

HOUSE _____ **AMENDMENT NO.** _____

Offered By

AMEND House Committee Substitute for Senate Bill No. 243, Page 34, Section 167.131, Line 65, by inserting after all of said section and line the following:

“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 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;

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

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

3. No school board shall readmit or enroll a pupil properly suspended for more than ten consecutive school days for an act of school violence as defined in subsection 2 of section

1 160.261 regardless of whether or not such act was committed at a public school or at a private
2 school in this state, provided that such act shall have resulted in the suspension or expulsion of
3 such pupil in the case of a private school, or otherwise permit such pupil to attend school without
4 first holding a conference to review the conduct that resulted in the expulsion or suspension and
5 any remedial actions needed to prevent any future occurrences of such or related conduct. The
6 conference shall include the appropriate school officials including any teacher employed in that
7 school or district directly involved with the conduct that resulted in the suspension or expulsion,
8 the pupil, the parent or guardian of the pupil or any agency having legal jurisdiction, care, custody
9 or control of the pupil. The school board shall notify in writing the parents or guardians and all
10 other parties of the time, place, and agenda of any such conference. Failure of any party to attend
11 this conference shall not preclude holding the conference. [Notwithstanding any provision of this
12 subsection to the contrary,] Except as provided in subsection 4 of this section, no pupil shall be
13 readmitted or enrolled to a regular program of instruction if:

- 14 (1) Such pupil has been convicted of; or
- 15 (2) An indictment or information has been filed alleging that the pupil has committed one
16 of the acts enumerated in subdivision (4) of this subsection to which there has been no final
17 judgment; or
- 18 (3) A petition has been filed pursuant to section 211.091 alleging that the pupil has
19 committed one of the acts enumerated in subdivision (4) of this subsection to which there has
20 been no final judgment; or
- 21 (4) The pupil has been adjudicated to have committed an act which if committed by an
22 adult would be one of the following:
 - 23 (a) First degree murder under section 565.020;
 - 24 (b) Second degree murder under section 565.021;
 - 25 (c) First degree assault under section 565.050;
 - 26 (d) Forcible rape under section 566.030;
 - 27 (e) Forcible sodomy under section 566.060;
 - 28 (f) Statutory rape under section 566.032;
 - 29 (g) Statutory sodomy under section 566.062;
 - 30 (h) Robbery in the first degree under section 569.020;
 - 31 (i) Distribution of drugs to a minor under section 195.212;
 - 32 (j) Arson in the first degree under section 569.040;
 - 33 (k) Kidnapping, when classified as a class A felony under section 565.110.
- 34 4. Nothing in [this] subsection 3 of this section shall prohibit the readmittance or
35 enrollment of any pupil if a petition has been dismissed, [or] when a pupil has been acquitted or
36 adjudicated not to have committed any of the [above] acts enumerated in subsection 3 of this

1 section, or when the superintendent or, in a school district with no high school, the principal of the
2 school which such pupil attends determines that readmittance or enrollment is appropriate, with
3 such determination to be made by the school official on a case-by-case basis. [This subsection]
4 The provisions of subsection 3 of this section shall not apply to a student with a disability, as
5 identified under state eligibility criteria, who is convicted or adjudicated guilty as a result of an
6 action related to the student's disability. Nothing in [this] subsection 3 of this section shall be
7 construed to prohibit a school district which provides an alternative education program from
8 enrolling a pupil in an alternative education program if the district determines such enrollment is
9 appropriate.

10 [4.] 5. If a pupil is attempting to enroll in a school district during a suspension or
11 expulsion from another in- state or out-of-state school district including a private, charter or
12 parochial school or school district, a conference with the superintendent or the superintendent's
13 designee may be held at the request of the parent, court-appointed legal guardian, someone acting
14 as a parent as defined by rule in the case of a special education student, or the pupil to consider if
15 the conduct of the pupil would have resulted in a suspension or expulsion in the district in which
16 the pupil is enrolling. Upon a determination by the superintendent or the superintendent's
17 designee that such conduct would have resulted in a suspension or expulsion in the district in
18 which the pupil is enrolling or attempting to enroll, the school district may make such suspension
19 or expulsion from another school or district effective in the district in which the pupil is enrolling
20 or attempting to enroll. Upon a determination by the superintendent or the superintendent's
21 designee that such conduct would not have resulted in a suspension or expulsion in the district in
22 which the student is enrolling or attempting to enroll, the school district shall not make such
23 suspension or expulsion effective in its district in which the student is enrolling or attempting to
24 enroll.” ; and
25

26 Further amend said bill, Page 40, Section B, Line 2, by deleting “in unaccredited districts”; and
27

28 Further amend said bill, page and section, Lines 3 and 6, by deleting the words “section 167.131”
29 and inserting in lieu thereof the following:

30 “sections 167.131 and 167.171” ; and
31
32

33 Further amend said bill by amending the title, enacting clause, and intersectional references
34 accordingly.
35