

FIRST REGULAR SESSION

HOUSE BILL NO. 1121

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE UNSICKER.

2258H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 167.171, RSMo, and to enact in lieu thereof one new section relating to discipline 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Section A. Section 167.171, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.171, to read as follows: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 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;

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 (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 **during the time of the suspension** regardless of whether or not such act was committed
30 at a public school or at a private school in this state, provided that such act shall have resulted
31 in the suspension or expulsion of such pupil in the case of a private school, or otherwise permit
32 such pupil to attend school without first holding a conference to review the conduct that resulted
33 in the expulsion or suspension and any remedial actions needed to prevent any future occurrences
34 of such or related conduct. **If the pupil who was suspended moves to a new school district**
35 **and attempts to enroll in the district or attempts to enroll in a charter school, the school**
36 **board of the new school district or the governing board of the charter school shall hold a**
37 **hearing to determine any remedial actions needed and whether to allow the student to**
38 **attend the charter school or a school in the district.** The conference shall include the
39 appropriate school officials including any teacher employed in that school or district directly
40 involved with the conduct that resulted in the suspension or expulsion, the pupil, the parent or
41 guardian of the pupil or any agency having legal jurisdiction, care, custody or control of the
42 pupil. The school board shall notify in writing the parents or guardians and all other parties of
43 the time, place, and agenda of any such conference. Failure of any party to attend this conference
44 shall not preclude holding the conference. Notwithstanding any provision of this subsection to
45 the contrary, no pupil shall be readmitted or enrolled to a regular 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]~~ **If any**
73 **pupil has had** a petition ~~[has been]~~ dismissed[;] or ~~[when a pupil has]~~ been acquitted or
74 adjudicated not to have committed any of the above acts, **the student shall be readmitted if,**
75 **after a hearing held in accordance with subsection 2 of this section, the student is**
76 **determined not to have committed any of the above acts on school property, on any school**
77 **bus in service on behalf of the school district, or while involved in school activities.** This
78 subsection shall not apply to a student with a disability, as identified under state eligibility
79 criteria, who is convicted or adjudicated guilty as a result of an action related to the student's
80 disability. ~~[Nothing in]~~ This subsection shall be construed to ~~[prohibit]~~ **require** a school district
81 ~~[which provides]~~ **to enroll the pupil in** an alternative education program ~~[from enrolling a pupil~~
82 ~~in an alternative education program]~~ **or in the virtual public school described in section**
83 **161.670** if the district determines such enrollment is appropriate. **If such enrollment is deemed**
84 **not appropriate, the district shall make an effort to ensure that the student has access to**
85 **appropriate coursework.**

86 4. If a pupil is attempting to enroll in a school district during a suspension or expulsion
87 from another in-state or out-of-state school district including a private, charter or parochial
88 school or school district, a conference with the superintendent or the superintendent's designee

89 may be held at the request of the parent, court-appointed legal guardian, someone acting as a
90 parent as defined by rule in the case of a special education student, or the pupil to consider if the
91 conduct of the pupil would have resulted in a suspension or expulsion in the district in which the
92 pupil is enrolling. Upon a determination by the superintendent or the superintendent's designee
93 that such conduct would have resulted in a suspension or expulsion in the district in which the
94 pupil is enrolling or attempting to enroll, the school district may make such suspension or
95 expulsion from another school or district effective in the district in which the pupil is enrolling
96 or attempting to enroll. Upon a determination by the superintendent or the superintendent's
97 designee that such conduct would not have resulted in a suspension or expulsion in the district
98 in which the student is enrolling or attempting to enroll, the school district shall not make such
99 suspension or expulsion effective in its district in which the student is enrolling or attempting
100 to enroll.

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