

SECOND REGULAR SESSION

HOUSE BILL NO. 1867

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SWAN.

4532H.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Section A. Section 167.171, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.171, to read as follows: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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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