

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1802
94TH GENERAL ASSEMBLY

Reported from the Committee on Higher Education March 5, 2008 with recommendation that House Committee Substitute for House Bill No. 1802 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

4132L.02C

AN ACT

To repeal section 167.161, RSMo, and to enact in lieu thereof one new section relating to suspension or expulsion of students.

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

Section A. Section 167.161, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.161, to read as follows:

167.161. 1. The school board of any district, after notice to parents or others having custodial care and a hearing upon charges preferred, may suspend or expel a pupil for conduct which is prejudicial to good order and discipline in the schools or which tends to impair the morale or good conduct of the pupils. In addition to the authority granted in section 167.171, a school board may authorize, by general rule, the immediate removal of a pupil upon a finding by the principal, superintendent, or school board that the pupil poses a threat of harm to such pupil or others, as evidenced by the prior conduct of such pupil. Prior disciplinary actions shall not be used as the sole basis for removal, suspension or expulsion of a pupil. Removal of any pupil who is a student with a disability is subject to state and federal procedural rights. At the hearing upon any such removal, suspension or expulsion, the board shall consider the evidence and statements that the parties present and may consider records of past disciplinary actions, criminal court records or juvenile court records consistent with other provisions of the law, or the actions of the pupil which would constitute a criminal offense. The board may provide by general rule not inconsistent with this section for the procedure and conduct of such hearings.

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.

15 After meeting with the superintendent or his designee to discuss the expulsion, the parent,
16 custodian or the student, if at least eighteen years of age, may, in writing, waive any right to a
17 hearing before the board of education.

18 2. The school board of any district, after notice to parents or others having custodial care
19 and a hearing upon the matter, may suspend a pupil upon a finding that the pupil has been
20 charged, convicted or pled guilty in a court of general jurisdiction for the commission of a felony
21 criminal violation of state or federal law. At a hearing required by this subsection, the board
22 shall consider statements that the parties present. The board may provide for the procedure and
23 conduct of such hearings.

24 3. The school board shall make a good-faith effort to have the parents or others having
25 custodial care present at any such hearing. Notwithstanding any other provision of law to the
26 contrary, student discipline hearings or proceedings related to the rights of students to attend
27 school or to receive academic credit shall not be required to comply with the requirements
28 applicable to contested case hearings as provided in chapter 536, RSMo, provided that
29 appropriate due process procedures shall be observed which shall include the right for a trial de
30 novo by the circuit court.

31 **4. Notwithstanding any other provision of law to the contrary, in the event a school**
32 **is a member of a student activity association which regulates student participation in**
33 **extracurricular activities, any hearings or proceedings relating to student participation in**
34 **school activities shall not be required to comply with the requirements applicable to**
35 **contested case hearings as provided in chapter 536, RSMo, provided the appropriate due**
36 **process procedures shall be observed, which shall include the right for trial de novo by the**
37 **circuit court.**

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