

SECOND REGULAR SESSION

[PERFECTED]

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.

Taken up for Perfection March 10, 2004. House Committee Substitute for House Bill No. 1041 ordered Perfected and printed, as amended.

STEPHEN S. DAVIS, Chief Clerk

3702L.02P

AN ACT

To repeal sections 105.454, 163.031, 168.110, 168.124, 168.126, 168.515, and 302.272, RSMo, and to enact in lieu thereof ten new sections relating to school personnel, with an emergency clause for certain sections.

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

Section A. Sections 105.454, 163.031, 168.110, 168.124, 168.126, 168.515, and
2 302.272, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as
3 sections 105.454, 162.032, 163.031, 167.166, 168.110, 168.124, 168.126, 168.515, 302.272, and
4 1, to read as follows:

105.454. No elected or appointed official or employee of the state or any political
2 subdivision thereof, serving in an executive or administrative capacity, shall:

3 (1) Perform any service for any agency of the state, or for any political subdivision
4 thereof in which he or she is an officer or employee or over which he or she has supervisory
5 power for receipt or payment of any compensation, other than of the compensation provided for
6 the performance of his or her official duties, in excess of five hundred dollars per transaction or
7 one thousand five hundred dollars per annum, **or in the case of a school board five thousand**
8 **dollars per annum**, except on transactions made pursuant to an award on a contract let or sale

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.

9 made after public notice and competitive bidding, provided that the bid or offer is the lowest received.

10 (2) Sell, rent or lease any property to any agency of the state, or to any political
11 subdivision thereof in which he or she is an officer or employee or over which he or she has
12 supervisory power and received consideration therefor in excess of five hundred dollars per
13 transaction or one thousand five hundred dollars per year unless the transaction is made pursuant
14 to an award on a contract let or sale made after public notice and in the case of property other
15 than real property, competitive bidding, provided that the bid or offer accepted is the lowest
16 received;

17 (3) Participate in any matter, directly or indirectly, in which he or she attempts to
18 influence any decision of any agency of the state, or political subdivision thereof in which he or
19 she is an officer or employee or over which he or she has supervisory power, when he or she
20 knows the result of such decision may be the acceptance of the performance of a service or the
21 sale, rental, or lease of any property to that agency for consideration in excess of five hundred
22 dollars' value per transaction or one thousand five hundred dollars' value per annum to him or
23 her, to his or her spouse, to a dependent child in his or her custody or to any business with which
24 he or she is associated unless the transaction is made pursuant to an award on a contract let or
25 sale made after public notice and in the case of property other than real property, competitive
26 bidding, provided that the bid or offer accepted is the lowest received;

27 (4) Perform any services during the time of his or her office or employment for any
28 consideration from any person, firm or corporation, other than the compensation provided for
29 the performance of his or her official duties, by which service he or she attempts to influence a
30 decision of any agency of the state, or of any political subdivision in which he or she is an officer
31 or employee or over which he or she has supervisory power;

32 (5) Perform any service for consideration, during one year after termination of his or her
33 office or employment, by which performance he or she attempts to influence a decision of any
34 agency of the state, or a decision of any political subdivision in which he or she was an officer
35 or employee or over which he or she had supervisory power, except that this provision shall not
36 be construed to prohibit any person from performing such service and receiving compensation
37 therefor, in any adversary proceeding or in the preparation or filing of any public document or
38 to prohibit an employee of the executive department from being employed by any other
39 department, division or agency of the executive branch of state government. For purposes of this
40 subdivision, within ninety days after assuming office, the governor shall by executive order
41 designate those members of his or her staff who have supervisory authority over each
42 department, division or agency of state government for purposes of application of this
43 subdivision. The executive order shall be amended within ninety days of any change in the

44 supervisory assignments of the governor's staff. The governor shall designate not less than three
45 staff members pursuant to this subdivision;

46 (6) Perform any service for any consideration for any person, firm or corporation after
47 termination of his or her office or employment in relation to any case, decision, proceeding or
48 application with respect to which he or she was directly concerned or in which he or she
49 personally participated during the period of his or her service or employment.

**162.032. If a school district is annexed to an existing district or divided into two or
2 more districts by a vote of the citizens, or is dissolved under the lapse procedures in section
3 162.081, court action, or any other authority of Missouri or federal laws, the successor
4 school district shall become responsible for ensuring access to continuation of health
5 insurance coverage for retired teachers and employees of the district if the original district
6 offers health insurance coverage to its retirees at the time of its loss of corporate structure.
7 If an original district is divided into multiple successor districts, such responsibility shall
8 be assigned to the successor district with the largest eligible pupil count in the most
9 recently completed school year.**

163.031. 1. School districts which meet the requirements of section 163.021 shall be
2 entitled to an amount computed as follows: an amount determined by multiplying the number
3 of eligible pupils by the lesser of the district's equalized operating levy for school purposes as
4 defined in section 163.011 or two dollars and seventy-five cents per one hundred dollars assessed
5 valuation multiplied by the guaranteed tax base per eligible pupil times the proration factor plus
6 an amount determined by multiplying the number of eligible pupils by the greater of zero or the
7 district's equalized operating levy for school purposes as defined in section 163.011 minus two
8 dollars and seventy-five cents per one hundred dollars assessed valuation multiplied by the
9 guaranteed tax base per eligible pupil times the proration factor. For the purposes of this section,
10 the proration factor shall be equal to the sum of the total appropriation for distribution under
11 subsections 1 and 2 of this section; and the state total of the deductions as calculated in
12 subsection 2 of this section which do not exceed the district entitlements as adjusted by the same
13 proration factor; divided by the amount of the state total of district entitlements before proration
14 as calculated pursuant to this subsection; provided that, if the proration factor so calculated is
15 greater than one, the proration factor for line 1(b) shall be the greater of one or the proration
16 factor for line 1(a) minus five hundredths, and provided that if the proration factor so calculated
17 is less than one, the proration factor for line 1(a) shall be the lesser of one or the proration factor
18 for line 1(b) plus five hundredths.

19 2. From the district entitlement for each district there shall be deducted the following
20 amounts: an amount determined by multiplying the district equalized assessed valuation by the
21 district's equalized operating levy for school purposes times the district income factor plus ninety

22 percent of any payment received the current year of protested taxes due in prior years no earlier
23 than the 1997 tax year minus the amount of any protested taxes due in the current year and for
24 which notice of protest was received during the current year; one hundred percent of the amount
25 received the previous year for school purposes from intangible taxes, fines, forfeitures and
26 escheats, payments in lieu of taxes and receipts from state assessed railroad and utility tax,
27 except that any penalty paid after July 1, 1995, by a concentrated animal feeding operation as
28 defined by the department of natural resources rule shall not be included; one hundred percent
29 of the amounts received the previous year for school purposes from federal properties pursuant
30 to sections 12.070 and 12.080, RSMo; federal impact aid received the previous year for school
31 purposes pursuant to P.L. 81-874 less fifty thousand dollars multiplied by ninety percent or the
32 maximum percentage allowed by federal regulation if that percentage is less than ninety; fifty
33 percent, or the percentage otherwise provided in section 163.087 of Proposition C revenues
34 received the previous year for school purposes from the school district trust fund pursuant to
35 section 163.087; one hundred percent of the amount received the previous year for school
36 purposes from the fair share fund pursuant to section 149.015, RSMo; and one hundred percent
37 of the amount received the previous year for school purposes from the free textbook fund,
38 pursuant to section 148.360, RSMo.

39 3. School districts which meet the requirements of section 163.021 shall receive
40 categorical add-on revenue as provided in this subsection. There shall be individual proration
41 factors for each categorical entitlement provided for in this subsection, and each proration factor
42 shall be determined by annual appropriations, but no categorical proration factor shall exceed the
43 entitlement proration factor established pursuant to subsection 1 of this section, except that the
44 vocational education entitlement proration factor established pursuant to line 16 of subsection
45 6 of this section and the educational and screening program entitlements proration factor
46 established pursuant to line 17 of subsection 6 of this section may exceed the entitlement
47 proration factor established pursuant to subsection 1 of this section. The categorical add-on for
48 the district shall be the sum of: seventy-five percent of the costs of adopting and providing a
49 violence prevention program pursuant to section 161.650, RSMo, multiplied by the proration
50 factor; seventy-five percent of the district allowable transportation costs pursuant to section
51 163.161 multiplied by the proration factor; the special education approved or allowed cost
52 entitlement for the district, provided for by section 162.975, RSMo, multiplied by the proration
53 factor; seventy-five percent of the district gifted education approved or allowable cost
54 entitlement as determined pursuant to section 162.975, RSMo, multiplied by the proration factor;
55 the free and reduced lunch eligible pupil count for the district, as defined in section 163.011,
56 multiplied by twenty percent, for a district with an operating levy in excess of two dollars and
57 seventy-five cents per one hundred dollars assessed valuation, or twenty-two percent, otherwise

58 times the guaranteed tax base per eligible pupil times two dollars and seventy-five cents per one
59 hundred dollars assessed valuation times the proration factor plus the free and reduced lunch
60 eligible pupil count for the district, as defined in section 163.011, times thirty percent times the
61 guaranteed tax base per eligible pupil times the following quantity: ((the greater of zero or the
62 district's operating levy for school purposes minus two dollars and seventy-five cents per one
63 hundred dollars assessed valuation) times one or, beginning in the fifth year following the
64 effective date of this section, the quotient of the district's fiscal instructional ratio of efficiency
65 for the prior year divided by the fiscal year 1998 statewide average fiscal instructional ratio of
66 efficiency, if the district's prior year fiscal instructional ratio of efficiency is at least five percent
67 below the fiscal year 1998 statewide average) times the proration factor, minus court-ordered
68 state desegregation aid received by the district for operating purposes; the career ladder
69 entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo, [multiplied
70 by the proration factor]; the vocational education entitlement for the district, as provided for in
71 section 167.332, RSMo, multiplied by the proration factor and the district educational and
72 screening program entitlements as provided for in sections 178.691 to 178.699, RSMo, times the
73 proration factor.

74 4. Each district's apportionment shall be the prorated categorical add-ons plus the greater
75 of the district's prorated entitlement minus the total deductions for the district or zero.

76 5. (1) In the 1993-94 school year and all subsequent school years, pursuant to section
77 10(c) of article X of the state constitution, a school district shall adjust upward its operating levy
78 for school purposes to the extent necessary for the district to at least maintain the current
79 operating expenditures per pupil received by the district from all sources in the 1992-93 school
80 year, except that its operating levy for school purposes shall not exceed the highest tax rate in
81 effect subsequent to the 1980 tax year, or the minimum rate required by subsection 2 of section
82 163.021, whichever is less.

83 (2) The revenue per eligible pupil received by a district from the following sources: line
84 1 minus line 10, or zero if line 1 minus line 10 is less than zero, plus line 14 of subsection 6 of
85 this section, shall not be less than the revenue per eligible pupil received by a district in the
86 1992-93 school year from the foundation formula entitlement payment amount plus the amount
87 of line 14 per eligible pupil that exceeds the line 14 per pupil amount from the 1997-98 school
88 year, or the revenue per eligible pupil received by a district in the 1992-93 school year from the
89 foundation formula entitlement payment amount plus the amount of line 14(a) per eligible pupil
90 times the quotient of line 1 minus line 10, divided by the number of eligible pupils, or zero if line
91 1 minus line 10 is less than zero, divided by the revenue per eligible pupil received by the district
92 in the 1992-93 school year from the foundation formula entitlement payment amount, whichever
93 is greater. The department of elementary and secondary education shall make an addition in the

94 payment amount of line 19 of subsection 6 of this section to assure compliance with the
95 provisions contained in this section.

96 (3) For any school district which meets the eligibility criteria for state aid as established
97 in section 163.021, but which under subsections 1 to 4 of this section, receives no state aid for
98 two successive school years, other than categorical add-ons, by August first following the second
99 such school year, the commissioner of education shall present a plan to the superintendent of the
100 school district for the waiver of rules and the duration of said waivers, in order to promote
101 flexibility in the operations of the district and to enhance and encourage efficiency in the delivery
102 of instructional services. The provisions of other law to the contrary notwithstanding, the plan
103 presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil
104 testing requirements pursuant to section 160.257, RSMo. Further, the provisions of other law
105 to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements
106 otherwise imposed on the school district related to the authority of the state board of education
107 to classify school districts pursuant to section 161.092, RSMo, and such other rules as
108 determined by the commissioner of education, except that such waivers shall not include the
109 provisions established pursuant to sections 160.514 and 160.518, RSMo.

110 (4) In the 1993-94 school year and each school year thereafter for two years, those
111 districts which are entitled to receive state aid under subsections 1 to 4 of this section, shall
112 receive state aid in an amount per eligible pupil as provided in this subsection. For the 1993-94
113 school year, the amount per eligible pupil shall be twenty-five percent of the amount of state aid
114 per eligible pupil calculated for the district for the 1993-94 school year pursuant to subsections
115 1 to 4 of this section plus seventy-five percent of the total amount of state aid received by the
116 district from all sources for the 1992-93 school year for which the district is entitled and which
117 are distributed in the 1993-94 school year pursuant to subsections 1 to 4 of this section. For the
118 1994-95 school year, the amount per eligible pupil shall be fifty percent of the amount of state
119 aid per eligible pupil calculated for the district for the 1994-95 school year pursuant to
120 subsections 1 to 4 of this section plus fifty percent of the total amount of state aid received by
121 the district from all sources for the 1992-93 school year for which the district is entitled and
122 which are distributed in the 1994-95 school year pursuant to subsections 1 to 4 of this section.
123 For the 1995-96 school year, the amount of state aid per eligible pupil shall be seventy-five
124 percent of the amount of state aid per eligible pupil calculated for the district for the 1995-96
125 school year pursuant to subsections 1 to 4 of this section plus twenty-five percent of the total
126 amount of state aid received by the district from all sources for the 1992-93 school year for
127 which the district is entitled and which are distributed in the 1995-96 school year pursuant to
128 subsections 1 to 4 of this section. Nothing in this subdivision shall be construed to limit the

129 authority of a school district to raise its district operating levy pursuant to subdivision (1) of this
130 subsection.

131 (5) If the total of state aid apportionments to all districts pursuant to subdivision (3) of
132 this subsection is less than the total of state aid apportionments calculated pursuant to
133 subsections 1 to 4 of this section, then the difference shall be deposited in the outstanding
134 schools trust fund. If the total of state aid apportionments to all districts pursuant to subdivision
135 (1) of this subsection is greater than the total of state aid apportionments calculated pursuant to
136 subsections 1 to 4 of this section, then funds shall be transferred from the outstanding schools
137 trust fund to the state school moneys fund to the extent necessary to fund the district entitlements
138 as modified by subdivision (4) of this subsection for that school year with a district entitlement
139 proration factor no less than one and such transfer shall be given priority over all other uses for
140 the outstanding schools trust fund as otherwise provided by law.

141 6. State aid shall be determined as follows:

142 District Entitlement

143 1(a). Number of eligible pupils x (lesser of district's equalized operating levy for school
144 purposes or two dollars and seventy-five cents per one hundred dollars assessed
145 valuation) x (proration x GTB per EP) \$.....

146 1(b). Number of eligible pupils x (greater of: 0, or district's equalized operating levy for
147 school purposes minus two dollars and seventy-five cents per one hundred dollars
148 assessed valuation) x (proration x GTB per EP) \$.....

149 Deductions

150 2. District equalized assessed valuation x district income factor x district's equalized
151 operating levy for school purposes plus ninety percent of any payment received the
152 current year of protested taxes due in prior years no earlier than the 1997 tax year minus
153 the amount of any protested taxes due in the current year and for which notice of protest
154 was received during the current year \$.....

155 3. Intangible taxes, fines, forfeitures, escheats, payments in lieu of taxes, etc. (100% of the
156 amount received the previous year for school purposes) \$.....

157 4. Receipts from state assessed railroad and utility tax (100% of the amount received the
158 previous year for school purposes) \$.....

159 5. Receipts from federal properties pursuant to sections 12.070 and 12.080, RSMo (100%
160 of the amount received the previous year for school purposes) \$.....

161 6. (Federal impact aid received the previous year for school purposes pursuant to P.L.
162 81-874 less \$50,000) x 90% or the maximum percentage allowed by federal regulations
163 if less than 90% \$.....

- 164 7. Fifty percent or the percentage otherwise provided in section 163.087 of Proposition C
- 165 receipts from the school district trust fund received the previous year for school purposes
- 166 pursuant to section 163.087 \$.....
- 167 8. One hundred percent of the amount received the previous year for school purposes from
- 168 the fair share fund pursuant to section 149.015, RSMo \$.....
- 169 9. One hundred percent of the amount received the previous year for school purposes from
- 170 the free textbook fund pursuant to section 148.360, RSMo \$.....
- 171 10. Total deductions (sum of lines 2-9) \$.....
- 172

Categorical Add-ons
- 173 11. The amount distributed pursuant to section 163.161 x proration \$.....
- 174 12. Special education approved or allowed cost entitlement for the district pursuant to section
- 175 162.975, RSMo, x proration \$.....
- 176 13. Seventy-five percent of the gifted education approved or allowable cost entitlement as
- 177 determined pursuant to section 162.975, RSMo, x proration \$.....
- 178 14(a). Free and reduced lunch eligible pupil count for the district, as defined in section 163.011,
- 179 x .20, if operating levy in excess of \$2.75, or .22, otherwise x GTB per EP x \$2.75 per
- 180 \$100 AV x proration \$.....
- 181 14(b). Free and reduced lunch eligible pupil count for the district, as defined in section 163.011
- 182 x .30 x GTB x ((the greater of zero or the district's adjusted operating levy minus \$2.75
- 183 per \$100 AV) x (1.0 or, beginning in the fifth year following the effective date of this
- 184 section, the district's FIRE for the prior year/statewide average FIRE for FY 1998, if the
- 185 district's prior year FIRE is at least five percent below the FY 1998 statewide average
- 186 FIRE) x proration) - court-ordered state desegregation aid received by the district for
- 187 operating purposes \$.....
- 188 15. Career ladder entitlement for the district as provided for in sections 168.500 to 168.515,
- 189 RSMo[, x proration] \$.....
- 190 16. Vocational education entitlements for the district as provided in section 167.332, RSMo,
- 191 x proration \$.....
- 192 17. Educational and screening program entitlements for the district as provided in sections
- 193 178.691 to 178.699, RSMo, x proration \$.....
- 194 18. Sum of categorical add-ons for the district (sum of lines 11-17) \$.....
- 195 19. District apportionment (line 18 plus the greater of line 1 minus line 10 or zero) \$.....
- 196 7. Revenue received for school purposes by each school district pursuant to this section
- 197 shall be placed in each of the incidental and teachers' funds based on the ratio of the property tax
- 198 rate in the district for that fund to the total tax rate in the district for the two funds.

199 8. In addition to the penalty for line 14 described in subsection 6 of this section,
200 beginning in school year 2004-05, any increase in a school district's funds received pursuant to
201 line 14 of subsection 6 of this section over the 1997-98 school year shall be reduced by one
202 percent for each full percentage point the percentage of the district's pupils scoring at or above
203 five percent below the statewide average level on either mathematics or reading is less than
204 sixty-five percent.

205 9. If a school district's annual audit discloses that students were inappropriately identified
206 as eligible for free or reduced-price lunch and the district does not resolve the audit finding, the
207 department of elementary and secondary education shall require that the amount of line 14 aid
208 paid on the inappropriately identified pupils be repaid by the district in the next school year and
209 shall additionally impose a penalty of one hundred percent of the line 14 aid paid on such pupils,
210 which penalty shall also be paid within the next school year. Such amounts may be repaid by
211 the district through the withholding of the amount of state aid.

**167.166. 1. No employee or volunteer of any public school or charter school within
2 this state shall perform a strip search, as that term is defined in section 544.193, RSMo, of
3 any student of any such school. In addition, no employee or volunteer of any public school
4 or charter school shall direct a student to take part in, direct, or supervise a strip search
5 of a fellow student; however, such searches may be conducted by, or under the authority
6 of, a commissioned law enforcement officer or if an emergency condition exists. For the
7 purposes of this section, the term "employee" shall include all temporary and part-time
8 employees of such public schools and charter schools.**

9 **2. No employee of or volunteer in or school board member of or school district
10 administrator of a public school or charter school shall direct a student to remove a
11 religious emblem, insignia, or garment, as long as such emblem, insignia, or garment is
12 worn in a manner that does not promote disruptive behavior.**

13 **3. Any employee of a public school or charter school who violates the provisions of
14 this section shall be immediately suspended without pay, pending an evidentiary hearing
15 when such employee is entitled by statute or contract to such hearing. If an employee is
16 not entitled to such evidentiary hearing, the employee shall be suspended pending
17 completion of due process.**

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.

168.124. 1. The board of education of a school district may place on leave of absence as
2 many teachers as may be necessary because of a decrease in pupil enrollment, school district
3 reorganization or the financial condition of the school district. In placing teachers on leave, the
4 board of education shall be governed by the following provisions:

5 (1) No permanent teacher shall be placed on leave of absence while probationary
6 teachers are retained in positions for which a permanent teacher is qualified;

7 (2) Permanent teachers shall be retained on the basis of performance-based evaluations
8 and seniority (however, seniority shall not be controlling) within the field of specialization;

9 (3) Permanent teachers shall be reinstated to the positions from which they have been
10 given leaves of absence, or if not available, to positions requiring like training and experience,
11 or to other positions in the school system for which they are qualified by training and experience;

12 (4) No appointment of new teachers shall be made while there are available teachers on
13 unrequested leave of absence who are properly qualified to fill such vacancies;

14 (5) A teacher placed on leave of absence may engage in teaching or another occupation
15 during the period of such leave;

16 (6) The leave of absence shall not impair the tenure of a teacher;

17 (7) The leave of absence shall continue for a period of not more than three years unless
18 extended by the board.

19 **2. If a school district has an unrestricted combined ending fund balance of more**
20 **than ten percent of current expenditures in its teachers' and incidental funds, and in the**
21 **subsequent fiscal year such district, because of state appropriations, places a contracted**
22 **teacher on leave of absence after forty days subsequent to the governor signing the**
23 **elementary and secondary education appropriation bill, the district shall pay the affected**

24 **teacher the greater of his or her salary for any days worked under the contract or a sum**
25 **equal to three thousand dollars.**

26 **3. If a school district reduces staff due to financial considerations, the school district**
27 **shall solely follow the procedures provided in this section.**

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.

168.515. 1. Each teacher selected to participate in a career plan established under
2 sections 168.500 to 168.515, who meets the requirements of such plan, shall receive a salary
3 supplement, the state's share of which shall be distributed under section 163.031, RSMo, equal
4 to the following amounts [multiplied by the proration factor applied to the career ladder
5 entitlement of line 15 of subsection 6 of section 163.031, RSMo]:

6 (1) Career stage I teachers may receive up to an additional one thousand five hundred
7 dollars per school year;

8 (2) Career stage II teachers may receive up to an additional three thousand dollars per
9 school year;

10 (3) Career stage III teachers may receive up to an additional five thousand dollars per
11 school year.

12 All teachers within each stage within the same school district shall receive equal salary
13 supplements.

14 2. The state shall make payments pursuant to section 163.031, RSMo, to the local school
15 district for the purpose of reimbursing the local school district for the payment of any salary
16 supplements provided for in this section, subject to the availability of funds as appropriated each
17 year and distributed on a variable match formula which shall be based on equalized assessed
18 valuation of the district for the second preceding school year. A district's equalized assessed

19 valuation shall be multiplied by the district income factor defined in section 163.011, RSMo, and
20 shall be known as the adjusted equalized assessed valuation.

21 3. In distributing these matching funds, school districts shall be ranked by the adjusted
22 equalized assessed valuation for the second preceding school year per eligible pupil from the
23 highest to the lowest and divided into three groups. Group one shall contain the highest
24 twenty-five percent of all public school districts, groups two and three combined shall contain
25 the remaining seventy-five percent of all public school districts. The districts in groups two and
26 three shall be rank ordered from largest to smallest based on enrollment as of the last Wednesday
27 in September during the second preceding school year, group two shall contain twenty-five
28 percent of all public school districts that are larger on the enrollment based rank ordered list and
29 group three shall contain the remaining fifty percent of all public school districts. Pursuant to
30 subsection 4 of this section, districts in group one shall receive forty percent state funding and
31 shall contribute sixty percent local funding, group two shall receive fifty percent state funding
32 and shall contribute fifty percent local funding and group three shall receive sixty percent state
33 funding and shall contribute forty percent local funding.

34 4. The incremental groups are as follows:

35 Group	Percentage 36 of Districts	Percentage of State Funding	Percentage of Local Funding
37 1	25%	40%	60%
38 2	25%	50%	50%
39 3	50%	60%	40%

40 5. Beginning in the 1996-97 school year, any school district in any group which
41 participated in the career ladder program in 1995-96 and paid less than the local funding
42 percentage required by subsection 4 of this section shall increase its local share of career ladder
43 costs by five percentage points from the preceding year until the district pays the percentage
44 share of cost required by subsection 4 of this section, and in no case shall the local funding
45 percentage be increased by a greater amount for any year. For any district, the state payment
46 shall not exceed the local payment times the state percentage share divided by the local
47 percentage share. Any district not participating in the 1995-96 school year or any district which
48 interrupts its career ladder program for any subsequent year shall enter the program on the
49 cost-sharing basis required by subsection 4 of this section.

50 6. Not less than every fourth year, beginning with calendar year 1988, the general
51 assembly, through the joint committee established under section 160.254, RSMo, shall review
52 the amount of the career pay provided for in this section to determine if any increases are
53 necessary to reflect the increases in the cost of living which have occurred since the salary
54 supplements were last reviewed or set.

55 7. To participate in the salary supplement program established under this section, a
56 school district may submit to the voters of the district a proposition to increase taxes for this
57 purpose. If a school district's current tax rate ceiling is at or above the rate from which an
58 increase would require a two-thirds majority, the school board may submit to the voters of the
59 district a proposition to reduce or eliminate the amount of the levy reduction resulting from
60 section 164.013, RSMo. If a majority of the voters voting thereon vote in favor of the
61 proposition, the board may certify that seventy-five percent of the revenue generated from this
62 source shall be used to implement the salary supplement program established under this section.

63 8. In no case shall a school district use state funds received under this section nor local
64 revenue generated from a tax established under subsection 7 of this section to comply with the
65 minimum salary requirements for teachers established pursuant to section 163.172, RSMo.

66 9. Beginning in the 1996-97 school year, for any teacher who participated in the career
67 program in the 1995-96 school year, continues to participate in the program thereafter, and
68 remains qualified to receive career pay pursuant to section 168.510, the state's share of the
69 teacher's salary supplement shall continue to be the percentage paid by the state in the 1995-96
70 school year, notwithstanding any provisions of subsection 4 of this section to the contrary, and
71 the state shall continue to pay such percentage of the teacher's salary supplement until any of the
72 following occurs:

73 (1) The teacher ceases his or her participation in the program; or

74 (2) The teacher suspends his or her participation in the program for any school year after
75 the 1995-96 school year. If the teacher later resumes participation in the program, the state
76 funding shall be subject to the provisions of subsection 4 of this section.

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

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

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

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

12 (4) The applicant has successfully passed an examination for the operation of a school
13 bus as prescribed by the director of revenue. The examination shall include, but need not be
14 limited to, a written skills examination of applicable laws, rules and procedures, and a driving

15 test in the type of vehicle to be operated. The test shall be completed in the appropriate class of
16 vehicle to be driven. For purposes of this section classes of school buses shall comply with the
17 Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570).

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

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

33 4. Upon the applicant's completion of the requirements of subsections 1, 2 and 3 of this
34 section, the director of revenue shall issue a temporary school bus permit to the applicant until
35 such time as a permanent school bus permit shall be issued following the record clearance as
36 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.

**Section 1. The department of elementary and secondary education shall not
2 reimburse a school district for more than one A+ program coordinator.**

Section B. Because immediate action is necessary to aid school finances the repeal and
2 reenactment of sections 163.031 and 168.515 of 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 the repeal and reenactment
5 of sections 163.031 and 168.515 of section A of this act shall be in full force and effect on July 1,
6 2004, or upon its passage and approval, whichever later occurs.