

SECOND REGULAR SESSION

# HOUSE BILL NO. 1941

## 91ST GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVES MAYER, HUNTER, CROWELL, SHOEMYER (9), MYERS,  
MERIDETH AND BRITT (Co-sponsors).

Read 1<sup>st</sup> time February 14, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4286L.011

---

### AN ACT

To repeal section 167.171, RSMo, and to enact in lieu thereof one new section relating to school discipline, with penalty provisions.

---

*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Section A. Section 167.171, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.171, to read as follows: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 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 — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

17 explanation of the facts which form the basis of the proposed suspension;

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

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

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

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

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

51 (a) First degree murder [under] **pursuant to** section 565.020, RSMo;

52 (b) Second degree murder [under] **pursuant to** section 565.021, RSMo;

- 53 (c) First degree assault [under] **pursuant to** section 565.050, RSMo;  
54 (d) [Forcible rape under section 566.030, RSMo] **Any felony offense established**  
55 **pursuant to chapter 566 or 567, RSMo;**  
56 (e) [Forcible sodomy under section 566.060, RSMo];  
57 (f) Robbery in the first degree [under] **pursuant to** section 569.020, RSMo;  
58 [(g)] **(f)** Distribution of drugs to a minor [under] **pursuant to** section 195.212, RSMo;  
59 [(h)] **(g)** Arson in the first degree [under] **pursuant to** section 569.040, RSMo;  
60 [(i)] **(h)** Kidnapping, when classified as a class A felony [under] **pursuant to** section  
61 565.110, RSMo.

62

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

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