

FIRST REGULAR SESSION

HOUSE BILL NO. 336

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SWAN.

0813H.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 suspension of students.

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Section A. Section 167.171, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.171, to read as follows: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, **or the superintendent's designee**, for a period not to exceed one hundred and eighty school days. In case of a suspension by the superintendent **or the superintendent's designee** 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 **or the superintendent's designee** 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, **or the superintendent's designee**, who may revoke the suspension at any time. In event of an appeal to the board, the superintendent **or the superintendent's designee** shall promptly transmit to it a full report in writing of the facts relating to the suspension, the action taken by the superintendent **or the superintendent's designee** 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;

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.

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

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

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

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

46 (1) Such pupil has been convicted of; or

47 (2) An indictment or information has been filed alleging that the pupil has committed
48 one of the acts enumerated in subdivision (4) of this subsection to which there has been no final
49 judgment; or

50 (3) A petition has been filed pursuant to section 211.091 alleging that the pupil has
51 committed one of the acts enumerated in subdivision (4) of this subsection to which there has
52 been no final judgment; or

53 (4) The pupil has been adjudicated to have committed an act which if committed by an
54 adult would be one of the following:

55 (a) First degree murder under section 565.020;

- 56 (b) Second degree murder under section 565.021;
- 57 (c) First degree assault under section 565.050;
- 58 (d) Forcible rape under section 566.030 as it existed prior to August 28, 2013, or rape
- 59 in the first degree under section 566.030;
- 60 (e) Forcible sodomy under section 566.060 as it existed prior to August 28, 2013, or
- 61 sodomy in the first degree under section 566.060;
- 62 (f) Statutory rape under section 566.032;
- 63 (g) Statutory sodomy under section 566.062;
- 64 (h) Robbery in the first degree under section 569.020 as it existed prior to January 1,
- 65 2017, or robbery in the first degree under section 570.023;
- 66 (i) Distribution of drugs to a minor under section 195.212 as it existed prior to January
- 67 1, 2017, or delivery of a controlled substance under section 579.020;
- 68 (j) Arson in the first degree under section 569.040;
- 69 (k) Kidnapping or kidnapping in the first degree, when classified as a class A felony
- 70 under section 565.110.

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

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

92 suspension or expulsion effective in its district in which the student is enrolling or attempting
93 to enroll.

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