

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1041**  
**92ND GENERAL ASSEMBLY**

---

Reported from the Committee on Education January 29, 2004 with recommendation that the House Committee Substitute for House Bill No. 1041 Do Pass.

STEPHEN S. DAVIS, Chief Clerk

3702L.02C

---

**AN ACT**

To repeal sections 168.110, 168.126, and 302.272, RSMo, and to enact in lieu thereof five new sections relating to school personnel.

---

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

Section A. Sections 168.110, 168.126, and 302.272, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 162.032, 167.166, 168.110, 168.126, and 302.272, to read as follows:

**162.032. If a school district is annexed to an existing district or divided into two or more districts by a vote of the citizens, or is dissolved under the lapse procedures in section 162.081, court action, or any other authority of Missouri or federal laws, the successor school district shall become responsible for ensuring access to continuation of health insurance coverage for retired teachers and employees of the district if the original district offers health insurance coverage to its retirees at the time of its loss of corporate structure. If an original district is divided into multiple successor districts, such responsibility shall be assigned to the successor district with the largest eligible pupil count in the most recently completed school year.**

**167.166. 1. No employee of any public school or charter school within this state shall perform a strip search, as that term is defined in section 544.193, RSMo, of any student of any such school. In addition, no employee of any public school or charter school shall direct a student to take part in, direct, or supervise a strip search of a fellow student.**

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.**

5 **For the purposes of this section, the term "employee" shall include all temporary and part-**  
6 **time employees of such public schools and charter schools.**

7 **2. Any employee of a public school or charter school who violates the provisions of**  
8 **this section shall be immediately suspended without pay, pending an evidentiary hearing**  
9 **when such employee is entitled by statute or contract to such hearing.**

168.110. The board of education of a school district may modify an indefinite contract  
2 annually on or before the fifteenth day of May in the following particulars:

3 (1) Determination of the date of beginning and length of the next school year;

4 (2) Fixing the amount of annual compensation for the following school year as provided  
5 by the salary schedule adopted by the board of education applicable to all teachers. **Districts**  
6 **may provide a salary that includes salary schedule modifications to retain teachers based**  
7 **upon demonstrated need for teachers certified in shortage areas. Districts may also**  
8 **provide such schedule modifications to retain teachers with qualities, experience, or**  
9 **credentials that are exceptionally well suited to a district's needs for academic**  
10 **improvement or to compensate teachers who undertake difficult assignments, including but**  
11 **not limited to teaching in a classroom that exceeds the recommended class size for that**  
12 **grade level according to Missouri school improvement program standards. In exchange**  
13 **for such modifications, teachers may be required to teach in the district offering the**  
14 **modification for a period of up to three school years. Districts shall have the decision-**  
15 **making authority on whether to provide such modifications within the limits of this section.**  
16 The modifications shall be effective at the beginning of the next school year. All teachers  
17 affected by the modification shall be furnished written copies of the modifications within thirty  
18 days after their adoption by the board of education.

168.126. 1. A board of education at a regular or special meeting may contract with and  
2 employ by a majority vote legally qualified probationary teachers for the school district. The  
3 contract shall be made by order of the board; shall specify the number of months school is to be  
4 taught and the wages per month to be paid, **including hiring incentives or salary schedule**  
5 **modifications pursuant to subsection 2 of this section;** shall be signed by the probationary  
6 teacher and the president of the board, or a facsimile signature of the president may be affixed  
7 at his discretion; and the contract shall be attested by the secretary of the board by signature or  
8 facsimile. The board shall not employ one of its members as a teacher; nor shall any person be  
9 employed as a teacher who is related within the fourth degree to any board member, either by  
10 consanguinity or affinity, where the vote of the board member is necessary to the selection of the  
11 person.

12 **2. Districts may provide a salary that includes hiring incentives or salary schedule**  
13 **modifications to attract teachers based upon demonstrated need for teachers certified in**

14 **shortage areas. Districts may also provide such incentives or modifications to attract**  
15 **teachers with qualities, experience, or credentials that are exceptionally well suited to a**  
16 **district's needs for academic improvement or to compensate teachers who undertake**  
17 **difficult assignments, including but not limited to teaching in a classroom that exceeds the**  
18 **recommended class size for that grade level according to Missouri school improvement**  
19 **program standards. In exchange for such incentives or modifications, teachers may be**  
20 **required to teach in the district offering the incentive or modification for a period of up to**  
21 **three school years. Districts shall have the decision-making authority on whether to**  
22 **provide such incentives and modifications within the limits of this section.**

23         **3.** If in the opinion of the board of education any probationary teacher has been doing  
24 unsatisfactory work, the board of education, through its authorized administrative representative,  
25 shall provide the teacher with a written statement definitely setting forth his alleged  
26 incompetency and specifying the nature thereof, in order to furnish the teacher an opportunity  
27 to correct his fault and overcome his incompetency. If improvement satisfactory to the board of  
28 education has not been made within ninety days of the receipt of the notification, the board of  
29 education may terminate the employment of the probationary teacher immediately or at the end  
30 of the school year. Any motion to terminate the employment of a probationary teacher shall  
31 include only one person and must be approved by a majority of the members of the board of  
32 education. A tie vote thereon constitutes termination. On or before the fifteenth day of April in  
33 each school year, the board of education shall notify in writing a probationary teacher who will  
34 not be retained by the school district of the termination of his employment. Upon request, the  
35 notice shall contain a concise statement of the reason or reasons the employment of the  
36 probationary teacher is being terminated. Nothing contained in this section shall give rise to a  
37 cause of action not currently cognizant at law by a probationary teacher for any reason given in  
38 said writing so long as the board issues the letter in good faith without malice, but an action for  
39 actual damages may be maintained by any person for the deprivation of a right conferred by this  
40 act.

41         **[3.] 4.** Any probationary teacher who is not notified of the termination of his employment  
42 shall be deemed to have been appointed for the next school year, under the terms of the contract  
43 for the preceding year. A probationary teacher who is informed of reemployment by written  
44 notice shall be tendered a contract on or before the fifteenth day of May, and shall within fifteen  
45 days thereafter present to the employing board of education a written acceptance or rejection of  
46 the employment tendered, and failure of such teachers to present the acceptance within such time  
47 constitutes a rejection of the board's offer. A contract between a probationary teacher and a  
48 board of education may be terminated or modified at any time by the mutual consent of the  
49 parties thereto.

302.272. 1. No person shall operate any school bus owned by or under contract with a public school or the state board of education unless such driver has qualified for a school bus permit under this section and complied with the pertinent rules and regulations of the department of revenue. A school bus permit shall be issued to any applicant who meets the following qualifications:

(1) The applicant has a valid state license issued under this chapter or has a license valid in any other state;

(2) The applicant is at least twenty-one years of age;

(3) The applicant has passed a medical examination, including vision and hearing tests, as prescribed by the director of revenue and, if the applicant is at least seventy years of age, the applicant shall pass the medical examination annually to maintain or renew the permit; and

(4) The applicant has successfully passed an examination for the operation of a school bus as prescribed by the director of revenue. The examination shall include, but need not be limited to, a written skills examination of applicable laws, rules and procedures, and a driving test in the type of vehicle to be operated. The test shall be completed in the appropriate class of vehicle to be driven. For purposes of this section classes of school buses shall comply with the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570).

2. Except as otherwise provided in this section, a school bus permit shall be renewed every three years and shall require the applicant to provide a medical examination as specified in subdivision (3) of subsection 1 of this section and to successfully pass a written skills examination as prescribed by the director of revenue in consultation with the department of elementary and secondary education. If the applicant is at least seventy years of age, the school bus permit shall be renewed annually, and the applicant shall successfully pass the examination prescribed in subdivision (4) of subsection 1 of this section prior to receiving the renewed permit, **provided that the background check, as contemplated by subsections 5 and 6 of this section, shall continue to be conducted on a renewing applicant's previously established three-year renewal schedule.** The director may waive the written skills examination on renewal of a school bus permit upon verification of the applicant's successful completion within the preceding twelve months of a training program which has been approved by the director in consultation with the department of elementary and secondary education and which is at least eight hours in duration with special instruction in school bus driving.

3. The fee for a new or renewed school bus permit shall be three dollars.

4. Upon the applicant's completion of the requirements of subsections 1, 2 and 3 of this section, the director of revenue shall issue a temporary school bus permit to the applicant until such time as a permanent school bus permit shall be issued following the record clearance as provided in subsection 6 of this section.

37           5. The director of revenue, to the best of the director's knowledge, shall not issue or  
38 renew a school bus permit to any applicant:

39           (1) Whose driving record shows that such applicant's privilege to operate a motor vehicle  
40 has been suspended, revoked or disqualified or whose driving record shows a history of moving  
41 vehicle violations;

42           (2) Who has pled guilty to or been found guilty of any felony or misdemeanor for  
43 violation of drug regulations as defined in chapter 195, RSMo; of any felony for an offense  
44 against the person as defined by chapter 565, RSMo, or any other offense against the person  
45 involving the endangerment of a child as prescribed by law; of any misdemeanor or felony for  
46 a sexual offense as defined by chapter 566, RSMo; of any misdemeanor or felony for prostitution  
47 as defined by chapter 567, RSMo; of any misdemeanor or felony for an offense against the  
48 family as defined in chapter 568, RSMo; of any felony or misdemeanor for a weapons offense  
49 as defined by chapter 571, RSMo; of any misdemeanor or felony for pornography or related  
50 offense as defined by chapter 573, RSMo; or of any similar crime in any federal, state, municipal  
51 or other court of similar jurisdiction of which the director has knowledge;

52           (3) Who has pled guilty to or been found guilty of any felony involving robbery, arson,  
53 burglary or a related offense as defined by chapter 569, RSMo; or any similar crime in any  
54 federal, state, municipal or other court of similar jurisdiction within the preceding ten years of  
55 which the director has knowledge.

56           6. The department of social services or the Missouri highway patrol, whichever has  
57 access to applicable records, shall provide a record of clearance or denial of clearance for any  
58 applicant for a school bus permit for the convictions specified in subdivisions (2) and (3) of  
59 subsection 5 of this section. The Missouri highway patrol in providing the record of clearance  
60 or denial of clearance for any such applicant is authorized to obtain from the Federal Bureau of  
61 Investigation any information which might aid the Missouri highway patrol in providing such  
62 record of clearance or denial of clearance. The department of social services or the Missouri  
63 highway patrol shall provide the record of clearance or denial of clearance within thirty days of  
64 the date requested, relying on information available at that time, except that the department of  
65 social services or the Missouri highway patrol shall provide any information subsequently  
66 discovered to the department of revenue.