

FIRST REGULAR SESSION

HOUSE BILL NO. 410

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LOEHNER.

1191L.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 school expulsion or suspension, with an emergency clause.

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Section A. Section 167.171, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.171, to read as follows: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 regardless of whether or not such act was committed at a public school or at a private
30 school in this state, provided that such act shall have resulted in the suspension or expulsion of
31 such pupil in the case of a private school, or otherwise permit such pupil to attend school without
32 first holding a conference to review the conduct that resulted in the expulsion or suspension and
33 any remedial actions needed to prevent any future occurrences of such or related conduct. The
34 conference shall include the appropriate school officials including any teacher employed in that
35 school or district directly involved with the conduct that resulted in the suspension or expulsion,
36 the pupil, the parent or guardian of the pupil or any agency having legal jurisdiction, care,
37 custody or control of the pupil. The school board shall notify in writing the parents or guardians
38 and all other parties of the time, place, and agenda of any such conference. Failure of any party
39 to attend this conference shall not preclude holding the conference. [Notwithstanding any
40 provision of this subsection to the contrary,] **Except as provided in subsection 4 of this section,**
41 no pupil shall be readmitted 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 alleging that the pupil has
47 committed one of the acts enumerated in subdivision (4) of this subsection to which there has
48 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 section 565.020;

52 (b) Second degree murder under section 565.021;

53 (c) First degree assault under section 565.050;

- 54 (d) Forcible rape under section 566.030;
- 55 (e) Forcible sodomy under section 566.060;
- 56 (f) Statutory rape under section 566.032;
- 57 (g) Statutory sodomy under section 566.062;
- 58 (h) Robbery in the first degree under section 569.020;
- 59 (i) Distribution of drugs to a minor under section 195.212;
- 60 (j) Arson in the first degree under section 569.040;
- 61 (k) Kidnapping, when classified as a class A felony under section 565.110.

62 **4.** Nothing in [this] subsection **3 of this section** shall prohibit the readmittance or
63 enrollment of any pupil if a petition has been dismissed, [or] when a pupil has been acquitted or
64 adjudicated not to have committed any of the [above] acts **enumerated in subsection 3 of this**
65 **section, or when the superintendent or, in a school district with no high school, the**
66 **principal of the school which such pupil attends determines that readmittance or**
67 **enrollment is appropriate, with such determination to be made by the school official on a**
68 **case-by-case basis.** [This subsection] **The provisions of subsection 3 of this section** shall not
69 apply to a student with a disability, as identified under state eligibility criteria, who is convicted
70 or adjudicated guilty as a result of an action related to the student's disability. Nothing in [this]
71 subsection **3 of this section** shall be construed to prohibit a school district which provides an
72 alternative education program from enrolling a pupil in an alternative education program if the
73 district determines such enrollment is appropriate.

74 [4.] **5.** If a pupil is attempting to enroll in a school district during a suspension or
75 expulsion from another in- state or out-of-state school district including a private, charter or
76 parochial school or school district, a conference with the superintendent or the superintendent's
77 designee may be held at the request of the parent, court-appointed legal guardian, someone acting
78 as a parent as defined by rule in the case of a special education student, or the pupil to consider
79 if the conduct of the pupil would have resulted in a suspension or expulsion in the district in
80 which the pupil is enrolling. Upon a determination by the superintendent or the superintendent's
81 designee that such conduct would have resulted in a suspension or expulsion in the district in
82 which the pupil is enrolling or attempting to enroll, the school district may make such suspension
83 or expulsion from another school or district effective in the district in which the pupil is enrolling
84 or attempting to enroll. Upon a determination by the superintendent or the superintendent's
85 designee that such conduct would not have resulted in a suspension or expulsion in the district
86 in which the student is enrolling or attempting to enroll, the school district shall not make such
87 suspension or expulsion effective in its district in which the student is enrolling or attempting
88 to enroll.

Section B. Because immediate action is necessary to allow schools to act on
2 readmissions for the upcoming school year, section A of this act is deemed necessary for the
3 immediate preservation of the public health, welfare, peace, and safety, and is hereby declared
4 to be an emergency act within the meaning of the constitution, and section A of this act shall be
5 in full force and effect on July 1, 2010, or upon its passage and approval, whichever occurs later.