

HOUSE SUBSTITUTE
 FOR
 HOUSE COMMITTEE SUBSTITUTE
 FOR
 SENATE SUBSTITUTE
 FOR
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 FOR
 SENATE BILL NO. 968
 AND
 SENATE COMMITTEE SUBSTITUTE
 FOR
 SENATE BILL NO. 969
 AN ACT

2 To repeal sections 105.454, 160.261, 160.570,
 3 162.261, 163.031, 163.036, 168.104, 168.110,
 4 168.124, 168.126, 168.303, 168.500, 168.515,
 5 169.712, 209.321, 210.145, and 302.272, RSMo,
 6 and to enact in lieu thereof twenty-four new
 7 sections relating to elementary and secondary
 8 education, with an emergency clause for
 9 certain sections and a penalty provision for
 10 a certain section.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
 AS FOLLOWS:

Section A. Sections 105.454, 160.261, 160.570, 162.261,
 163.031, 163.036, 168.104, 168.110, 168.124, 168.126, 168.303,
 168.500, 168.515, 169.712, 209.321, 210.145, and 302.272, RSMo,

1 are repealed and twenty-four new sections enacted in lieu
2 thereof, to be known as sections 105.454, 160.261, 160.570,
3 161.089, 161.209, 162.032, 162.261, 163.031, 163.036, 167.166,
4 168.104, 168.110, 168.124, 168.126, 168.303, 168.500, 168.515,
5 169.712, 171.053, 209.321, 210.145, 302.272, 1, and 2, to read as
6 follows:

7 105.454. No elected or appointed official or employee of
8 the state or any political subdivision thereof, serving in an
9 executive or administrative capacity, shall:

10 (1) Perform any service for any agency of the state, or for
11 any political subdivision thereof in which he or she is an
12 officer or employee or over which he or she has supervisory power
13 for receipt or payment of any compensation, other than of the
14 compensation provided for the performance of his or her official
15 duties, in excess of five hundred dollars per transaction or one
16 thousand five hundred dollars per annum, or in the case of a
17 school board five thousand dollars per annum, except on
18 transactions made pursuant to an award on a contract let or sale
19 made after public notice and competitive bidding, provided that
20 the bid or offer is the lowest received.

21 (2) Sell, rent or lease any property to any agency of the
22 state, or to any political subdivision thereof in which he or she
23 is an officer or employee or over which he or she has supervisory
24 power and received consideration therefor in excess of five

1 hundred dollars per transaction or one thousand five hundred
2 dollars per year, or in the case of a school board five thousand
3 dollars per annum, unless the transaction is made pursuant to an
4 award on a contract let or sale made after public notice and in
5 the case of property other than real property, competitive
6 bidding, provided that the bid or offer accepted is the lowest
7 received;

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

23 (4) Perform any services during the time of his or her
24 office or employment for any consideration from any person, firm

1 or corporation, other than the compensation provided for the
2 performance of his or her official duties, by which service he or
3 she attempts to influence a decision of any agency of the state,
4 or of any political subdivision in which he or she is an officer
5 or employee or over which he or she has supervisory power;

6 (5) Perform any service for consideration, during one year
7 after termination of his or her office or employment, by which
8 performance he or she attempts to influence a decision of any
9 agency of the state, or a decision of any political subdivision
10 in which he or she was an officer or employee or over which he or
11 she had supervisory power, except that this provision shall not
12 be construed to prohibit any person from performing such service
13 and receiving compensation therefor, in any adversary proceeding
14 or in the preparation or filing of any public document or to
15 prohibit an employee of the executive department from being
16 employed by any other department, division or agency of the
17 executive branch of state government. For purposes of this
18 subdivision, within ninety days after assuming office, the
19 governor shall by executive order designate those members of his
20 or her staff who have supervisory authority over each department,
21 division or agency of state government for purposes of
22 application of this subdivision. The executive order shall be
23 amended within ninety days of any change in the supervisory
24 assignments of the governor's staff. The governor shall

1 designate not less than three staff members pursuant to this
2 subdivision;

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

9 160.261. 1. The local board of education of each school
10 district shall clearly establish a written policy of discipline,
11 including the district's determination on the use of corporal
12 punishment and the procedures in which punishment will be
13 applied. A written copy of the district's discipline policy and
14 corporal punishment procedures, if applicable, shall be provided
15 to the pupil and parent or legal guardian of every pupil enrolled
16 in the district at the beginning of each school year and also
17 made available in the office of the superintendent of such
18 district, during normal business hours, for public inspection.
19 All employees of the district shall annually receive instruction
20 related to the specific contents of the policy of discipline and
21 any interpretations necessary to implement the provisions of the
22 policy in the course of their duties, including but not limited
23 to approved methods of dealing with acts of school violence,
24 disciplining students with disabilities and instruction in the

1 necessity and requirements for confidentiality.

2 2. The policy shall require school administrators to report
3 acts of school violence to teachers and other school district
4 employees with a need to know. For the purposes of this chapter
5 or chapter 167, RSMo, "need to know" is defined as school
6 personnel who are directly responsible for the student's
7 education or who otherwise interact with the student on a
8 professional basis while acting within the scope of their
9 assigned duties. As used in this section, the phrase "act of
10 school violence" or "violent behavior" means the exertion of
11 physical force by a student with the intent to do serious
12 physical injury as defined in subdivision (6) of section 565.002,
13 RSMo, to another person while on school property, including a
14 school bus in service on behalf of the district, or while
15 involved in school activities. The policy shall at a minimum
16 require school administrators to report, as soon as reasonably
17 practical, to the appropriate law enforcement agency any of the
18 following felonies, or any act which if committed by an adult
19 would be one of the following felonies:

- 20 (1) First degree murder under section 565.020, RSMo;
- 21 (2) Second degree murder under section 565.021, RSMo;
- 22 (3) Kidnapping under section 565.110, RSMo;
- 23 (4) First degree assault under section 565.050, RSMo;
- 24 (5) Forcible rape under section 566.030, RSMo;

(6) Forcible sodomy under section 566.060, RSMo;

(7) Burglary in the first degree under section 569.160,
RSMo;

(8) Burglary in the second degree under section 569.170,
RSMo;

(9) Robbery in the first degree under section 569.020,
RSMo;

(10) Distribution of drugs under section 195.211, RSMo;

(11) Distribution of drugs to a minor under section
195.212, RSMo;

(12) Arson in the first degree under section 569.040, RSMo;

(13) Voluntary manslaughter under section 565.023, RSMo;

(14) Involuntary manslaughter under section 565.024, RSMo;

(15) Second degree assault under section 565.060, RSMo;

(16) Sexual assault under section 566.040, RSMo;

(17) Felonious restraint under section 565.120, RSMo;

(18) Property damage in the first degree under section
569.100, RSMo;

(19) The possession of a weapon under chapter 571, RSMo;

(20) Child molestation in the first degree pursuant to
section 566.067, RSMo;

(21) Deviate sexual assault pursuant to section 566.070,
RSMo;

(22) Sexual misconduct involving a child pursuant to

1 section 566.083, RSMo; or

2 (23) Sexual abuse pursuant to section 566.100, RSMo;

3 committed on school property, including but not limited to
4 actions on any school bus in service on behalf of the district or
5 while involved in school activities. The policy shall require
6 that any portion of a student's individualized education program
7 that is related to demonstrated or potentially violent behavior
8 shall be provided to any teacher and other school district
9 employees who are directly responsible for the student's
10 education or who otherwise interact with the student on an
11 educational basis while acting within the scope of their assigned
12 duties. The policy shall also contain the consequences of
13 failure to obey standards of conduct set by the local board of
14 education, and the importance of the standards to the maintenance
15 of an atmosphere where orderly learning is possible and
16 encouraged.

17 3. The policy shall provide that any student who is on
18 suspension for any of the offenses listed in subsection 2 of this
19 section or any act of violence or drug-related activity defined
20 by school district policy as a serious violation of school
21 discipline pursuant to subsection 9 of this section shall have as
22 a condition of his or her suspension the requirement that such
23 student is not allowed, while on such suspension, to be within

one thousand feet of any public school in the school district where such student attended school unless:

(1) Such student is under the direct supervision of the student's parent, legal guardian, or custodian;

(2) Such student is under the direct supervision of another adult designated by the student's parent, legal guardian, or custodian, in advance, in writing, to the principal of the school which suspended the student;

(3) Such student is in an alternative school that is located within one thousand feet of a public school in the school district where such student attended school; or

(4) Such student resides within one thousand feet of any public school in the school district where such student attended school in which case such student may be on the property of his or her residence without direct adult supervision.

4. Any student who violates the condition of suspension required pursuant to subsection 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of sections 167.161, 167.164, and 167.171, RSMo. In making this determination consideration shall be given to whether the student poses a threat to the safety of any child or school employee and whether such student's unsupervised presence within one thousand feet of the school is disruptive to the educational process or undermines the effectiveness of the school's disciplinary policy.

1 Removal of any pupil who is a student with a disability is
2 subject to state and federal procedural rights.

3 [3.] 5. The policy shall provide for a suspension for a
4 period of not less than one year, or expulsion, for a student who
5 is determined to have brought a weapon to school, including but
6 not limited to the school playground or the school parking lot,
7 brought a weapon on a school bus or brought a weapon to a school
8 activity whether on or off of the school property in violation of
9 district policy, except that:

10 (1) The superintendent, or in a school district with no
11 high school, the principal of the school which such child attends
12 may modify such suspension on a case-by-case basis; and

13 (2) This section shall not prevent the school district from
14 providing educational services in an alternative setting to a
15 student suspended under the provisions of this section.

16 [4.] 6. For the purpose of this section, the term "weapon"
17 shall mean a firearm as defined under 18 U.S.C. 921 and the
18 following items, as defined in section 571.010, RSMo: a
19 blackjack, a concealable firearm, an explosive weapon, a firearm,
20 a firearm silencer, a gas gun, a knife, knuckles, a machine gun,
21 a projectile weapon, a rifle, a shotgun, a spring gun or a
22 switchblade knife; except that this section shall not be
23 construed to prohibit a school board from adopting a policy to
24 allow a Civil War reenactor to carry a Civil War era weapon on

1 school property for educational purposes so long as the firearm
2 is unloaded. The local board of education shall define weapon in
3 the discipline policy. Such definition shall include the weapons
4 defined in this subsection but may also include other weapons.

5 [5.] 7. All school district personnel responsible for the
6 care and supervision of students are authorized to hold every
7 pupil strictly accountable for any disorderly conduct in school
8 or on any property of the school, on any school bus going to or
9 returning from school, during school-sponsored activities, or
10 during intermission or recess periods.

11 [6.] 8. Teachers and other authorized district personnel in
12 public schools responsible for the care, supervision, and
13 discipline of schoolchildren, including volunteers selected with
14 reasonable care by the school district, shall not be civilly
15 liable when acting in conformity with the established policy of
16 discipline developed by each board under this section, or when
17 reporting to his or her supervisor or other person as mandated by
18 state law, acts of school violence or threatened acts of school
19 violence, within the course and scope of the duties of the
20 teacher, authorized district personnel or volunteer, when such
21 individual is acting in conformity with the established policies
22 developed by the board. Nothing in this section shall be
23 construed to create a new cause of action against such school
24 district, or to relieve the school district from liability for

1 the negligent acts of such persons.

2 [7.] 9. Each school board shall define in its discipline
3 policy acts of violence and any other acts that constitute a
4 serious violation of that policy. Acts of violence as defined by
5 school boards shall include but not be limited to exertion of
6 physical force by a student with the intent to do serious bodily
7 harm to another person while on school property, including a
8 school bus in service on behalf of the district, or while
9 involved in school activities. School districts shall for each
10 student enrolled in the school district compile and maintain
11 records of any serious violation of the district's discipline
12 policy. Such records shall be made available to teachers and
13 other school district employees with a need to know while acting
14 within the scope of their assigned duties, and shall be provided
15 as required in section 167.020, RSMo, to any school district in
16 which the student subsequently attempts to enroll.

17 [8.] 10. Spanking, when administered by certificated
18 personnel of a school district in a reasonable manner in
19 accordance with the local board of education's written policy of
20 discipline, is not abuse within the meaning of chapter 210, RSMo.
21 The provisions of sections 210.110 to 210.165, RSMo,
22 notwithstanding, the division of family services shall not have
23 jurisdiction over or investigate any report of alleged child
24 abuse arising out of or related to any spanking administered in a

1 reasonable manner by any certificated school personnel pursuant
2 to a written policy of discipline established by the board of
3 education of the school district. Upon receipt of any reports of
4 child abuse by the division of family services pursuant to
5 sections 210.110 to 210.165, RSMo, which allegedly involves
6 personnel of a school district, the division of family services
7 shall notify the superintendent of schools of the district or, if
8 the person named in the alleged incident is the superintendent of
9 schools, the president of the school board of the school district
10 where the alleged incident occurred. If, after an initial
11 investigation, the superintendent of schools or the president of
12 the school board finds that the report involves an alleged
13 incident of child abuse other than the administration of a
14 spanking by certificated school personnel pursuant to a written
15 policy of discipline or a report made for the sole purpose of
16 harassing a public school employee, the superintendent of schools
17 or the president of the school board shall immediately refer the
18 matter back to the division of family services and take no
19 further action. In all matters referred back to the division of
20 family services, the division of family services shall treat the
21 report in the same manner as other reports of alleged child abuse
22 received by the division. If the report pertains to an alleged
23 incident which arose out of or is related to a spanking
24 administered by certificated personnel of a school district

1 pursuant to a written policy of discipline or a report made for
2 the sole purpose of harassing a public school employee, a
3 notification of the reported child abuse shall be sent by the
4 superintendent of schools or the president of the school board to
5 the juvenile officer of the county in which the alleged incident
6 occurred. The report shall be jointly investigated by the
7 juvenile officer or a law enforcement officer designated by the
8 juvenile officer and the superintendent of schools or, if the
9 subject of the report is the superintendent of schools, by the
10 juvenile officer or a law enforcement officer designated by the
11 juvenile officer and the president of the school board or such
12 president's designee. The investigation shall begin no later
13 than forty-eight hours after notification from the division of
14 family services is received, and shall consist of, but need not
15 be limited to, interviewing and recording statements of the child
16 and the child's parents or guardian within two working days after
17 the start of the investigation, of the school district personnel
18 allegedly involved in the report, and of any witnesses to the
19 alleged incident. The juvenile officer or a law enforcement
20 officer designated by the juvenile officer and the investigating
21 school district personnel shall issue separate reports of their
22 findings and recommendations after the conclusion of the
23 investigation to the school board of the school district within
24 seven days after receiving notice from the division of family

1 services. The reports shall contain a statement of conclusion as
2 to whether the report of alleged child abuse is substantiated or
3 is unsubstantiated. The school board shall consider the separate
4 reports and shall issue its findings and conclusions and the
5 action to be taken, if any, within seven days after receiving the
6 last of the two reports. The findings and conclusions shall be
7 made in substantially the following form:

8 (1) The report of the alleged child abuse is
9 unsubstantiated. The juvenile officer or a law enforcement
10 officer designated by the juvenile officer and the investigating
11 school board personnel agree that the evidence shows that no
12 abuse occurred;

13 (2) The report of the alleged child abuse is substantiated.
14 The juvenile officer or a law enforcement officer designated by
15 the juvenile officer and the investigating school district
16 personnel agree that the evidence is sufficient to support a
17 finding that the alleged incident of child abuse did occur;

18 (3) The issue involved in the alleged incident of child
19 abuse is unresolved. The juvenile officer or a law enforcement
20 officer designated by the juvenile officer and the investigating
21 school personnel are unable to agree on their findings and
22 conclusions on the alleged incident.

23 [9.] 11. The findings and conclusions of the school board
24 shall be sent to the division of family services. If the

1 findings and conclusions of the school board are that the report
2 of the alleged child abuse is unsubstantiated, the investigation
3 shall be terminated, the case closed, and no record shall be
4 entered in the division of family services' central registry. If
5 the findings and conclusions of the school board are that the
6 report of the alleged child abuse is substantiated, the division
7 of family services shall report the incident to the prosecuting
8 attorney of the appropriate county along with the findings and
9 conclusions of the school district and shall include the
10 information in the division's central registry. If the findings
11 and conclusions of the school board are that the issue involved
12 in the alleged incident of child abuse is unresolved, the
13 division of family services shall report the incident to the
14 prosecuting attorney of the appropriate county along with the
15 findings and conclusions of the school board, however, the
16 incident and the names of the parties allegedly involved shall
17 not be entered into the central registry of the division of
18 family services unless and until the alleged child abuse is
19 substantiated by a court of competent jurisdiction.

20 [10.] 12. Any superintendent of schools, president of a
21 school board or such person's designee or juvenile officer who
22 knowingly falsifies any report of any matter pursuant to this
23 section or who knowingly withholds any information relative to
24 any investigation or report pursuant to this section is guilty of

1 a class A misdemeanor.

2 13. In order to ensure the safety of all students, should a
3 student be expelled for bringing a weapon to school, violent
4 behavior, or for an act of school violence, that student shall
5 not, for the purposes of the accreditation process of the
6 Missouri school improvement plan, be considered a dropout or be
7 included in the calculation of that district's educational
8 persistence ratio.

9 160.570. 1. Nothing in this section or section 105.1209,
10 RSMo, shall be construed to affect or limit any state agency's
11 authority regarding professional registration, licensing or
12 issuance of professional certificates, nor shall this section be
13 construed to limit or affect the authority of the state board of
14 education to examine applicants and issue high school equivalency
15 certificates[; except that].

16 2. The school board of each school district shall establish
17 a written policy on student participation in statewide
18 assessments. The policy shall be provided to each student and
19 the parent, guardian or other person responsible for every
20 student under eighteen years of age at the beginning of each
21 school year and a copy of the policy shall be maintained in the
22 district office and shall be available for viewing by the public
23 during business hours of the district office. [The policy] A
24 school board may establish a [system of rewards and punishments]

1 policy designed to encourage students to give their best efforts
2 on each portion of any statewide assessment established pursuant
3 to section 160.518, RSMo, which may include but is not limited to
4 incentives or supplementary work as a consequence of performance.

5 3. In no case shall the state board of education or any
6 other state agency establish any single test or group of tests as
7 a condition or requirement for high school graduation or as a
8 requirement for a state-approved diploma.

9 161.089. 1. The Missouri school improvement program or
10 successor accreditation program shall not use a scoring rubric on
11 performance that requires a score for Parents as Teachers; except
12 that, if on review deficiencies are noted, such deficiencies
13 shall be listed as an area of concern.

14 2. The scoring rubric for advanced placement courses in the
15 Missouri school improvement program or successor accreditation
16 program shall recognize the difficulty of providing such courses
17 in districts that have a sparse population. The department of
18 elementary and secondary education shall develop such a rubric,
19 taking into account population density in districts and localized
20 teacher shortages in academic specializations, and differentially
21 rewarding districts for accomplishing delivery of such courses
22 through electronic media under such circumstances.

23 161.209. The department of elementary and secondary
24 education has an affirmative duty to seek comment on its rules,

1 regulations, and policies after their final approval or
2 implementation. The department shall undertake such review on
3 existing rules, regulations, and policies on an ad hoc, periodic
4 basis with a priority given to such rules, regulations, and
5 policies that could successfully be revised without affecting
6 student achievement to accommodate periods when there is no
7 increase in the appropriation for basic state aid funding
8 pursuant to section 163.031, RSMo, from one fiscal year to the
9 next or when withholdings of appropriated funds result in a
10 situation equivalent to no increase in such appropriation.

11 162.032. If a school district is annexed to an existing
12 district or divided into two or more districts by a vote of the
13 citizens, or is dissolved under the lapse procedures in section
14 162.081, court action, or any other authority of Missouri or
15 federal laws, the successor school district shall become
16 responsible for ensuring access to continuation of health
17 insurance coverage for retired teachers and employees of the
18 district if the original district offers health insurance
19 coverage to its retirees at the time of its loss of corporate
20 structure. If an original district is divided into multiple
21 successor districts, such responsibility shall be assigned to the
22 successor district with the largest eligible pupil count in the
23 most recently completed school year.

24 162.261. 1. The government and control of a seven-director

1 school district, other than an urban district, is vested in a
2 board of education of seven members, who hold their office for
3 three years, except as provided in section 162.241, and until
4 their successors are duly elected and qualified. Any vacancy
5 occurring in the board shall be filled by the remaining members
6 of the board; except that if there are more than two vacancies at
7 any one time, the county commission upon receiving written notice
8 of the vacancies shall fill the vacancies by appointment. The
9 person appointed shall hold office until the next municipal
10 election, when a director shall be elected for the unexpired
11 term.

12 2. No seven-director, urban, or metropolitan school
13 district board of education shall hire a spouse of any member of
14 such board for a vacant or newly created position unless the
15 position has been advertised pursuant to board policy and the
16 superintendent of schools submits a written recommendation for
17 the employment of the spouse to the board of education. The
18 names of all applicants as well as the name of the applicant
19 hired for the position are to be included in the board minutes.

20 3. The provisions of article VII, section 6 of the Missouri
21 Constitution apply to school districts.

22 163.031. 1. School districts which meet the requirements
23 of section 163.021 shall be entitled to an amount computed as
24 follows: an amount determined by multiplying the number of

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

1 2. From the district entitlement for each district there
2 shall be deducted the following amounts: an amount determined by
3 multiplying the district equalized assessed valuation by the
4 district's equalized operating levy for school purposes times the
5 district income factor plus ninety percent of any payment
6 received the current year of protested taxes due in prior years
7 no earlier than the 1997 tax year minus the amount of any
8 protested taxes due in the current year and for which notice of
9 protest was received during the current year; one hundred percent
10 of the amount received the previous year for school purposes from
11 intangible taxes, fines, forfeitures and escheats, payments in
12 lieu of taxes and receipts from state assessed railroad and
13 utility tax, except that any penalty paid after July 1, 1995, by
14 a concentrated animal feeding operation as defined by the
15 department of natural resources rule shall not be included; one
16 hundred percent of the amounts received the previous year for
17 school purposes from federal properties pursuant to sections
18 12.070 and 12.080, RSMo; federal impact aid received the previous
19 year for school purposes pursuant to P.L. 81-874 less fifty
20 thousand dollars multiplied by ninety percent or the maximum
21 percentage allowed by federal regulation if that percentage is
22 less than ninety; fifty percent, or the percentage otherwise
23 provided in section 163.087 of Proposition C revenues received
24 the previous year for school purposes from the school district

1 trust fund pursuant to section 163.087; one hundred percent of
2 the amount received the previous year for school purposes from
3 the fair share fund pursuant to section 149.015, RSMo; and one
4 hundred percent of the amount received the previous year for
5 school purposes from the free textbook fund, pursuant to section
6 148.360, RSMo.

7 3. School districts which meet the requirements of section
8 163.021 shall receive categorical add-on revenue as provided in
9 this subsection. There shall be individual proration factors for
10 each categorical entitlement provided for in this subsection, and
11 each proration factor shall be determined by annual
12 appropriations, but no categorical proration factor shall exceed
13 the entitlement proration factor established pursuant to
14 subsection 1 of this section, except that the career ladder
15 entitlement proration factor established pursuant to line 15 of
16 subsection 6 of this section, the vocational education
17 entitlement proration factor established pursuant to line 16 of
18 subsection 6 of this section, and the educational and screening
19 program entitlements proration factor established pursuant to
20 line 17 of subsection 6 of this section may exceed the
21 entitlement proration factor established pursuant to subsection 1
22 of this section. The categorical add-on for the district shall
23 be the sum of: seventy-five percent of the costs of adopting and
24 providing a violence prevention program pursuant to section

1 161.650, RSMo, multiplied by the proration factor; seventy-five
2 percent of the district allowable transportation costs pursuant
3 to section 163.161 multiplied by the proration factor; the
4 special education approved or allowed cost entitlement for the
5 district, provided for by section 162.975, RSMo, multiplied by
6 the proration factor; seventy-five percent of the district gifted
7 education approved or allowable cost entitlement as determined
8 pursuant to section 162.975, RSMo, multiplied by the proration
9 factor; the free and reduced lunch eligible pupil count for the
10 district, as defined in section 163.011, multiplied by twenty
11 percent, for a district with an operating levy in excess of two
12 dollars and seventy-five cents per one hundred dollars assessed
13 valuation, or twenty-two percent, otherwise times the guaranteed
14 tax base per eligible pupil times two dollars and seventy-five
15 cents per one hundred dollars assessed valuation times the
16 proration factor plus the free and reduced lunch eligible pupil
17 count for the district, as defined in section 163.011, times
18 thirty percent times the guaranteed tax base per eligible pupil
19 times the following quantity: ((the greater of zero or the
20 district's operating levy for school purposes minus two dollars
21 and seventy-five cents per one hundred dollars assessed
22 valuation) times one or, beginning in the fifth year following
23 the effective date of this section, the quotient of the
24 district's fiscal instructional ratio of efficiency for the prior

1 year divided by the fiscal year 1998 statewide average fiscal
2 instructional ratio of efficiency, if the district's prior year
3 fiscal instructional ratio of efficiency is at least five percent
4 below the fiscal year 1998 statewide average) times the proration
5 factor, minus court-ordered state desegregation aid received by
6 the district for operating purposes; the career ladder
7 entitlement for the district, as provided for in sections 168.500
8 to 168.515, RSMo, [multiplied by the proration factor]; the
9 vocational education entitlement for the district, as provided
10 for in section 167.332, RSMo, multiplied by the proration factor
11 and the district educational and screening program entitlements
12 as provided for in sections 178.691 to 178.699, RSMo, times the
13 proration factor.

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

17 5. (1) In the 1993-94 school year and all subsequent
18 school years, pursuant to section 10(c) of article X of the state
19 constitution, a school district shall adjust upward its operating
20 levy for school purposes to the extent necessary for the district
21 to at least maintain the current operating expenditures per pupil
22 received by the district from all sources in the 1992-93 school
23 year, except that its operating levy for school purposes shall
24 not exceed the highest tax rate in effect subsequent to the 1980

1 tax year, or the minimum rate required by subsection 2 of section
2 163.021, whichever is less.

3 (2) The revenue per eligible pupil received by a district
4 from the following sources: line 1 minus line 10, or zero if
5 line 1 minus line 10 is less than zero, plus line 14 of
6 subsection 6 of this section, shall not be less than the revenue
7 per eligible pupil received by a district in the 1992-93 school
8 year from the foundation formula entitlement payment amount plus
9 the amount of line 14 per eligible pupil that exceeds the line 14
10 per pupil amount from the 1997-98 school year, or the revenue per
11 eligible pupil received by a district in the 1992-93 school year
12 from the foundation formula entitlement payment amount plus the
13 amount of line 14(a) per eligible pupil times the quotient of
14 line 1 minus line 10, divided by the number of eligible pupils,
15 or zero if line 1 minus line 10 is less than zero, divided by the
16 revenue per eligible pupil received by the district in the
17 1992-93 school year from the foundation formula entitlement
18 payment amount, whichever is greater. The department of
19 elementary and secondary education shall make an addition in the
20 payment amount of line 19 of subsection 6 of this section to
21 assure compliance with the provisions contained in this section.

22 (3) For any school district which meets the eligibility
23 criteria for state aid as established in section 163.021, but
24 which under subsections 1 to 4 of this section, receives no state

1 aid for two successive school years, other than categorical
2 add-ons, by August first following the second such school year,
3 the commissioner of education shall present a plan to the
4 superintendent of the school district for the waiver of rules and
5 the duration of said waivers, in order to promote flexibility in
6 the operations of the district and to enhance and encourage
7 efficiency in the delivery of instructional services. The
8 provisions of other law to the contrary notwithstanding, the plan
9 presented to the superintendent shall provide a summary waiver,
10 with no conditions, for the pupil testing requirements pursuant
11 to section 160.257, RSMo. Further, the provisions of other law
12 to the contrary notwithstanding, the plan shall detail a means
13 for the waiver of requirements otherwise imposed on the school
14 district related to the authority of the state board of education
15 to classify school districts pursuant to section 161.092, RSMo,
16 and such other rules as determined by the commissioner of
17 education, except that such waivers shall not include the
18 provisions established pursuant to sections 160.514 and 160.518,
19 RSMo.

20 (4) In the 1993-94 school year and each school year
21 thereafter for two years, those districts which are entitled to
22 receive state aid under subsections 1 to 4 of this section, shall
23 receive state aid in an amount per eligible pupil as provided in
24 this subsection. For the 1993-94 school year, the amount per

1 eligible pupil shall be twenty-five percent of the amount of
2 state aid per eligible pupil calculated for the district for the
3 1993-94 school year pursuant to subsections 1 to 4 of this
4 section plus seventy-five percent of the total amount of state
5 aid received by the district from all sources for the 1992-93
6 school year for which the district is entitled and which are
7 distributed in the 1993-94 school year pursuant to subsections 1
8 to 4 of this section. For the 1994-95 school year, the amount
9 per eligible pupil shall be fifty percent of the amount of state
10 aid per eligible pupil calculated for the district for the
11 1994-95 school year pursuant to subsections 1 to 4 of this
12 section plus fifty percent of the total amount of state aid
13 received by the district from all sources for the 1992-93 school
14 year for which the district is entitled and which are distributed
15 in the 1994-95 school year pursuant to subsections 1 to 4 of this
16 section. For the 1995-96 school year, the amount of state aid
17 per eligible pupil shall be seventy-five percent of the amount of
18 state aid per eligible pupil calculated for the district for the
19 1995-96 school year pursuant to subsections 1 to 4 of this
20 section plus twenty-five percent of the total amount of state aid
21 received by the district from all sources for the 1992-93 school
22 year for which the district is entitled and which are distributed
23 in the 1995-96 school year pursuant to subsections 1 to 4 of this
24 section. Nothing in this subdivision shall be construed to limit

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

3 (5) If the total of state aid apportionments to all
4 districts pursuant to subdivision (3) of this subsection is less
5 than the total of state aid apportionments calculated pursuant to
6 subsections 1 to 4 of this section, then the difference shall be
7 deposited in the outstanding schools trust fund. If the total of
8 state aid apportionments to all districts pursuant to subdivision
9 (1) of this subsection is greater than the total of state aid
10 apportionments calculated pursuant to subsections 1 to 4 of this
11 section, then funds shall be transferred from the outstanding
12 schools trust fund to the state school moneys fund to the extent
13 necessary to fund the district entitlements as modified by
14 subdivision (4) of this subsection for that school year with a
15 district entitlement proration factor no less than one and such
16 transfer shall be given priority over all other uses for the
17 outstanding schools trust fund as otherwise provided by law.

18 6. State aid shall be determined as follows:

19 District Entitlement

20 1(a). Number of eligible pupils x (lesser of
21 district's equalized operating levy for
22 school purposes or two dollars
23 and seventy-five cents per one hundred
24 dollars assessed valuation) x (proration

x GTB per EP) \$.
 1(b). Number of eligible pupils x (greater of:
 0, or district's equalized operating levy
 for school purposes minus two dollars
 and seventy-five cents per one hundred
 dollars assessed valuation) x (proration
 x GTB per EP) \$.
 Deductions
 2. District equalized assessed valuation x
 district income factor x district's equalized
 operating levy for school purposes
 plus ninety percent of any payment
 received the current year of protested
 taxes due in prior years no earlier than
 the 1997 tax year minus the amount of
 any protested taxes due in the current
 year and for which notice of protest was
 received during the current
 year \$.
 3. Intangible taxes, fines, forfeitures,
 escheats, payments in lieu of
 taxes, etc. (100% of the amount
 received the previous year for school
 purposes) \$.

- 1 4. Receipts from state assessed railroad
2 and utility tax (100% of the amount
3 received the previous year for school
4 purposes) \$.....
- 5 5. Receipts from federal properties pursuant
6 to sections 12.070 and 12.080, RSMo (100%
7 of the amount received the previous year
8 for school purposes) \$.....
- 9 6. (Federal impact aid received the previous
10 year for school purposes pursuant to
11 P.L. 81-874 less \$50,000) x 90% or the
12 maximum percentage allowed by federal
13 regulations if less than 90% \$.....
- 14 7. Fifty percent or the percentage otherwise
15 provided in section 163.087 of Proposition
16 C receipts from the school district trust
17 fund received the previous year for
18 school purposes pursuant to section 163.087 \$.....
- 19 8. One hundred percent of the amount
20 received the previous year for
21 school purposes from the fair share
22 fund pursuant to section 149.015, RSMo \$.....
- 23 9. One hundred percent of the amount
24 received the previous year for

1 school purposes from the free textbook
 2 fund pursuant to section 148.360, RSMo \$.
 3 10. Total deductions (sum of lines 2-9) \$.
 4 Categorical Add-ons
 5 11. The amount distributed pursuant to
 6 section 163.161 x proration \$.
 7 12. Special education approved or allowed
 8 cost entitlement for the district
 9 pursuant to section 162.975, RSMo,
 10 x proration \$.
 11 13. Seventy-five percent of the gifted
 12 education approved or allowable cost
 13 entitlement as determined pursuant to
 14 section 162.975, RSMo, x proration \$.
 15 14(a). Free and reduced lunch eligible pupil
 16 count for the district, as defined in
 17 section 163.011, x .20, if operating
 18 levy in excess of \$2.75, or .22,
 19 otherwise x GTB per EP x \$2.75 per
 20 \$100 AV x proration \$.
 21 14(b). Free and reduced lunch eligible pupil
 22 count for the district, as defined in
 23 section 163.011 x .30 x GTB x ((the
 24 greater of zero or the district's

1 adjusted operating levy minus \$2.75
 2 per \$100 AV) x (1.0 or, beginning in
 3 the fifth year following the effective
 4 date of this section, the district's
 5 FIRE for the prior year/statewide
 6 average FIRE for FY 1998, if the
 7 district's prior year FIRE is at
 8 least five percent below the FY 1998
 9 statewide average FIRE) x proration)
 10 - court-ordered state desegregation
 11 aid received by the district for
 12 operating purposes \$.
 13 15. Career ladder entitlement for the district
 14 as provided for in sections 168.500 to 168.515,
 15 RSMo, [x proration] \$.
 16 16. Vocational education entitlements for
 17 the district as provided in section 167.332,
 18 RSMo, x proration \$.
 19 17. Educational and screening program
 20 entitlements for the district as
 21 provided in sections 178.691
 22 to 178.699, RSMo, x proration \$.
 23 18. Sum of categorical add-ons for the district
 24 (sum of lines 11-17) \$.

1 19. District apportionment (line 18 plus the
2 greater of line 1 minus line 10 or zero) \$.....

3 7. Revenue received for school purposes by each school
4 district pursuant to this section shall be placed in each of the
5 incidental and teachers' funds based on the ratio of the property
6 tax rate in the district for that fund to the total tax rate in
7 the district for the two funds.

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

16 9. If a school district's annual audit discloses that
17 students were inappropriately identified as eligible for free or
18 reduced-price lunch and the district does not resolve the audit
19 finding, the department of elementary and secondary education
20 shall require that the amount of line 14 aid paid on the
21 inappropriately identified pupils be repaid by the district in
22 the next school year and shall additionally impose a penalty of
23 one hundred percent of the line 14 aid paid on such pupils, which
24 penalty shall also be paid within the next school year. Such

1 amounts may be repaid by the district through the withholding of
2 the amount of state aid.

3 163.036. 1. In computing the amount of state aid a school
4 district is entitled to receive for the minimum school term
5 only under section 163.031, a school district may use an estimate
6 of the number of eligible pupils for the [ensuing] current year,
7 the number of eligible pupils for the immediately preceding year
8 or the number of eligible pupils for the second preceding school
9 year, whichever is greater. Beginning with the 2005-2006 school
10 year, the summer school add-on for eligible pupils as defined in
11 subdivision (8) of section 163.011 shall include only those
12 eligible pupils that attend summer school in the current year.
13 Beginning with the 2004-2005 school year, when a district's
14 official calendar for the current year contributes to a more than
15 ten percent reduction in the average daily attendance for
16 kindergarten compared to the immediately preceding year, the
17 eligible pupil payment attributable to kindergarten shall include
18 only the current year kindergarten average daily attendance.

19 Except as otherwise provided in subsection 3 of this section, any
20 error made in the apportionment of state aid because of a
21 difference between the actual number of eligible pupils and the
22 estimated number of eligible pupils shall be corrected as
23 provided in section 163.091, except that if the amount paid to a
24 district estimating eligible pupils exceeds the amount to which

1 the district was actually entitled by more than five percent,
2 interest at the rate of six percent shall be charged on the
3 excess and shall be added to the amount to be deducted from the
4 district's apportionment the next succeeding year.

5 2. Notwithstanding the provisions of subsection 1 of this
6 section or any other provision of law, the state board of
7 education shall make an adjustment for the immediately preceding
8 year for any increase in the actual number of eligible pupils
9 above the number on which the state aid in section 163.031 was
10 calculated. Said adjustment shall be made in the manner
11 providing for correction of errors under subsection 1 of this
12 section.

13 3. (1) For any district which has, for at least five years
14 immediately preceding the year in which the error is discovered,
15 adopted a calendar for the school term in which elementary
16 schools are in session for twelve months of each calendar year,
17 any error made in the apportionment of state aid to such district
18 because of a difference between the actual number of eligible
19 pupils and the estimated number of eligible pupils shall be
20 corrected as provided in section 163.091 and subsection 1 of this
21 section, except that if the amount paid exceeds the amount to
22 which the district was actually entitled by more than five
23 percent and the district provides written application to the
24 state board requesting that the deductions be made pursuant to

1 subdivision (2) of this subsection, then the amounts shall be
2 deducted pursuant to subdivision (2) of this subsection.

3 (2) For deductions made pursuant to this subdivision,
4 interest at the rate of six percent shall be charged on the
5 excess and shall be included in the amount deducted and the total
6 amount of such excess plus accrued interest shall be deducted
7 from the district's apportionment in equal monthly amounts
8 beginning with the succeeding school year and extending for a
9 period of months specified by the district in its written request
10 and no longer than sixty months.

11 4. For the purposes of distribution of state school aid
12 pursuant to section 163.031, a school district may elect to use
13 the district's equalized assessed valuation for the preceding
14 year, or an estimate of the current year's assessed valuation if
15 the current year's equalized assessed valuation is estimated to
16 be more than ten percent less than the district's equalized
17 assessed valuation for the preceding year. A district shall give
18 prior notice to the department of its intention to use the
19 current year's assessed valuation pursuant to this subsection.
20 Any error made in the apportionment of state aid because of a
21 difference between the actual equalized assessed valuation for
22 the current year and the estimated equalized assessed valuation
23 for the current year shall be corrected as provided in section
24 163.091, except that if the amount paid to a district estimating

1 current equalized assessed valuation exceeds the amount to which
2 the district was actually entitled, interest at the rate of six
3 percent shall be charged on the excess and shall be added to the
4 amount to be deducted from the district's apportionment the next
5 succeeding year.

6 5. For the purposes of distribution of state school aid
7 pursuant to section 163.031, a school district with ten percent
8 or more of its assessed valuation that is owned by one person or
9 corporation as commercial or personal property who is delinquent
10 in a property tax payment may elect, after receiving notice from
11 the county clerk on or before March fifteenth, except in the year
12 enacted, that more than ten percent of its current taxes due the
13 preceding December thirty-first by a single property owner are
14 delinquent, to use on line 2 of the state aid formula the
15 district's equalized assessed valuation for the preceding year or
16 the actual assessed valuation of the year for which the taxes are
17 delinquent less the assessed valuation of property for which the
18 current year's property tax is delinquent. To qualify for use of
19 the actual assessed valuation of the year for which the taxes are
20 delinquent less the assessed valuation of property for which the
21 current year's property tax is delinquent, a district must notify
22 the department of elementary and secondary education on or before
23 April first, except in the year enacted, of the current year
24 amount of delinquent taxes, the assessed valuation of such

1 property for which delinquent taxes are owed and the total
2 assessed valuation of the district for the year in which the
3 taxes were due but not paid. Any district giving such notice to
4 the department of elementary and secondary education shall
5 present verification of the accuracy of such notice obtained from
6 the clerk of the county levying delinquent taxes. When any of
7 the delinquent taxes identified by such notice are paid during a
8 four-year period following the due date, the county clerk shall
9 give notice to the district and the department of elementary and
10 secondary education, and state aid paid to the district shall be
11 reduced by an amount equal to the delinquent taxes received plus
12 interest. The reduction in state aid shall occur over a period
13 not to exceed five years and the interest rate on excess state
14 aid not refunded shall be six percent annually.

15 6. If a district receives state aid based on equalized
16 assessed valuation as determined by subsection 5 of this section
17 and if prior to such notice the district was paid state aid
18 pursuant to subdivision (2) of subsection 5 of section 163.031,
19 the amount of state aid paid during the year of such notice and
20 the first year following shall equal the sum of state aid paid
21 pursuant to line 1 minus line 10 as defined in subsections 1, 2,
22 3 and 6 of section 163.031 plus the difference between the state
23 aid amount being paid after such notice minus the amount of state
24 aid the district would have received pursuant to line 1 minus

1 line 10 as defined in subsections 1, 2, 3 and 6 of section
2 163.031 before such notice. To be eligible to receive state aid
3 based on this provision the district must levy during the first
4 year following such notice at least the maximum levy permitted
5 school districts by article X, section 11(b) of the Missouri
6 Constitution and have a voluntary rollback of its tax rate which
7 is no greater than one cent per one hundred dollars assessed
8 valuation.

9 167.166. 1. Except as provided in subsections 2 and 3 of
10 this section, no employee of any public school or charter school
11 within this state shall perform a strip search, as that term is
12 defined in section 544.193, RSMo, of any student of any such
13 school. However, strip searches may be conducted by, or under
14 the authority of, a commissioned law enforcement officer.

15 2. A student may be strip searched by a school employee
16 only if a commissioned law enforcement officer is not immediately
17 available and if the school employee reasonably believes that a
18 student possesses a weapon, explosive, or substance probable to
19 cause physical harm to himself or herself or another person.

20 3. For the purposes of this section, the term "strip
21 search" shall not include the removal of clothing in order to
22 investigate the potential abuse or neglect of a student; give
23 medical attention to a student; provide health services to a
24 student; or screen a student for medical conditions.

1 4. If a student is strip searched by an employee of a
2 school or a commissioned law enforcement officer, the district
3 will attempt to notify the student's parent or guardian as soon
4 as possible.

5 5. Any employee of a public school or charter school who
6 violates the provisions of subsections 1 to 4 of this section
7 shall be disciplined immediately in accordance with applicable
8 law.

9 6. For the purposes of subsections 1 to 5 of this section,
10 the term "employee" shall include all temporary, part-time, and
11 full-time employees of a public school or charter school.

12 7. No employee of or volunteer in or school board member of
13 or school district administrator of a public school or charter
14 school shall direct a student to remove a religious emblem,
15 insignia, or garment, as long as such emblem, insignia, or
16 garment is worn in a manner that does not promote disruptive
17 behavior.

18 168.104. The following words and phrases when used in
19 sections 168.102 to 168.130, except in those instances where the
20 context indicates otherwise, mean:

21 (1) "Board of education", the school board or board of
22 directors of a school district, except a metropolitan school
23 district, having general control of the affairs of the district;

24 (2) "Demotion", any reduction in salary or transfer to a

1 position carrying a lower salary, except on request of a teacher,
2 other than any change in salary applicable to all teachers or all
3 teachers in a classification;

4 (3) "Indefinite contract", every contract heretofore or
5 hereafter entered into between a school district and a permanent
6 teacher;

7 (4) "Permanent teacher", any teacher who has been employed
8 or who is hereafter employed as a teacher in the same school
9 district for five successive years and who has continued or who
10 thereafter continues to be employed as a teacher by the school
11 district or any supervisor of teachers who was employed as a
12 teacher in the same school district for at least five successive
13 years prior to becoming a supervisor of teachers and who
14 continues thereafter to be employed as a certificated employee by
15 the school district; except that, when a permanent teacher
16 resigns or is permanently separated from employment by a school
17 district, and is afterwards reemployed by the same school
18 district, reemployment for the first school year does not
19 constitute an indefinite contract but if he is employed for the
20 succeeding year, the employment constitutes an indefinite
21 contract; and except that any teacher employed under a part-time
22 contract by a school district shall accrue credit toward
23 permanent status on a prorated basis. Any permanent teacher who
24 is promoted with his consent to a supervisory position including

1 principal or assistant principal, or is first employed by a
2 district in a supervisory position including principal or
3 assistant principal, shall not have permanent status in such
4 position but shall retain tenure in the position previously held
5 within the district, or, after serving two years as principal or
6 assistant principal, shall have tenure as a permanent teacher of
7 that system;

8 (5) "Probationary teacher", any teacher as herein defined
9 who has been employed in the same school district for five
10 successive years or less. In the case of any probationary
11 teacher who has been employed in any other school system as a
12 teacher for two or more years, the board of education shall waive
13 one year of his probationary period;

14 (6) "School district", every school district in this state,
15 except metropolitan school district as defined in section
16 162.571, RSMo;

17 (7) "Teacher", any employee of a school district, except a
18 metropolitan school district, regularly required to be certified
19 under laws relating to the certification of teachers, except
20 superintendents and assistant superintendents but including
21 certified teachers who teach at the prekindergarten level in a
22 nonmetropolitan public school.

23 168.110. The board of education of a school district may
24 modify an indefinite contract annually on or before the fifteenth

1 day of May in the following particulars:

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

4 (2) Fixing the amount of annual compensation for the
5 following school year as provided by the salary schedule adopted
6 by the board of education applicable to all teachers. Districts
7 may provide a salary that includes salary schedule modifications
8 to retain teachers based upon demonstrated need for teachers
9 certified in shortage areas. Districts may also provide such
10 schedule modifications to retain teachers with qualities,
11 experience, or credentials that are exceptionally well suited to
12 a district's needs for academic improvement. In exchange for
13 such modifications, teachers may be required to teach in the
14 district offering the modification for a period of up to three
15 school years. Districts shall have the decision-making authority
16 on whether to provide such modifications within the limits of
17 this section. The modifications shall be effective at the
18 beginning of the next school year. All teachers affected by the
19 modification shall be furnished written copies of the
20 modifications within thirty days after their adoption by the
21 board of education.

22 168.124. 1. The board of education of a school district
23 may place on leave of absence as many teachers as may be
24 necessary because of a decrease in pupil enrollment, school

1 district reorganization or the financial condition of the school
2 district. In placing teachers on leave, the board of education
3 shall be governed by the following provisions:

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

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

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

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

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

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

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

24 2. Should a board of education choose to utilize the

1 mechanism for reducing teacher forces as provided in subsection 1
2 of this section in an attempt to manage adverse financial
3 conditions caused at least partially by a withholding of, or a
4 decrease or less than expected increase in, education
5 appropriations, then the district additionally shall follow the
6 provisions of subsection 3 of this section.

7 3. If a school district has an unrestricted combined ending
8 fund balance of more than ten percent of current expenditures in
9 its teachers' and incidental funds, and in the subsequent fiscal
10 year such district, because of state appropriations, places a
11 contracted teacher on leave of absence after forty days
12 subsequent to the governor signing the elementary and secondary
13 education appropriation bill, the district shall pay the affected
14 teacher the greater of his or her salary for any days worked
15 under the contract, or a sum equal to three thousand dollars.

16 168.126. 1. A board of education at a regular or special
17 meeting may contract with and employ by a majority vote legally
18 qualified probationary teachers for the school district. The
19 contract shall be made by order of the board; shall specify the
20 number of months school is to be taught and the wages per month
21 to be paid, including hiring incentives or salary schedule
22 modifications pursuant to subsection 2 of this section; shall be
23 signed by the probationary teacher and the president of the
24 board, or a facsimile signature of the president may be affixed

1 at his discretion; and the contract shall be attested by the
2 secretary of the board by signature or facsimile. The board
3 shall not employ one of its members as a teacher; nor shall any
4 person be employed as a teacher who is related within the fourth
5 degree to any board member, either by consanguinity or affinity,
6 where the vote of the board member is necessary to the selection
7 of the person.

8 2. Districts may provide a salary that includes hiring
9 incentives or salary schedule modifications to attract teachers
10 based upon demonstrated need for teachers certified in shortage
11 areas. Districts may also provide such incentives or
12 modifications to attract teachers with qualities, experience, or
13 credentials that are exceptionally well-suited to a district's
14 needs for academic improvement. In exchange for such incentives
15 or modifications, teachers may be required to teach in the
16 district offering the incentive or modification for a period of
17 up to three school years. Districts shall have the decision-
18 making authority on whether to provide such incentives and
19 modifications within the limits of this section.

20 3. If in the opinion of the board of education any
21 probationary teacher has been doing unsatisfactory work, the
22 board of education, through its authorized administrative
23 representative, shall provide the teacher with a written
24 statement definitely setting forth his alleged incompetency and

1 specifying the nature thereof, in order to furnish the teacher an
2 opportunity to correct his fault and overcome his incompetency.
3 If improvement satisfactory to the board of education has not
4 been made within ninety days of the receipt of the notification,
5 the board of education may terminate the employment of the
6 probationary teacher immediately or at the end of the school
7 year. Any motion to terminate the employment of a probationary
8 teacher shall include only one person and must be approved by a
9 majority of the members of the board of education. A tie vote
10 thereon constitutes termination. On or before the fifteenth day
11 of April in each school year, the board of education shall notify
12 in writing a probationary teacher who will not be retained by the
13 school district of the termination of his employment. Upon
14 request, the notice shall contain a concise statement of the
15 reason or reasons the employment of the probationary teacher is
16 being terminated. If the reason for the termination is due to a
17 decrease in pupil enrollment, school district reorganization, or
18 the financial condition of the school district, then the district
19 shall in all cases issue notice to the teacher expressly
20 declaring such as the reason for such termination. Nothing
21 contained in this section shall give rise to a cause of action
22 not currently cognizant at law by a probationary teacher for any
23 reason given in said writing so long as the board issues the
24 letter in good faith without malice, but an action for actual

1 damages may be maintained by any person for the deprivation of a
2 right conferred by this act.

3 [3.] 4. Any probationary teacher who is not notified of the
4 termination of his employment shall be deemed to have been
5 appointed for the next school year, under the terms of the
6 contract for the preceding year. A probationary teacher who is
7 informed of reemployment by written notice shall be tendered a
8 contract on or before the fifteenth day of May, and shall within
9 fifteen days thereafter present to the employing board of
10 education a written acceptance or rejection of the employment
11 tendered, and failure of such teachers to present the acceptance
12 within such time constitutes a rejection of the board's offer. A
13 contract between a probationary teacher and a board of education
14 may be terminated or modified at any time by the mutual consent
15 of the parties thereto.

16 168.303. The state board of education shall adopt rules to
17 facilitate job-sharing positions for classroom teachers, as the
18 term "job-sharing" is defined in this section. These rules shall
19 provide that a classroom teacher in a job-sharing position shall
20 receive paid legal holidays, annual vacation leave, sick leave,
21 and personal leave on a pro rata basis. "Job-sharing position"
22 shall mean any position:

23 (1) Shared with one other employee;

24 (2) Requiring employment of at least [seventeen] fifteen

1 hours per week but not more than twenty hours per week on a
2 regular basis; and

3 (3) Requiring at least seventy percent of all time spent in
4 classroom instruction as determined by the employer;

5 provided that, job-sharing position shall not include
6 instructional support or school services positions including, but
7 not limited to, guidance counselor, media coordinator,
8 psychologist, social worker, audiologist, speech and language
9 pathologist, and nursing positions.

10 168.500. 1. For the purpose of providing career pay, which
11 shall be a salary supplement, for public school teachers, which
12 for the purpose of sections 168.500 to 168.515 shall include
13 classroom teachers, librarians, guidance counselors and
14 certificated teachers who hold positions as school psychological
15 examiners, parents as teachers educators, school psychologists,
16 special education diagnosticians and speech pathologists, and are
17 on the district salary schedule, there is hereby created and
18 established a career advancement program which shall be known as
19 the "Missouri Career Development and Teacher Excellence Plan",
20 hereinafter known as the "career plan or program". Participation
21 by local school districts in the career advancement program
22 established under this section shall be voluntary. The career
23 advancement program is a matching fund program of variable match

1 rates. The general assembly shall make an annual appropriation
2 to the excellence in education fund established under section
3 160.268, RSMo, for the purpose of providing the state's portion
4 for the career advancement program. The "Career Ladder Forward
5 Funding Fund" is hereby established in the state treasury.
6 Beginning with fiscal year 1998 and until the career ladder
7 forward funding fund is terminated pursuant to this subsection,
8 the general assembly shall appropriate funds to the career ladder
9 forward funding fund. Notwithstanding the provisions of section
10 33.080, RSMo, to the contrary, moneys in the fund shall not be
11 transferred to the credit of the general revenue fund at the end
12 of the biennium. All interest or other gain received from
13 investment of moneys in the fund shall be credited to the fund.
14 All funds deposited in the fund shall be maintained in the fund
15 until such time as the balance in the fund at the end of the
16 fiscal year is equal to or greater than the appropriation for the
17 career ladder program for the following year, at which time all
18 such revenues shall be used to fund, in advance, the career
19 ladder program for such following year and the career ladder
20 forwarding funding fund shall thereafter be terminated.

21 2. The department of elementary and secondary education, at
22 the direction of the commissioner of education, shall study and
23 develop model career plans which shall be made available to the
24 local school districts. These state model career plans shall:

1 (1) Contain three steps or stages of career advancement;

2 (2) Contain a detailed procedure for the admission of
3 teachers to the career program;

4 (3) Contain specific criteria for career step
5 qualifications and attainment. These criteria shall clearly
6 describe the minimum number of professional responsibilities
7 required of the teacher at each stage of the plan and shall
8 include reference to classroom performance evaluations performed
9 pursuant to section 168.128;

10 (4) Be consistent with the teacher certification process
11 recommended by the Missouri advisory council of certification for
12 educators and adopted by the department of elementary and
13 secondary education;

14 (5) Provide that public school teachers in Missouri shall
15 become eligible to apply for admission to the career plans
16 adopted under sections 168.500 to 168.515 after five years of
17 public school teaching in Missouri. All teachers seeking
18 admission to any career plan shall, as a minimum, meet the
19 requirements necessary to obtain the first renewable professional
20 certificate as provided in section 168.021;

21 (6) Provide procedures for appealing decisions made under
22 career plans established under sections 168.500 to 168.515.

23 3. The commissioner of education shall cause the department
24 of elementary and secondary education to establish guidelines for

1 all career plans established under this section, and criteria
2 that must be met by any school district which seeks funding for
3 its career plan.

4 4. A participating local school district may have the
5 option of implementing a career plan developed by the department
6 of elementary and secondary education or a local plan which has
7 been developed with advice from teachers employed by the district
8 and which has met with the approval of the department of
9 elementary and secondary education. In approving local career
10 plans, the department of elementary and secondary education may
11 consider provisions in the plan of the local district for
12 recognition of teacher mobility from one district to another
13 within this state.

14 5. The career plans of local school districts shall not
15 discriminate on the basis of race, sex, religion, national
16 origin, color, creed, or age. Participation in the career plan
17 of a local school district is optional, and any teacher who
18 declines to participate shall not be penalized in any way.

19 6. In order to receive funds under this section, a school
20 district which is not subject to section 162.920, RSMo, must have
21 a total levy for operating purposes which is in excess of the
22 amount allowed in section 11(b) of article X of the Missouri
23 Constitution; and a school district which is subject to section
24 162.920, RSMo, must have a total levy for operating purposes

1 which is equal to or in excess of twenty-five cents on each
2 hundred dollars of assessed valuation.

3 7. The commissioner of education shall cause the department
4 of elementary and secondary education to regard a speech
5 pathologist who holds both a valid certificate of license to
6 teach and a certificate of clinical competence to have fulfilled
7 the standards required to be placed on stage III of the career
8 program, provided that such speech pathologist has been employed
9 by a public school in Missouri for at least five years and is
10 approved for placement at such stage III by the local school
11 district.

12 168.515. 1. Each teacher selected to participate in a
13 career plan established under sections 168.500 to 168.515, who
14 meets the requirements of such plan, shall receive a salary
15 supplement, the state's share of which shall be distributed under
16 section 163.031, RSMo, equal to the following amounts [multiplied
17 by the proration factor] applied to the career ladder entitlement
18 of line 15 of subsection 6 of section 163.031, RSMo:

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

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

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

1 All teachers within each stage within the same school district
2 shall receive equal salary supplements.

3 2. The state shall make payments pursuant to section
4 163.031, RSMo, to the local school district for the purpose of
5 reimbursing the local school district for the payment of any
6 salary supplements provided for in this section, subject to the
7 availability of funds as appropriated each year and distributed
8 on a variable match formula which shall be based on equalized
9 assessed valuation of the district for the second preceding
10 school year. A district's equalized assessed valuation shall be
11 multiplied by the district income factor defined in section
12 163.011, RSMo, and shall be known as the adjusted equalized
13 assessed valuation.

14 3. In distributing these matching funds, school districts
15 shall be ranked by the adjusted equalized assessed valuation for
16 the second preceding school year per eligible pupil from the
17 highest to the lowest and divided into three groups. Group one
18 shall contain the highest twenty-five percent of all public
19 school districts, groups two and three combined shall contain the
20 remaining seventy-five percent of all public school districts.
21 The districts in groups two and three shall be rank ordered from
22 largest to smallest based on enrollment as of the last Wednesday
23 in September during the second preceding school year, group two
24 shall contain twenty-five percent of all public school districts

that are larger on the enrollment based rank ordered list and group three shall contain the remaining fifty percent of all public school districts. Pursuant to subsection 4 of this section, districts in group one shall receive forty percent state funding and shall contribute sixty percent local funding, group two shall receive fifty percent state funding and shall contribute fifty percent local funding and group three shall receive sixty percent state funding and shall contribute forty percent local funding.

4. The incremental groups are as follows:

	Percentage	Percentage	Percentage
Group	of Districts	of State Funding	of Local Funding
1	25%	40%	60%
2	25%	50%	50%
3	50%	60%	40%

5. Beginning in the 1996-97 school year, any school district in any group which participated in the career ladder program in 1995-96 and paid less than the local funding percentage required by subsection 4 of this section shall increase its local share of career ladder costs by five percentage points from the preceding year until the district pays the percentage share of cost required by subsection 4 of this section, and in no case shall the local funding percentage be increased by a greater amount for any year. For any district,

1 the state payment shall not exceed the local payment times the
2 state percentage share divided by the local percentage share.
3 Any district not participating in the 1995-96 school year or any
4 district which interrupts its career ladder program for any
5 subsequent year shall enter the program on the cost-sharing basis
6 required by subsection 4 of this section.

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

14 7. To participate in the salary supplement program
15 established under this section, a school district may submit to
16 the voters of the district a proposition to increase taxes for
17 this purpose. If a school district's current tax rate ceiling is
18 at or above the rate from which an increase would require a
19 two-thirds majority, the school board may submit to the voters of
20 the district a proposition to reduce or eliminate the amount of
21 the levy reduction resulting from section 164.013, RSMo. If a
22 majority of the voters voting thereon vote in favor of the
23 proposition, the board may certify that seventy-five percent of
24 the revenue generated from this source shall be used to implement

1 the salary supplement program established under this section.

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

7 9. Beginning in the 1996-97 school year, for any teacher
8 who participated in the career program in the 1995-96 school
9 year, continues to participate in the program thereafter, and
10 remains qualified to receive career pay pursuant to section
11 168.510, the state's share of the teacher's salary supplement
12 shall continue to be the percentage paid by the state in the
13 1995-96 school year, notwithstanding any provisions of subsection
14 4 of this section to the contrary, and the state shall continue
15 to pay such percentage of the teacher's salary supplement until
16 any of the following occurs:

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

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

24 169.712. 1. Notwithstanding any provision of law to the

1 contrary, any person duly certificated under the law governing
2 the certification of teachers in Missouri who, after August 28,
3 1997, is first employed in a position which would otherwise
4 qualify the person for membership in the nonteacher school
5 employee retirement system pursuant to the provisions of sections
6 169.600 to 169.710 shall be a member of the public school
7 retirement system pursuant to the provisions of sections 169.010
8 to 169.141, and shall receive creditable service on a pro rata
9 basis in that system for subsequent certificated services which
10 would otherwise have been creditable in the nonteacher school
11 employee retirement system. Any such person shall have the
12 option of being a member of the nonteacher school employee
13 retirement system. The option election must be filed with the
14 board of trustees of the public school retirement system within
15 ninety days of first such employment following August 28, 1997.

16 2. Notwithstanding any provision of law to the contrary,
17 any person duly certificated under the law governing the
18 certification of teachers in Missouri who, on or after August 28,
19 2003, is employed by a public school, as defined in section
20 169.010, for at least [~~seventeen~~] fifteen but less than twenty
21 hours per week on a regular basis shall be a member of the public
22 school retirement system pursuant to the provisions of sections
23 169.010 to 169.141, and shall receive creditable service on a pro
24 rata basis in that system. Any such person shall have the option

1 of being a member of the nonteacher school employee retirement
2 system. The option election must be filed with the board of
3 trustees of the public school retirement system within ninety
4 days of first such employment or within ninety days of August 28,
5 2003, whichever later occurs.

6 3. Any person who is a member of the public school
7 retirement system or the nonteacher school employee retirement
8 system pursuant to subsection 2 of this section may purchase
9 credit in such system for service after August 28, 1991, that
10 would have qualified such person for membership in either
11 retirement system pursuant to subsection 2 of this section had
12 such subsection been in effect prior to August 28, 2003; provided
13 that such purchase of credit in the public school retirement
14 system shall be subject to the provisions of section 169.056 and
15 such purchase of credit in the nonteacher school employee
16 retirement system shall be subject to the provisions of section
17 169.655.

18 171.053. 1. Any school district which allows an excused
19 absence for athletics or any other extracurricular school
20 activity shall allow, pursuant to its written policy and with the
21 approval of the responsible sponsoring school employee, any
22 student enrolled in the district to use such regularly scheduled
23 instructional time as is reasonably necessary for such student to
24 participate in an officially sanctioned activity of such programs

1 as, but not limited to, the Future Farmers of America
2 Organization (FFA organization), Family, Career, and Community
3 Leaders of America (FCCLA), 4-H, and organized competitions at
4 the state fair; provided, if the program is not a part of the
5 Missouri state fair or 4-H, that such program has a local chapter
6 which is officially recognized by the student's school.

7 2. For the purpose of distributing state school aid
8 pursuant to section 163.031, RSMo, a student who is participating
9 in an officially sanctioned activity of any such program, as
10 provided pursuant to subsection 1 of this section, shall be
11 considered to be attending regularly scheduled instruction in the
12 district and such hours of participation occurring during the
13 regular school day shall be included in the district's
14 calculation of average daily attendance, as defined in section
15 163.011, RSMo.

16 209.321. 1. No person shall represent himself or herself
17 as an interpreter or engage in the practice of interpreting as
18 defined in section 209.285 in the state of Missouri unless such
19 person is licensed as required by the provisions of sections
20 209.319 to 209.339.

21 2. A person registered, certified or licensed by this
22 state, another state or any recognized national certification
23 agent, acceptable to the committee that allows that person to
24 practice any other occupation or profession in this state, is not

1 considered to be interpreting if he or she is in performance of
2 the occupation or profession for which he or she is registered,
3 certified or licensed. The professions referred to in this
4 subsection include, but are not limited to, physicians,
5 psychologists, nurses, certified public accountants, architects
6 and attorneys.

7 3. A licensed interpreter shall limit his or her practice
8 to demonstrated areas of competence as documented by relevant
9 professional education, training, experience and certification.
10 An interpreter not trained in an area shall not practice in that
11 area without obtaining additional relevant professional
12 education, training and experience through an acceptable program
13 as defined by rule by the Missouri commission for the deaf and
14 hard of hearing.

15 4. A person is not considered to be interpreting pursuant
16 to the provisions of this section if, in a casual setting and as
17 defined by rule, a person is acting as an interpreter
18 gratuitously or is engaged in interpreting incidental to
19 traveling.

20 5. A person is not considered to be interpreting pursuant
21 to the provisions of this section if a person is engaged as a
22 telecommunications operator providing deaf relay service or
23 operator services for the deaf.

24 6. A person is not considered to be interpreting under the

1 provisions of this section if the person is currently enrolled in
2 an interpreter training program which has been accredited by a
3 certifying agency and approved by the committee. The training
4 program shall offer a degree in interpreting from an accredited
5 institution of higher education. Persons exempted under this
6 provision shall engage only in activities and services that
7 constitute part of a supervised course of study and shall clearly
8 designate themselves by a title of the student, practicum
9 student, student interpreter, trainee, or intern.

10 7. A person holding a current certification of license from
11 another state or recognized national certification system deemed
12 acceptable by the committee is not considered to be interpreting
13 as defined in this chapter when temporarily present in the state
14 for the purpose of providing interpreting services for a
15 convention, conference, meeting, professional group, or
16 educational field trip.

17 8. A person who is an employee or independent contractor of
18 a Missouri public school district and is providing interpreting
19 as part of special education, related services, or supplementary
20 aids and services for students with disabilities, subject to the
21 requirements of state and federal law, shall be exempt from the
22 provisions of sections 209.321 to 209.339. The provisions of
23 this subsection shall expire, and be of no effect, on August 28,
24 2006.

1 9. A person who is providing interpreting in a hospital, as
2 defined in section 197.020, RSMo, subject to the requirements of
3 state and federal law, shall be exempt from the provisions of
4 sections 209.321 to 209.339. The provisions of this subsection
5 shall expire, and be of no effect, on August 28, 2006.

6 210.145. 1. The division shall establish and maintain an
7 information system operating at all times, capable of receiving
8 and maintaining reports. This information system shall have the
9 ability to receive reports over a single, statewide toll-free
10 number. Such information system shall maintain the results of
11 all investigations, family assessments and services, and other
12 relevant information.

13 2. Upon receipt of a report, the division shall immediately
14 communicate such report to its appropriate local office and any
15 relevant information as may be contained in the information
16 system. The local division staff shall determine, through the
17 use of protocols developed by the division, whether an
18 investigation or the family assessment and services approach
19 should be used to respond to the allegation. The protocols
20 developed by the division shall give priority to ensuring the
21 well-being and safety of the child.

22 3. The local office shall contact the appropriate law
23 enforcement agency immediately upon receipt of a report which
24 division personnel determine merits an investigation, or, which,

1 if true, would constitute a suspected violation of any of the
2 following: section 565.020, 565.021, 565.023, 565.024 or
3 565.050, RSMo, if the victim is a child less than eighteen years
4 of age, section 566.030 or 566.060, RSMo, if the victim is a
5 child less than eighteen years of age, or other crime under
6 chapter 566, RSMo, if the victim is a child less than eighteen
7 years of age and the perpetrator is twenty-one years of age or
8 older, section 567.050, RSMo, if the victim is a child less than
9 eighteen years of age, section 568.020, 568.030, 568.045,
10 568.050, 568.060, 568.080, or 568.090, RSMo, section 573.025,
11 573.037 or 573.045, RSMo, or an attempt to commit any such
12 crimes. The local office shall provide such agency with a
13 detailed description of the report received. In such cases the
14 local division office shall request the assistance of the local
15 law enforcement agency in all aspects of the investigation of the
16 complaint. The appropriate law enforcement agency shall either
17 assist the division in the investigation or provide the division,
18 within twenty-four hours, an explanation in writing detailing the
19 reasons why it is unable to assist.

20 4. The local office of the division shall cause an
21 investigation or family assessment and services approach to be
22 initiated immediately or no later than within twenty-four hours
23 of receipt of the report from the division, except in cases where
24 the sole basis for the report is educational neglect. If the

1 report indicates that educational neglect is the only complaint
2 and there is no suspicion of other neglect or abuse, the
3 investigation shall be initiated within seventy-two hours of
4 receipt of the report. If the report indicates the child is in
5 danger of serious physical harm or threat to life, an
6 investigation shall include direct observation of the subject
7 child within twenty-four hours of the receipt of the report.
8 Local law enforcement shall take all necessary steps to
9 facilitate such direct observation. If the parents of the child
10 are not the alleged abusers, a parent of the child must be
11 notified prior to the child being interviewed by the division.
12 The division shall not meet with the child [at the child's school
13 or child-care facility] in any school building or child care
14 facility building where abuse of such child is alleged to have
15 occurred. When the child is reported absent from the residence,
16 the location and the well-being of the child shall be verified.

17 5. The director of the division shall name at least one
18 chief investigator for each local division office, who shall
19 direct the division response on any case involving a second or
20 subsequent incident regarding the same subject child or
21 perpetrator. The duties of a chief investigator shall include
22 verification of direct observation of the subject child by the
23 division and shall ensure information regarding the status of an
24 investigation is provided to the public school district liaison.

1 The public school district liaison shall develop protocol in
2 conjunction with the chief investigator to ensure information
3 regarding an investigation is shared with appropriate school
4 personnel. The superintendent of each school district shall
5 designate a specific person or persons to act as the public
6 school district liaison. Should the subject child attend a
7 nonpublic school the chief investigator shall notify the school
8 principal of the investigation. Upon notification of an
9 investigation, all information received by the public school
10 district liaison or the school shall be subject to the provisions
11 of the federal Family Educational Rights and Privacy Act (FERPA),
12 20 U.S.C., Section 1232g, and federal rule 34 C.F.R., Part 99.

13 6. The investigation shall include but not be limited to
14 the nature, extent, and cause of the abuse or neglect; the
15 identity and age of the person responsible for the abuse or
16 neglect; the names and conditions of other children in the home,
17 if any; the home environment and the relationship of the subject
18 child to the parents or other persons responsible for the child's
19 care; any indication of incidents of physical violence against
20 any other household or family member; and other pertinent data.

21 7. When a report has been made by a person required to
22 report under section 210.115, the division shall contact the
23 person who made such report within forty-eight hours of the
24 receipt of the report in order to ensure that full information

1 has been received and to obtain any additional information or
2 medical records, or both, that may be pertinent.

3 8. Upon completion of the investigation, if the division
4 suspects that the report was made maliciously or for the purpose
5 of harassment, the division shall refer the report and any
6 evidence of malice or harassment to the local prosecuting or
7 circuit attorney.

8 9. Multidisciplinary teams shall be used whenever
9 conducting the investigation as determined by the division in
10 conjunction with local law enforcement. Multidisciplinary teams
11 shall be used in providing protective or preventive social
12 services, including the services of law enforcement, a liaison of
13 the local public school, the juvenile officer, the juvenile
14 court, and other agencies, both public and private.

15 10. If the appropriate local division personnel determine
16 after an investigation has begun that completing an investigation
17 is not appropriate, the division shall conduct a family
18 assessment and services approach. The division shall provide
19 written notification to local law enforcement prior to
20 terminating any investigative process. The reason for the
21 termination of the investigative process shall be documented in
22 the record of the division and the written notification submitted
23 to local law enforcement. Such notification shall not preclude
24 nor prevent any investigation by law enforcement.

1 11. If the appropriate local division personnel determines
2 to use a family assessment and services approach, the division
3 shall:

4 (1) Assess any service needs of the family. The assessment
5 of risk and service needs shall be based on information gathered
6 from the family and other sources;

7 (2) Provide services which are voluntary and time-limited
8 unless it is determined by the division based on the assessment
9 of risk that there will be a high risk of abuse or neglect if the
10 family refuses to accept the services. The division shall
11 identify services for families where it is determined that the
12 child is at high risk of future abuse or neglect. The division
13 shall thoroughly document in the record its attempt to provide
14 voluntary services and the reasons these services are important
15 to reduce the risk of future abuse or neglect to the child. If
16 the family continues to refuse voluntary services or the child
17 needs to be protected, the division may commence an
18 investigation;

19 (3) Commence an immediate investigation if at any time
20 during the family assessment and services approach the division
21 determines that an investigation, as delineated in sections
22 210.109 to 210.183, is required. The division staff who have
23 conducted the assessment may remain involved in the provision of
24 services to the child and family;

1 (4) Document at the time the case is closed, the outcome of
2 the family assessment and services approach, any service provided
3 and the removal of risk to the child, if it existed.

4 12. Within thirty days of an oral report of abuse or
5 neglect, the local office shall update the information in the
6 information system. The information system shall contain, at a
7 minimum, the determination made by the division as a result of
8 the investigation, identifying information on the subjects of the
9 report, those responsible for the care of the subject child and
10 other relevant dispositional information. The division shall
11 complete all investigations within thirty days, unless good cause
12 for the failure to complete the investigation is documented in
13 the information system. If the investigation is not completed
14 within thirty days, the information system shall be updated at
15 regular intervals and upon the completion of the investigation.
16 The information in the information system shall be updated to
17 reflect any subsequent findings, including any changes to the
18 findings based on an administrative or judicial hearing on the
19 matter.

20 13. A person required to report under section 210.115 to
21 the division shall be informed by the division of his right to
22 obtain information concerning the disposition of his or her
23 report. Such person shall receive, from the local office, if
24 requested, information on the general disposition of his or her

1 report. A person required to report to the division pursuant to
2 section 210.115 may receive, if requested, findings and
3 information concerning the case. Such release of information
4 shall be at the discretion of the director based upon a review of
5 the mandated reporter's ability to assist in protecting the child
6 or the potential harm to the child or other children within the
7 family. The local office shall respond to the request within
8 forty-five days. The findings shall be made available to the
9 mandated reporter within five days of the outcome of the
10 investigation.

11 14. In any judicial proceeding involving the custody of a
12 child the fact that a report may have been made pursuant to
13 sections 210.109 to 210.183 shall not be admissible. However,
14 nothing in this subsection shall prohibit the introduction of
15 evidence from independent sources to support the allegations that
16 may have caused a report to have been made.

17 15. In any judicial proceeding involving the custody of a
18 child where the court determines that the child is in need of
19 services pursuant to subdivision (d) of subsection 1 of section
20 211.031, RSMo, and has taken jurisdiction, the child's parent,
21 guardian or custodian shall not be entered into the registry.

22 16. The division of family services is hereby granted the
23 authority to promulgate rules and regulations pursuant to the
24 provisions of section 207.021, RSMo, and chapter 536, RSMo, to

1 carry out the provisions of sections 210.109 to 210.183.

2 17. Any rule or portion of a rule, as that term is defined
3 in section 536.010, RSMo, that is created under the authority
4 delegated in this section shall become effective only if it
5 complies with and is subject to all of the provisions of chapter
6 536, RSMo, and, if applicable, section 536.028, RSMo. This
7 section and chapter 536, RSMo, are nonseverable and if any of the
8 powers vested with the general assembly pursuant to chapter 536,
9 RSMo, to review, to delay the effective date or to disapprove and
10 annul a rule are subsequently held unconstitutional, then the
11 grant of rulemaking authority and any rule proposed or adopted
12 after August 28, 2000, shall be invalid and void.

13 302.272. 1. No person shall operate any school bus owned
14 by or under contract with a public school or the state board of
15 education unless such driver has qualified for a school bus
16 permit under this section and complied with the pertinent rules
17 and regulations of the department of revenue. A school bus
18 permit shall be issued to any applicant who meets the following
19 qualifications:

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

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

23 (3) The applicant has passed a medical examination,
24 including vision and hearing tests, as prescribed by the director

1 of revenue and, if the applicant is at least seventy years of
2 age, the applicant shall pass the medical examination annually to
3 maintain or renew the permit; and

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

13 2. Except as otherwise provided in this section, a school
14 bus permit shall be renewed every three years and shall require
15 the applicant to provide a medical examination as specified in
16 subdivision (3) of subsection 1 of this section and to
17 successfully pass a written skills examination as prescribed by
18 the director of revenue in consultation with the department of
19 elementary and secondary education. If the applicant is at least
20 seventy years of age, the school bus permit shall be renewed
21 annually, and the applicant shall successfully pass the
22 examination prescribed in subdivision (4) of subsection 1 of this
23 section prior to receiving the renewed permit, provided that the
24 background check, as contemplated by subsections 5 and 6 of this

1 section, shall continue to be conducted on a renewing applicant's
2 previously established three-year renewal schedule. The director
3 may waive the written skills examination on renewal of a school
4 bus permit upon verification of the applicant's successful
5 completion within the preceding twelve months of a training
6 program which has been approved by the director in consultation
7 with the department of elementary and secondary education and
8 which is at least eight hours in duration with special
9 instruction in school bus driving.

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

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

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

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

1 (2) Who has pled guilty to or been found guilty of any
2 felony or misdemeanor for violation of drug regulations as
3 defined in chapter 195, RSMo; of any felony for an offense
4 against the person as defined by chapter 565, RSMo, or any other
5 offense against the person involving the endangerment of a child
6 as prescribed by law; of any misdemeanor or felony for a sexual
7 offense as defined by chapter 566, RSMo; of any misdemeanor or
8 felony for prostitution as defined by chapter 567, RSMo; of any
9 misdemeanor or felony for an offense against the family as
10 defined in chapter 568, RSMo; of any felony or misdemeanor for a
11 weapons offense as defined by chapter 571, RSMo; of any
12 misdemeanor or felony for pornography or related offense as
13 defined by chapter 573, RSMo; or of any similar crime in any
14 federal, state, municipal or other court of similar jurisdiction
15 of which the director has knowledge;

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

22 6. The department of social services or the Missouri
23 highway patrol, whichever has access to applicable records, shall
24 provide a record of clearance or denial of clearance for any

1 applicant for a school bus permit for the convictions specified
2 in subdivisions (2) and (3) of subsection 5 of this section. The
3 Missouri highway patrol in providing the record of clearance or
4 denial of clearance for any such applicant is authorized to
5 obtain from the Federal Bureau of Investigation any information
6 which might aid the Missouri highway patrol in providing such
7 record of clearance or denial of clearance. The department of
8 social services or the Missouri highway patrol shall provide the
9 record of clearance or denial of clearance within thirty days of
10 the date requested, relying on information available at that
11 time, except that the department of social services or the
12 Missouri highway patrol shall provide any information
13 subsequently discovered to the department of revenue.

14 Section 1. The department of elementary and secondary
15 education shall not reimburse a school district for more than one
16 A+ program coordinator per one thousand two hundred fifty
17 students; however a school with up to one thousand five hundred
18 students shall be reimbursed for only one A+ program coordinator.

19 Section 2. Professional development requirements pursuant
20 to section 168.021, RSMo, for vocational-technical certification
21 or successor certification shall include contact hours relating
22 to the specific vocational-technical subject area for which the
23 educator seeks certification.

24 Section B. Because immediate action is necessary to

1 adequately protect children being interviewed by the state and to
2 aid school finances, the repeal and reenactment of sections
3 163.031, 163.036, 168.515, and 210.145 of section A of this act
4 is deemed necessary for the immediate preservation of the public
5 health, welfare, peace, and safety, and is hereby declared to be
6 an emergency act within the meaning of the constitution, and the
7 repeal and reenactment of sections 163.031, 163.036, 168.515, and
8 210.145 of section A of this act shall be in full force and
9 effect upon its passage and approval.