~ (d) The pupil has been adjudicated to have committed an act which if committed
50 by an adult would be one of the following:

51 ~~[(a)]~~ a. First degree murder under section 565.020;

52 ~~[(b)]~~ b. Second degree murder under section 565.021;

53 ~~[(c)]~~ c. First degree assault under section 565.050;

54 ~~[(d)]~~ **d.** Forcible rape under section 566.030 as it existed prior to August 28, 2013, or
55 rape in the first degree under section 566.030;

56 ~~[(e)]~~ **e.** Forcible sodomy under section 566.060 as it existed prior to August 28, 2013,
57 or sodomy in the first degree under section 566.060;

58 ~~[(f)]~~ **f.** Statutory rape under section 566.032;

59 ~~[(g)]~~ **g.** Statutory sodomy under section 566.062;

60 ~~[(h)]~~ **h.** Robbery in the first degree under section 569.020 as it existed prior to January
61 1, 2017, or robbery in the first degree under section 570.023;

62 ~~[(i)]~~ **i.** Distribution of drugs to a minor under section 195.212 as it existed prior to
63 January 1, 2017, or delivery of a controlled substance under section 579.020;

64 ~~[(j)]~~ **j.** Arson in the first degree under section 569.040;

65 ~~[(k)]~~ **k.** Kidnapping or kidnapping in the first degree, when classified as a class A felony
66 under section 565.110.

67 **(2)** Nothing in this subsection shall prohibit the readmittance or enrollment of any pupil
68 if a petition has been dismissed, or when a pupil has been acquitted or adjudicated not to have
69 committed any of the above acts. This subsection shall not apply to a student with a disability,
70 as identified under state eligibility criteria, who is convicted or adjudicated guilty as a result of
71 an action related to the student's disability. Nothing in this subsection shall be construed to
72 prohibit a school district which provides an alternative education program from enrolling a pupil
73 in an alternative education program if the district determines such enrollment is appropriate.

74 4. If a pupil is attempting to enroll in a school district during a suspension or expulsion
75 from another in-state or out-of-state school district including a private, charter or parochial
76 school or school district, a conference with the superintendent or the superintendent's designee
77 may be held at the request of the parent, court-appointed legal guardian, someone acting as a
78 parent as defined by rule in the case of a special education student, or the pupil to consider if the
79 conduct of the pupil would have resulted in a suspension or expulsion in the district in which the
80 pupil is enrolling. Upon a determination by the superintendent or the superintendent's designee
81 that such conduct would have resulted in a suspension or expulsion in the district in which the
82 pupil is enrolling or attempting to enroll, the school district may make such suspension or
83 expulsion from another school or district effective in the district in which the pupil is enrolling
84 or attempting to enroll. Upon a determination by the superintendent or the superintendent's
85 designee that such conduct would not have resulted in a suspension or expulsion in the district
86 in which the student is enrolling or attempting to enroll, the school district shall not make such
87 suspension or expulsion effective in its district in which the student is enrolling or attempting
88 to enroll.

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