

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

2 To repeal sections 105.454, 160.254, 160.261,
3 160.570, 162.081, 162.261, 163.031, 163.036,
4 165.301, 167.020, 167.031, 167.051, 167.171,
5 168.110, 168.124, 168.126, 168.211, 168.515,
6 172.360, 209.321, 210.145, 302.272, and
7 393.310, RSMo, and to enact in lieu thereof
8 thirty-one new sections relating to
9 elementary and secondary education, with
10 penalty provisions and an emergency clause
11 for certain sections.

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

14 Section A. Sections 105.454, 160.254, 160.261, 160.570,
15 162.081, 162.261, 163.031, 163.036, 165.301, 167.020, 167.031,

1 167.051, 167.171, 168.110, 168.124, 168.126, 168.211, 168.515,
2 172.360, 209.321, 210.145, 302.272, and 393.310, RSMo, are
3 repealed and thirty-one new sections enacted in lieu thereof, to
4 be known as sections 105.454, 160.254, 160.261, 160.570, 161.089,
5 161.209, 162.032, 162.081, 162.261, 163.031, 163.036, 165.301,
6 167.020, 167.031, 167.051, 167.052, 167.166, 167.171, 168.110,
7 168.124, 168.126, 168.211, 168.515, 172.360, 209.321, 210.145,
8 302.272, 393.310, 1, 2, and 3, to read as follows:

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

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

23 (2) Sell, rent or lease any property to any agency of the
24 state, or to any political subdivision thereof in which he or she

1 is an officer or employee or over which he or she has supervisory
2 power and received consideration therefor in excess of five
3 hundred dollars per transaction or one thousand five hundred
4 dollars per year, or in the case of a school board five thousand
5 dollars per annum, unless the transaction is made pursuant to an
6 award on a contract let or sale made after public notice and in
7 the case of property other than real property, competitive
8 bidding, provided that the bid or offer accepted is the lowest
9 received;

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

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

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

1 amended within ninety days of any change in the supervisory
2 assignments of the governor's staff. The governor shall
3 designate not less than three staff members pursuant to this
4 subdivision;

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

11 160.254. 1. There is hereby established a joint committee
12 of the general assembly, which shall be known as the "Joint
13 Committee on Education", which shall be composed of [five] seven
14 members of the senate and [five] seven members of the house of
15 representatives. The senate members of the committee shall be
16 appointed by the president pro tem of the senate and the house
17 members by the speaker of the house.

18 2. The committee [shall only] may meet and function in [the
19 year 1988 and each fourth year thereafter. Members shall be
20 appointed on the first day of the legislative session in January
21 of every year in which the committee is to meet and function, and
22 shall serve for a period of not less than six months nor more
23 than one year] any year that the president pro tem of the senate
24 and the speaker of the house of representatives appoint members

1 to serve on the committee. In the event of three consecutive
2 absences on the part of any member, such member may be removed
3 from the committee.

4 3. The committee shall [be first convened ten days after
5 its appointment and shall] select either a chairman or
6 cochairmen, one of whom shall be a member of the senate and one a
7 member of the house. A majority of the members shall constitute
8 a quorum. Meetings of the committee may be called at such time
9 and place as the chairman or chairmen designate.

10 4. The committee shall:

11 (1) Review and monitor the progress of education in the
12 state's public schools;

13 (2) Receive reports from the commissioner of education
14 concerning the public schools;

15 (3) Conduct a study and analysis of the public school
16 system;

17 (4) Make recommendations to the general assembly for
18 legislative action; and

19 (5) Conduct an in-depth study concerning all issues
20 relating to the equity and adequacy of the distribution of state
21 school aid, teachers' salaries, funding for school buildings, and
22 overall funding levels for schools and any other education
23 funding-related issues the committee deems relevant.

24 5. The committee may make reasonable requests for staff

1 assistance from the research and appropriations staffs of the
2 house and senate and the committee on legislative research, as
3 well as the department of elementary and secondary education
4 [and], the department of higher education, the coordinating board
5 for higher education, the state tax commission, all school
6 districts and other political subdivisions of this state,
7 teachers and teacher groups, business and other commercial
8 interests and any other interested persons.

9 6. Members of the committee shall receive no compensation
10 but may be reimbursed for reasonable and necessary expenses
11 associated with the performance of their official duties.

12 160.261. 1. The local board of education of each school
13 district shall clearly establish a written policy of discipline,
14 including the district's determination on the use of corporal
15 punishment and the procedures in which punishment will be
16 applied. A written copy of the district's discipline policy and
17 corporal punishment procedures, if applicable, shall be provided
18 to the pupil and parent or legal guardian of every pupil enrolled
19 in the district at the beginning of each school year and also
20 made available in the office of the superintendent of such
21 district, during normal business hours, for public inspection.
22 All employees of the district shall annually receive instruction
23 related to the specific contents of the policy of discipline and
24 any interpretations necessary to implement the provisions of the

1 policy in the course of their duties, including but not limited
2 to approved methods of dealing with acts of school violence,
3 disciplining students with disabilities and instruction in the
4 necessity and requirements for confidentiality.

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

- 23 (1) First degree murder under section 565.020, RSMo;
- 24 (2) Second degree murder under section 565.021, RSMo;

(3) Kidnapping under section 565.110, RSMo;

(4) First degree assault under section 565.050, RSMo;

(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;

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

3 (22) Sexual misconduct involving a child pursuant to
4 section 566.083, RSMo; or

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

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

20 3. The policy shall provide that any student who is on
21 suspension for any of the offenses listed in subsection 2 of this
22 section or any act of violence or drug-related activity defined
23 by school district policy as a serious violation of school

1 discipline pursuant to subsection 9 of this section shall have as
2 a condition of his or her suspension the requirement that such
3 student is not allowed, while on such suspension, to be within
4 one thousand feet of any public school in the school district
5 where such student attended school unless:

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

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

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

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

19 4. Any student who violates the condition of suspension
20 required pursuant to subsection 3 of this section may be subject
21 to expulsion or further suspension pursuant to the provisions of
22 sections 167.161, 167.164, and 167.171, RSMo. In making this
23 determination consideration shall be given to whether the student
24 poses a threat to the safety of any child or school employee and

1 whether such student's unsupervised presence within one thousand
2 feet of the school is disruptive to the educational process or
3 undermines the effectiveness of the school's disciplinary policy.
4 Removal of any pupil who is a student with a disability is
5 subject to state and federal procedural rights.

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

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

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

19 [4.] 6. For the purpose of this section, the term "weapon"
20 shall mean a firearm as defined under 18 U.S.C. 921 and the
21 following items, as defined in section 571.010, RSMo: a
22 blackjack, a concealable firearm, an explosive weapon, a firearm,
23 a firearm silencer, a gas gun, a knife, knuckles, a machine gun,
24 a projectile weapon, a rifle, a shotgun, a spring gun or a

1 switchblade knife; except that this section shall not be
2 construed to prohibit a school board from adopting a policy to
3 allow a Civil War reenactor to carry a Civil War era weapon on
4 school property for educational purposes so long as the firearm
5 is unloaded. The local board of education shall define weapon in
6 the discipline policy. Such definition shall include the weapons
7 defined in this subsection but may also include other weapons.

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

14 [6.] 8. Teachers and other authorized district personnel in
15 public schools responsible for the care, supervision, and
16 discipline of schoolchildren, including volunteers selected with
17 reasonable care by the school district, shall not be civilly
18 liable when acting in conformity with the established policy of
19 discipline developed by each board under this section, or when
20 reporting to his or her supervisor or other person as mandated by
21 state law, acts of school violence or threatened acts of school
22 violence, within the course and scope of the duties of the
23 teacher, authorized district personnel or volunteer, when such
24 individual is acting in conformity with the established policies

1 developed by the board. Nothing in this section shall be
2 construed to create a new cause of action against such school
3 district, or to relieve the school district from liability for
4 the negligent acts of such persons.

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

20 [8.] 10. Spanking, when administered by certificated
21 personnel of a school district in a reasonable manner in
22 accordance with the local board of education's written policy of
23 discipline, is not abuse within the meaning of chapter 210, RSMo.
24 The provisions of sections 210.110 to 210.165, RSMo,

1 notwithstanding, the division of family services shall not have
2 jurisdiction over or investigate any report of alleged child
3 abuse arising out of or related to any spanking administered in a
4 reasonable manner by any certificated school personnel pursuant
5 to a written policy of discipline established by the board of
6 education of the school district. Upon receipt of any reports of
7 child abuse by the division of family services pursuant to
8 sections 210.110 to 210.165, RSMo, which allegedly involves
9 personnel of a school district, the division of family services
10 shall notify the superintendent of schools of the district or, if
11 the person named in the alleged incident is the superintendent of
12 schools, the president of the school board of the school district
13 where the alleged incident occurred. If, after an initial
14 investigation, the superintendent of schools or the president of
15 the school board finds that the report involves an alleged
16 incident of child abuse other than the administration of a
17 spanking by certificated school personnel pursuant to a written
18 policy of discipline or a report made for the sole purpose of
19 harassing a public school employee, the superintendent of schools
20 or the president of the school board shall immediately refer the
21 matter back to the division of family services and take no
22 further action. In all matters referred back to the division of
23 family services, the division of family services shall treat the
24 report in the same manner as other reports of alleged child abuse

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

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

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

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

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

1 conclusions on the alleged incident.

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

23 [10.] 12. Any superintendent of schools, president of a
24 school board or such person's designee or juvenile officer who

1 knowingly falsifies any report of any matter pursuant to this
2 section or who knowingly withholds any information relative to
3 any investigation or report pursuant to this section is guilty of
4 a class A misdemeanor.

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

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

19 2. The school board of each school district shall establish
20 a written policy on student participation in statewide
21 assessments. The policy shall be provided to each student and
22 the parent, guardian or other person responsible for every
23 student under eighteen years of age at the beginning of each
24 school year and a copy of the policy shall be maintained in the

1 district office and shall be available for viewing by the public
2 during business hours of the district office. [The policy] A
3 school board may establish a [system of rewards and punishments]
4 policy designed to encourage students to give their best efforts
5 on each portion of any statewide assessment established pursuant
6 to section 160.518, RSMo, which may include but is not limited to
7 incentives or supplementary work as a consequence of performance.

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

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

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

1 through electronic media under such circumstances.

2 161.209. The department of elementary and secondary
3 education has an affirmative duty to seek comment on its rules,
4 regulations, and policies after their final approval or
5 implementation. The department shall undertake such review on
6 existing rules, regulations, and policies on an ad hoc, periodic
7 basis with a priority given to such rules, regulations, and
8 policies that could successfully be revised without affecting
9 student achievement to accommodate periods when there is no
10 increase in the appropriation for basic state aid funding
11 pursuant to section 163.031, RSMo, from one fiscal year to the
12 next or when withholdings of appropriated funds result in a
13 situation equivalent to no increase in such appropriation.

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

1 successor district with the largest eligible pupil count in the
2 most recently completed school year.

3 162.081. 1. Whenever any school district in this state
4 fails or refuses in any school year to provide for the minimum
5 school term required by section 163.021, RSMo, or is classified
6 unaccredited for two successive school years by the state board
7 of education, its corporate organization shall lapse. The
8 corporate organization of any school district that is classified
9 as unaccredited shall lapse on June thirtieth of the second full
10 school year of such unaccredited classification after the school
11 year during which the unaccredited classification is initially
12 assigned, or at a later date as determined by the state board of
13 education under the circumstances described in subsection 2 of
14 this section.

15 2. If a school district which has been declared
16 unaccredited achieves provisional accreditation within the
17 initial time period before lapse as stated in subsection 1 of
18 this section, the state board of education may establish a
19 subsequent date, not earlier than one full school year nor more
20 than two full school years after the date on which the district
21 achieves provisional accreditation, after which the provisionally
22 accredited district shall lapse unless it achieves full
23 accreditation before the date set by the state board for lapse.

24 3. Except as provided in subsection 13 of this section,

1 the territory theretofore embraced within any district that
2 lapses pursuant to this section or any portion thereof may be
3 attached to any district for school purposes by the state board
4 of education[; but no school district, except a district
5 classified as unaccredited pursuant to section 163.023, RSMo, and
6 section 160.538, RSMo, shall lapse where provision is lawfully
7 made for the attendance of the pupils of the district at another
8 school district that is classified as provisionally accredited or
9 accredited by the state board of education].

10 [2. Prior to or at the time any school district in this
11 state shall lapse, but]

12 4. After the school district has been classified as
13 unaccredited but no later than sixty days after the date upon
14 which the district was classified as unaccredited, the department
15 of elementary and secondary education shall conduct a public
16 hearing that includes district officials at a location in the
17 unaccredited school district for purposes that include, but are
18 not limited to, explaining the technical assistance that the
19 department is prepared to offer the district, to take public
20 comments on the district's preliminary plans to return to
21 accredited status, and to provide information to the patrons of
22 the district regarding the continuation of the educational
23 programs within the district. The hearing site shall be selected
24 by the department to accommodate as many participants as may

1 reasonably be expected. The hearing shall be held at a time that
2 permits the largest possible participation of parents and
3 teachers. The notice for the hearing shall be given pursuant to
4 the requirements of chapter 610, RSMo, for open meetings, and in
5 addition the department and the district shall take reasonable
6 steps to ensure that notice includes at least one television and
7 one radio public service announcement and one posting in a
8 newspaper of general circulation in the district. [The purpose of
9 the hearing shall be to:

10 (1) Review any plan by the district to return to accredited
11 status; or

12 (2) Offer any technical assistance that can be provided to
13 the district.

14 3.] 5. Except as otherwise provided in section 162.1100,
15 [in a metropolitan school district or an urban school district
16 containing most or all of a city with a population greater than
17 three hundred fifty thousand inhabitants and in any other school
18 district if the local board of education does not anticipate a
19 return to accredited status,] the state board of education may
20 appoint a special administrative board to [supervise] monitor the
21 financial operations, maintain and preserve the financial assets
22 or, if warranted, continue operation of the educational programs
23 within the district or what provisions might otherwise be made in
24 the best interest of the education of the children of the

1 district. The special administrative board shall consist of two
2 persons who are residents of the school district, who shall serve
3 without compensation, and a professional administrator, who shall
4 be a resident of Missouri or shall establish a residence in
5 Missouri within ninety days of appointment and shall chair the
6 board and [shall] be compensated, as determined by the state
7 board of education, in whole or in part with funds from the
8 district. A majority of the members of a special administrative
9 board shall be deemed to have standing in a court of competent
10 jurisdiction to enjoin any action of the school board of the
11 unaccredited district to prevent wastage of the assets of the
12 district.

13 [4.] 6. Upon lapse of the district, the state board of
14 education may:

15 (1) Appoint a special administrative board, if such a board
16 has not already been appointed, and authorize the special
17 administrative board to retain the authority granted to a board
18 of education for the operation of all or part of the district;

19 (2) Within the limits prescribed in subsection 13 of this
20 section, attach the territory of the lapsed district to another
21 district or districts for school purposes; [or]

22 (3) Establish one or more school districts within the
23 territory of the lapsed district, with a governance structure
24 consistent with the laws applicable to districts of a similar

1 size, with the option of permitting a district to remain intact
2 for the purposes of assessing, collecting, and distributing
3 property taxes, to be distributed equitably on a per eligible
4 pupil basis, but to be divided for operational purposes, which
5 shall take effect sixty days after the adjournment of the regular
6 session of the general assembly next following the state board's
7 decision unless a statute or concurrent resolution is enacted to
8 nullify the state board's decision prior to such effective date;
9 or

10 (4) Continue operation of the school district under the
11 existing governance structure under terms and conditions
12 established by the state board of education.

13 7. The special administrative board may retain the
14 authority granted to a board of education for the operation of
15 the lapsed school district under the laws of the state in effect
16 at the time of the lapse.

17 [5.] 8. The authority of the special administrative board
18 shall expire at the end of the third full school year following
19 its appointment, unless extended by the state board of education.
20 If the lapsed district is reassigned, the special administrative
21 board shall provide an accounting of all funds, assets and
22 liabilities of the lapsed district and transfer such funds,
23 assets, and liabilities of the lapsed district as determined by
24 the state board of education.

1 [6.] 9. Upon recommendation of the special administrative
2 board, the state board of education may assign the funds, assets
3 and liabilities of the lapsed district to another district or
4 districts. Upon assignment, all authority of the special
5 administrative board shall transfer to the assigned districts.

6 [7.] 10. Neither the special administrative board nor any
7 district or other entity assigned territory, assets or funds from
8 a lapsed district shall be considered a successor entity for the
9 purpose of employment contracts, unemployment compensation
10 payment pursuant to section 288.110, RSMo, or any other purpose.

11 [8.] 11. If additional teachers are needed by a district as
12 a result of increased enrollment due to the annexation of
13 territory of a lapsed or dissolved district, such district shall
14 grant an employment interview to any permanent teacher of the
15 lapsed or dissolved district upon the request of such permanent
16 teacher.

17 [9.] 12. (1) The governing body of a school district, upon
18 an initial declaration by the state board of education that such
19 district is provisionally accredited, may, and, upon an initial
20 declaration by the state board of education that such district is
21 unaccredited, shall develop a plan to be submitted to the voters
22 of the school district to divide the school district if the
23 district cannot attain accreditation within three years of the
24 initial declaration that such district is unaccredited. In the

1 case of such a district being declared unaccredited, such plan
2 shall be presented to the voters of the district before the
3 district lapses. In the case of such a district being declared
4 provisionally accredited, such plan may be presented before the
5 close of the current accreditation cycle.

6 (2) The plan may provide that the school district shall
7 remain intact for the purposes of assessing, collecting and
8 distributing taxes for support of the schools, and the governing
9 body of the district shall develop a plan for the distribution of
10 such taxes equitably on a per pupil basis if the district selects
11 this option.

12 (3) The makeup of the new districts shall be racially
13 balanced as far as the proportions of students allow.

14 (4) If a majority of the district's voters approve the
15 plan, the state board of education shall cooperate with the local
16 board of education to implement the plan, which may include use
17 of the provisions of this section to provide an orderly
18 transition to new school districts and achievement of accredited
19 status for such districts.

20 [10.] 13. In the event that a school district with an
21 enrollment in excess of five thousand pupils lapses, no school
22 district shall have all or any part of such lapsed school
23 district attached without the approval of the board of the
24 receiving school district.

1 162.261. 1. The government and control of a seven-director
2 school district, other than an urban district, is vested in a
3 board of education of seven members, who hold their office for
4 three years, except as provided in section 162.241, and until
5 their successors are duly elected and qualified. Any vacancy
6 occurring in the board shall be filled by the remaining members
7 of the board; except that if there are more than two vacancies at
8 any one time, the county commission upon receiving written notice
9 of the vacancies shall fill the vacancies by appointment. The
10 person appointed shall hold office until the next municipal
11 election, when a director shall be elected for the unexpired
12 term.

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

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

23 163.031. 1. School districts which meet the requirements
24 of section 163.021 shall be entitled to an amount computed as

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

1 one or the proration factor for line 1(b) plus five hundredths.

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

1 the previous year for school purposes from the school district
2 trust fund pursuant to section 163.087; one hundred percent of
3 the amount received the previous year for school purposes from
4 the fair share fund pursuant to section 149.015, RSMo; and one
5 hundred percent of the amount received the previous year for
6 school purposes from the free textbook fund, pursuant to section
7 148.360, RSMo.

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

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

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

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

18 5. (1) In the 1993-94 school year and all subsequent
19 school years, pursuant to section 10(c) of article X of the state
20 constitution, a school district shall adjust upward its operating
21 levy for school purposes to the extent necessary for the district
22 to at least maintain the current operating expenditures per pupil
23 received by the district from all sources in the 1992-93 school
24 year, except that its operating levy for school purposes shall

1 not exceed the highest tax rate in effect subsequent to the 1980
2 tax year, or the minimum rate required by subsection 2 of section
3 163.021, whichever is less.

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

23 (3) For any school district which meets the eligibility
24 criteria for state aid as established in section 163.021, but

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

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

1 this subsection. For the 1993-94 school year, the amount per
2 eligible pupil shall be twenty-five percent of the amount of
3 state aid per eligible pupil calculated for the district for the
4 1993-94 school year pursuant to subsections 1 to 4 of this
5 section plus seventy-five percent of the total amount of state
6 aid received by the district from all sources for the 1992-93
7 school year for which the district is entitled and which are
8 distributed in the 1993-94 school year pursuant to subsections 1
9 to 4 of this section. For the 1994-95 school year, the amount
10 per eligible pupil shall be fifty percent of the amount of state
11 aid per eligible pupil calculated for the district for the
12 1994-95 school year pursuant to subsections 1 to 4 of this
13 section plus fifty percent of the total amount of state aid
14 received by the district from all sources for the 1992-93 school
15 year for which the district is entitled and which are distributed
16 in the 1994-95 school year pursuant to subsections 1 to 4 of this
17 section. For the 1995-96 school year, the amount of state aid
18 per eligible pupil shall be seventy-five percent of the amount of
19 state aid per eligible pupil calculated for the district for the
20 1995-96 school year pursuant to subsections 1 to 4 of this
21 section plus twenty-five percent of the total amount of state aid
22 received by the district from all sources for the 1992-93 school
23 year for which the district is entitled and which are distributed
24 in the 1995-96 school year pursuant to subsections 1 to 4 of this

1 section. Nothing in this subdivision shall be construed to limit
2 the authority of a school district to raise its district
3 operating levy pursuant to subdivision (1) of this subsection.

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

19 6. State aid shall be determined as follows:

20 District Entitlement

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

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

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

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

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

1 (sum of lines 11-17) \$......

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

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

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

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

1 penalty shall also be paid within the next school year. Such
2 amounts may be repaid by the district through the withholding of
3 the amount of state aid.

4 163.036. 1. In computing the amount of state aid a school
5 district is entitled to receive for the minimum school term
6 only under section 163.031, a school district may use an estimate
7 of the number of eligible pupils for the [ensuing] current year,
8 the number of eligible pupils for the immediately preceding year
9 or the number of eligible pupils for the second preceding school
10 year, whichever is greater. Beginning with the 2005-2006 school
11 year, the summer school add-on for eligible pupils as defined in
12 subdivision (8) of section 163.011 shall include only those
13 eligible pupils that attend summer school in the current year.
14 Beginning with the 2004-2005 school year, when a district's
15 official calendar for the current year contributes to a more than
16 ten percent reduction in the average daily attendance for
17 kindergarten compared to the immediately preceding year, the
18 eligible pupil payment attributable to kindergarten shall include
19 only the current year kindergarten average daily attendance.
20 Except as otherwise provided in subsection 3 of this section, any
21 error made in the apportionment of state aid because of a
22 difference between the actual number of eligible pupils and the
23 estimated number of eligible pupils shall be corrected as
24 provided in section 163.091, except that if the amount paid to a

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

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

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

1 state board requesting that the deductions be made pursuant to
2 subdivision (2) of this subsection, then the amounts shall be
3 deducted pursuant to subdivision (2) of this subsection.

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

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

1 163.091, except that if the amount paid to a district estimating
2 current equalized assessed valuation exceeds the amount to which
3 the district was actually entitled, interest at the rate of six
4 percent shall be charged on the excess and shall be added to the
5 amount to be deducted from the district's apportionment the next
6 succeeding year.

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

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

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

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

10 165.301. 1. Subject to the provisions of section 110.030,
11 RSMo, the board of education in each metropolitan district [in
12 each year] shall at least once every five years advertise for
13 bids from the banking institutions in the city for the deposits
14 of the board of education [for the succeeding fiscal year,] to be
15 secured as provided in sections 110.010 and 110.020, RSMo. The
16 bids shall specify the rate of interest to be allowed to the
17 board on the deposits and the nature of the security offered.
18 The deposits shall be awarded [annually] to the banking
19 institutions that offer, with the required security, the highest
20 rate of interest therefor. The board may select as many
21 depositories for its deposits as it deems necessary and the board
22 shall cause contracts [for the ensuing year] to be made with the
23 banking institutions receiving award of deposits. The board
24 shall cause all funds received to be paid into the designated

1 depositories, allocating funds to the depositories, if more than
2 one depository has been designated, as the board deems proper.

3 2. The president of the board, [each year] immediately
4 after the selection of the depository or depositories of the
5 school moneys [for the succeeding year,] shall notify the
6 treasurer of the state of Missouri and the collector of school
7 taxes in the city of the name of the depository to which they are
8 to make all payments of money apportioned, belonging to or
9 distributed to the board; and the officers upon making deposits
10 shall take from the depository duplicate receipts therefor, one
11 of which shall be retained by the officer making the deposits and
12 one delivered to the treasurer of the board.

13 167.020. 1. As used in this section, the term "homeless
14 child" shall mean a person less than twenty-one years of age who
15 lacks a fixed, regular and adequate nighttime residence,
16 including a child who:

17 (1) Is living on the street, in a car, tent, abandoned
18 building or some other form of shelter not designed as a
19 permanent home;

20 (2) Is living in a community shelter facility;

21 (3) Is living in transitional housing for less than one
22 full year.

23 2. In order to register a pupil, the parent or legal
24 guardian of the pupil or the pupil himself or herself shall

1 provide, at the time of registration, one of the following:

2 (1) Proof of residency in the district. Except as
3 otherwise provided in section 167.151, the term "residency" shall
4 mean that a person both physically resides within a school
5 district and is domiciled within that district. The domicile of
6 a minor child shall be the domicile of a parent, military
7 guardian pursuant to a military-issued guardianship or
8 court-appointed legal guardian; or

9 (2) Proof that the person registering the student has
10 requested a waiver under subsection 3 of this section within the
11 last forty-five days. In instances where there is reason to
12 suspect that admission of the pupil will create an immediate
13 danger to the safety of other pupils and employees of the
14 district, the superintendent or the superintendent's designee may
15 convene a hearing within [~~three~~] five working days of the request
16 to register and determine whether or not the pupil may register.

17 3. Any person subject to the requirements of subsection 2
18 of this section may request a waiver from the district board of
19 any of those requirements on the basis of hardship or good cause.
20 Under no circumstances shall athletic ability be a valid basis of
21 hardship or good cause for the issuance of a waiver of the
22 requirements of subsection 2 of this section. The district board
23 shall convene a hearing as soon as possible, but no later than
24 forty-five days after receipt of the waiver request made under

1 this subsection or the waiver request shall be granted. The
2 district board may grant the request for a waiver of any
3 requirement of subsection 2 of this section. The district board
4 may also reject the request for a waiver in which case the pupil
5 shall not be allowed to register. Any person aggrieved by a
6 decision of a district board on a request for a waiver under this
7 subsection may appeal such decision to the circuit court in the
8 county where the school district is located.

9 4. Any person who knowingly submits false information to
10 satisfy any requirement of subsection 2 of this section is guilty
11 of a class A misdemeanor.

12 5. In addition to any other penalties authorized by law, a
13 district board may file a civil action to recover, from the
14 parent, military guardian or legal guardian of the pupil, the
15 costs of school attendance for any pupil who was enrolled at a
16 school in the district and whose parent, military guardian or
17 legal guardian filed false information to satisfy any requirement
18 of subsection 2 of this section.

19 6. Subsection 2 of this section shall not apply to a pupil
20 who is a homeless child or a pupil attending a school not in the
21 pupil's district of residence as a participant in an
22 interdistrict transfer program established under a court-ordered
23 desegregation program, a pupil who is a ward of the state and has
24 been placed in a residential care facility by state officials, a

1 pupil who has been placed in a residential care facility due to a
2 mental illness or developmental disability, a pupil attending a
3 school pursuant to sections 167.121 and 167.151, a pupil placed
4 in a residential facility by a juvenile court, a pupil with a
5 disability identified under state eligibility criteria if the
6 student is in the district for reasons other than accessing the
7 district's educational program, or a pupil attending a regional
8 or cooperative alternative education program or an alternative
9 education program on a contractual basis.

10 7. Within two business days of enrolling a pupil, the
11 school official enrolling a pupil, including any special
12 education pupil, shall request those records required by district
13 policy for student transfer and those discipline records required
14 by subsection 7 of section 160.261, RSMo, from all schools
15 previously attended by the pupil within the last twelve months.
16 Any school district that receives a request for such records from
17 another school district enrolling a pupil that had previously
18 attended a school in such district shall respond to such request
19 within five business days of receiving the request. School
20 districts may report or disclose education records to law
21 enforcement and juvenile justice authorities if the disclosure
22 concerns law enforcement's or juvenile justice authorities'
23 ability to effectively serve, prior to adjudication, the student
24 whose records are released. The officials and authorities to

1 whom such information is disclosed must comply with applicable
2 restrictions set forth in 20 U.S.C. Section 1232g (b)(1)(E).

3 167.031. 1. Every parent, guardian or other person in this
4 state having charge, control or custody of a child not enrolled
5 in a public, private, parochial, parish school or full-time
6 equivalent attendance in a combination of such schools and
7 between the ages of seven [and sixteen] years and the compulsory
8 attendance age for the district is responsible for enrolling the
9 child in a program of academic instruction which complies with
10 subsection 2 of this section. Any parent, guardian or other
11 person who enrolls a child between the ages of five and seven
12 years in a public school program of academic instruction shall
13 cause such child to attend the academic program on a regular
14 basis, according to this section. Nonattendance by such child
15 shall cause such parent, guardian or other responsible person to
16 be in violation of the provisions of section 167.061, except as
17 provided by this section. A parent, guardian or other person in
18 this state having charge, control, or custody of a child between
19 the ages of seven [and sixteen] years of age and the compulsory
20 attendance age for the district shall cause the child to attend
21 regularly some public, private, parochial, parish, home school or
22 a combination of such schools not less than the entire school
23 term of the school which the child attends; except that

24 (1) A child who, to the satisfaction of the superintendent

1 of public schools of the district in which he resides, or if
2 there is no superintendent then the chief school officer, is
3 determined to be mentally or physically incapacitated may be
4 excused from attendance at school for the full time required, or
5 any part thereof;

6 (2) A child between fourteen [and sixteen] years of age and
7 the compulsory attendance age for the district may be excused
8 from attendance at school for the full time required, or any part
9 thereof, by the superintendent of public schools of the district,
10 or if there is none then by a court of competent jurisdiction,
11 when legal employment has been obtained by the child and found to
12 be desirable, and after the parents or guardian of the child have
13 been advised of the pending action; or

14 (3) A child between five and seven years of age shall be
15 excused from attendance at school if a parent, guardian or other
16 person having charge, control or custody of the child makes a
17 written request that the child be dropped from the school's
18 rolls.

19 2. (1) As used in sections 167.031 to 167.071, a "home
20 school" is a school, whether incorporated or unincorporated,
21 that:

22 (a) Has as its primary purpose the provision of private or
23 religious-based instruction;

24 (b) Enrolls pupils between the ages of seven [and sixteen]

1 years and the compulsory attendance age for the district, of
2 which no more than four are unrelated by affinity or
3 consanguinity in the third degree; and

4 (c) Does not charge or receive consideration in the form of
5 tuition, fees, or other remuneration in a genuine and fair
6 exchange for provision of instruction;

7 (2) As evidence that a child is receiving regular
8 instruction, the parent shall, except as otherwise provided in
9 this subsection:

10 (a) Maintain the following records:

11 a. A plan book, diary, or other written record indicating
12 subjects taught and activities engaged in; and

13 b. A portfolio of samples of the child's academic work; and

14 c. A record of evaluations of the child's academic
15 progress; or

16 d. Other written, or credible evidence equivalent to
17 subparagraphs a., b. and c.; and

18 (b) Offer at least one thousand hours of instruction, at
19 least six hundred hours of which will be in reading, language
20 arts, mathematics, social studies and science or academic courses
21 that are related to the aforementioned subject areas and
22 consonant with the pupil's age and ability. At least four
23 hundred of the six hundred hours shall occur at the regular home
24 school location;

1 (3) The requirements of subdivision (2) of this subsection
2 shall not apply to any pupil above the age of sixteen years.

3 3. Nothing in this section shall require a private,
4 parochial, parish or home school to include in its curriculum any
5 concept, topic, or practice in conflict with the school's
6 religious doctrines or to exclude from its curriculum any
7 concept, topic, or practice consistent with the school's
8 religious doctrines. Any other provision of the law to the
9 contrary notwithstanding, all departments or agencies of the
10 state of Missouri shall be prohibited from dictating through
11 rule, regulation or other device any statewide curriculum for
12 private, parochial, parish or home schools.

13 4. A school year begins on the first day of July and ends
14 on the thirtieth day of June following.

15 5. The production by a parent of a daily log showing that a
16 home school has a course of instruction which satisfies the
17 requirements of this section or, in the case of a pupil over the
18 age of sixteen years who attended a metropolitan school district
19 the previous year, a written statement that the pupil is
20 attending home school in compliance with this section shall be a
21 defense to any prosecution under this section and to any charge
22 or action for educational neglect brought pursuant to chapter
23 210, RSMo.

24 6. As used in sections 167.031 to 167.051, the term

1 "compulsory attendance age for the district" shall mean:

2 (1) Seventeen years of age for any metropolitan school
3 district for which the school board adopts a resolution to
4 establish such compulsory attendance age; provided that such
5 resolution shall take effect no earlier than the school year next
6 following the school year during which the resolution is adopted;
7 and

8 (2) Sixteen years of age in all other cases.

9 The school board of a metropolitan school district for which the
10 compulsory attendance age is seventeen years may adopt a
11 resolution to lower the compulsory attendance age to sixteen
12 years; provided that such resolution shall take effect no earlier
13 than the school year next following the school year during which
14 the resolution is adopted.

15 167.051. 1. If a school board establishes part-time
16 schools or classes for children under [sixteen] seventeen years
17 of age, lawfully engaged in any regular employment, every parent,
18 guardian or other person having charge, control or custody of
19 such a child shall cause the child to attend the school not less
20 than four hours a week between the hours of eight o'clock in the
21 morning and five o'clock in the evening during the school year of
22 the part-time classes.

23 2. All children who are under eighteen years of age, who

1 have not completed the elementary school course in the public
2 schools of Missouri, or its equivalent, and who are not attending
3 regularly any day school shall be required to attend regularly
4 the part-time classes not less than four hours a week between the
5 hours of eight o'clock in the morning and five o'clock in the
6 afternoon during the entire year of the part-time classes.

7 167.052. The provisions of sections 167.031 and 167.051
8 affecting a metropolitan school district shall be effective for
9 the school year beginning 2007-2008 and shall terminate after the
10 school year ending 2011-2012.

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

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

22 3. For the purposes of this section, the term "strip
23 search" shall not include the removal of clothing in order to
24 investigate the potential abuse or neglect of a student; give

1 medical attention to a student; provide health services to a
2 student; or screen a student for medical conditions.

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

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

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

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

20 167.171. 1. The school board in any district, by general
21 rule and for the causes provided in section 167.161, may
22 authorize the summary suspension of pupils by principals of
23 schools for a period not to exceed ten school days and by the
24 superintendent of schools for a period not to exceed one hundred

1 and eighty school days. In case of a suspension by the
2 superintendent for more than ten school days, the pupil, the
3 pupil's parents or others having such pupil's custodial care may
4 appeal the decision of the superintendent to the board or to a
5 committee of board members appointed by the president of the
6 board which shall have full authority to act in lieu of the
7 board. Any suspension by a principal shall be immediately
8 reported to the superintendent who may revoke the suspension at
9 any time. In event of an appeal to the board, the superintendent
10 shall promptly transmit to it a full report in writing of the
11 facts relating to the suspension, the action taken by the
12 superintendent and the reasons therefor and the board, upon
13 request, shall grant a hearing to the appealing party to be
14 conducted as provided in section 167.161.

15 2. No pupil shall be suspended unless:

16 (1) The pupil shall be given oral or written notice of the
17 charges against such pupil;

18 (2) If the pupil denies the charges, such pupil shall be
19 given an oral or written explanation of the facts which form the
20 basis of the proposed suspension;

21 (3) The pupil shall be given an opportunity to present such
22 pupil's version of the incident; and

23 (4) In the event of a suspension for more than ten school
24 days, where the pupil gives notice that such pupil wishes to

1 appeal the suspension to the board, the suspension shall be
2 stayed until the board renders its decision, unless in the
3 judgment of the superintendent of schools, or of the district
4 superintendent, the pupil's presence poses a continuing danger to
5 persons or property or an ongoing threat of disrupting the
6 academic process, in which case the pupil may be immediately
7 removed from school, and the notice and hearing shall follow as
8 soon as practicable.

9 3. No school board shall readmit or enroll a pupil properly
10 suspended for more than ten consecutive school days for an act of
11 school violence as defined in subsection 2 of section 160.261,
12 RSMo, regardless of whether or not such act was committed at a
13 public school or at a private school in this state, provided that
14 such act shall have resulted in the suspension or expulsion of
15 such pupil in the case of a private school, or otherwise permit
16 such pupil to attend school without first holding a conference to
17 review the conduct that resulted in the expulsion or suspension
18 and any remedial actions needed to prevent any future occurrences
19 of such or related conduct. The conference shall include the
20 appropriate school officials including any teacher employed in
21 that school or district directly involved with the conduct that
22 resulted in the suspension or expulsion, the pupil, the parent or
23 guardian of the pupil or any agency having legal jurisdiction,
24 care, custody or control of the pupil. The school board shall

1 notify in writing the parents or guardians and all other parties
2 of the time, place, and agenda of any such conference. Failure
3 of any party to attend this conference shall not preclude holding
4 the conference. Notwithstanding any provision of this subsection
5 to the contrary, no pupil shall be readmitted or enrolled to a
6 regular program of instruction if:

7 (1) Such pupil has been convicted of; or

8 (2) An indictment or information has been filed alleging
9 that the pupil has committed one of the acts enumerated in
10 subdivision (4) of this subsection to which there has been no
11 final judgment; or

12 (3) A petition has been filed pursuant to section 211.091,
13 RSMo, alleging that the pupil has committed one of the acts
14 enumerated in subdivision (4) of this subsection to which there
15 has been no final judgment; or

16 (4) The pupil has been adjudicated to have committed an act
17 which if committed by an adult would be one of the following:

18 (a) First degree murder under section 565.020, RSMo;

19 (b) Second degree murder under section 565.021, RSMo;

20 (c) First degree assault under section 565.050, RSMo;

21 (d) Forcible rape under section 566.030, RSMo;

22 (e) Forcible sodomy under section 566.060, RSMo;

23 (f) Statutory rape under section 566.032, RSMo;

24 (g) Statutory sodomy under section 566.062, RSMo;

1 (h) Robbery in the first degree under section 569.020,
2 RSMo;

3 ~~[(g)]~~ (i) Distribution of drugs to a minor under section
4 195.212, RSMo;

5 ~~[(h)]~~ (j) Arson in the first degree under section 569.040,
6 RSMo;

7 ~~[(i)]~~ (k) Kidnapping, when classified as a class A felony
8 under section 565.110, RSMo.

9 Nothing in this subsection shall prohibit the readmittance or
10 enrollment of any pupil if a petition has been dismissed, or when
11 a pupil has been acquitted or adjudicated not to have committed
12 any of the above acts. This subsection shall not apply to a
13 student with a disability, as identified under state eligibility
14 criteria, who is convicted or adjudicated guilty as a result of
15 an action related to the student's disability. Nothing in this
16 subsection shall be construed to prohibit a school district which
17 provides an alternative education program from enrolling a pupil
18 in an alternative education program if the district determines
19 such enrollment is appropriate.

20 4. If a pupil is attempting to enroll in a school district
21 during a suspension or expulsion from another in-state or
22 out-of-state school district including a private, charter or
23 parochial school or school district, a conference with the

1 superintendent or the superintendent's designee may be held at
2 the request of the parent, court-appointed legal guardian,
3 someone acting as a parent as defined by rule in the case of a
4 special education student, or the pupil to consider if the
5 conduct of the pupil would have resulted in a suspension or
6 expulsion in the district in which the pupil is enrolling. Upon
7 a determination by the superintendent or the superintendent's
8 designee that such conduct would have resulted in a suspension or
9 expulsion in the district in which the pupil is enrolling or
10 attempting to enroll, the school district may make such
11 suspension or expulsion from another school or district effective
12 in the district in which the pupil is enrolling or attempting to
13 enroll. Upon a determination by the superintendent or the
14 superintendent's designee that such conduct would not have
15 resulted in a suspension or expulsion in the district in which
16 the student is enrolling or attempting to enroll, the school
17 district shall not make such suspension or expulsion effective in
18 its district in which the student is enrolling or attempting to
19 enroll.

20 168.110. The board of education of a school district may
21 modify an indefinite contract annually on or before the fifteenth
22 day of May in the following particulars:

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

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

19 168.124. 1. The board of education of a school district
20 may place on leave of absence as many teachers as may be
21 necessary because of a decrease in pupil enrollment, school
22 district reorganization or the financial condition of the school
23 district. In placing teachers on leave, the board of education
24 shall be governed by the following provisions:

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

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

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

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

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

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

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

21 2. Should a board of education choose to utilize the
22 mechanism for reducing teacher forces as provided in subsection 1
23 of this section in an attempt to manage adverse financial
24 conditions caused at least partially by a withholding of, or a

1 decrease or less than expected increase in, education
2 appropriations, then the district additionally shall follow the
3 provisions of subsection 3 of this section.

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

13 168.126. 1. A board of education at a regular or special
14 meeting may contract with and employ by a majority vote legally
15 qualified probationary teachers for the school district. The
16 contract shall be made by order of the board; shall specify the
17 number of months school is to be taught and the wages per month
18 to be paid, including hiring incentives or salary schedule
19 modifications pursuant to subsection 2 of this section; shall be
20 signed by the probationary teacher and the president of the
21 board, or a facsimile signature of the president may be affixed
22 at his discretion; and the contract shall be attested by the
23 secretary of the board by signature or facsimile. The board
24 shall not employ one of its members as a teacher; nor shall any

1 person be employed as a teacher who is related within the fourth
2 degree to any board member, either by consanguinity or affinity,
3 where the vote of the board member is necessary to the selection
4 of the person.

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

17 3. If in the opinion of the board of education any
18 probationary teacher has been doing unsatisfactory work, the
19 board of education, through its authorized administrative
20 representative, shall provide the teacher with a written
21 statement definitely setting forth his alleged incompetency and
22 specifying the nature thereof, in order to furnish the teacher an
23 opportunity to correct his fault and overcome his incompetency.
24 If improvement satisfactory to the board of education has not

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

24 [3.] 4. Any probationary teacher who is not notified of the

1 termination of his employment shall be deemed to have been
2 appointed for the next school year, under the terms of the
3 contract for the preceding year. A probationary teacher who is
4 informed of reemployment by written notice shall be tendered a
5 contract on or before the fifteenth day of May, and shall within
6 fifteen days thereafter present to the employing board of
7 education a written acceptance or rejection of the employment
8 tendered, and failure of such teachers to present the acceptance
9 within such time constitutes a rejection of the board's offer. A
10 contract between a probationary teacher and a board of education
11 may be terminated or modified at any time by the mutual consent
12 of the parties thereto.

13 168.211. 1. In metropolitan districts the superintendent
14 of schools shall be appointed by the board of education for a
15 term of one to four years, during which term his compensation
16 shall not be reduced. [In the event the board shall dismiss the
17 superintendent during said term, he shall be paid compensation
18 only for the balance of the current year.] The superintendent of
19 schools shall appoint, with the approval of the board, a
20 treasurer, a commissioner of school buildings and he shall serve
21 at the pleasure of the superintendent of schools and as many
22 associate and assistant superintendents as he deems necessary,
23 whose compensation shall be fixed by the board. The
24 superintendent of schools shall give bond in the sum that the

1 board requires but not less than fifty thousand dollars. No
2 employee or agent of the board shall be a member of the board.

3 2. The superintendent of schools shall have general
4 supervision, subject to the control of the board, of the school
5 system, including its various departments and physical
6 properties, courses of instruction, discipline and conduct of the
7 schools, textbooks and studies. All appointments, promotions and
8 transfers of teachers, and introduction and changes of textbooks
9 and apparatus, shall be made by the superintendent with the
10 approval of the board. All appointments and promotions of
11 teachers shall be made upon the basis of merit, to be
12 ascertained, as far as practicable, in cases of appointment, by
13 examination, and in cases of promotion, by length and character
14 of service. Examinations for appointment shall be conducted by
15 the superintendent under regulations to be made by the board. He
16 shall make such reports to the board that it directs or the rules
17 provide.

18 3. The superintendent of schools shall have general
19 supervision, subject to the approval of the board, of all school
20 buildings, apparatus, equipment and school grounds and of their
21 construction, installation, operation, repair, care and
22 maintenance; the purchasing of all supplies and equipment; the
23 operation of the school lunchrooms; the administration of
24 examinations for the appointment and promotion of all employees

1 of the school system; and the preparation and administration of
2 the annual budget for the school system. Subject to the approval
3 of the board of education as to number and salaries, the
4 superintendent may appoint as many employees as are necessary for
5 the proper performance of his duties.

6 4. The board may grant a leave of absence to the
7 superintendent of schools, and may remove him from office by vote
8 of a majority of its members.

9 5. The commissioner of school buildings shall be a person
10 qualified by reason of education, experience and general
11 familiarity with buildings and personnel to assume the following
12 responsibilities and duties. Subject to the control of the
13 superintendent of schools, he shall exercise supervision over all
14 school buildings, machinery, heating systems, equipment, school
15 grounds and other buildings and premises of the board of
16 education and the construction, installation, operation, repair,
17 care and maintenance related thereto and the personnel connected
18 therewith; the purchasing of building supplies and equipment and
19 such other duties as may be assigned to him by board rules or
20 regulations, provided that this provision shall not apply to any
21 commissioner of school buildings serving on October 13, 1967.

22 168.515. 1. Each teacher selected to participate in a
23 career plan established under sections 168.500 to 168.515, who
24 meets the requirements of such plan, shall receive a salary

1 supplement, the state's share of which shall be distributed under
2 section 163.031, RSMo, equal to the following amounts [multiplied
3 by the proration factor] applied to the career ladder entitlement
4 of line 15 of subsection 6 of section 163.031, RSMo:

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

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

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

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

13 2. The state shall make payments pursuant to section
14 163.031, RSMo, to the local school district for the purpose of
15 reimbursing the local school district for the payment of any
16 salary supplements provided for in this section, subject to the
17 availability of funds as appropriated each year and distributed
18 on a variable match formula which shall be based on equalized
19 assessed valuation of the district for the second preceding
20 school year. A district's equalized assessed valuation shall be
21 multiplied by the district income factor defined in section
22 163.011, RSMo, and shall be known as the adjusted equalized
23 assessed valuation.

1 3. In distributing these matching funds, school districts
2 shall be ranked by the adjusted equalized assessed valuation for
3 the second preceding school year per eligible pupil from the
4 highest to the lowest and divided into three groups. Group one
5 shall contain the highest twenty-five percent of all public
6 school districts, groups two and three combined shall contain the
7 remaining seventy-five percent of all public school districts.
8 The districts in groups two and three shall be rank ordered from
9 largest to smallest based on enrollment as of the last Wednesday
10 in September during the second preceding school year, group two
11 shall contain twenty-five percent of all public school districts
12 that are larger on the enrollment based rank ordered list and
13 group three shall contain the remaining fifty percent of all
14 public school districts. Pursuant to subsection 4 of this
15 section, districts in group one shall receive forty percent state
16 funding and shall contribute sixty percent local funding, group
17 two shall receive fifty percent state funding and shall
18 contribute fifty percent local funding and group three shall
19 receive sixty percent state funding and shall contribute forty
20 percent local funding.

21 4. The incremental groups are as follows:

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

1	2	25%	50%	50%
2	3	50%	60%	40%

3 5. Beginning in the 1996-97 school year, any school
4 district in any group which participated in the career ladder
5 program in 1995-96 and paid less than the local funding
6 percentage required by subsection 4 of this section shall
7 increase its local share of career ladder costs by five
8 percentage points from the preceding year until the district pays
9 the percentage share of cost required by subsection 4 of this
10 section, and in no case shall the local funding percentage be
11 increased by a greater amount for any year. For any district,
12 the state payment shall not exceed the local payment times the
13 state percentage share divided by the local percentage share.
14 Any district not participating in the 1995-96 school year or any
15 district which interrupts its career ladder program for any
16 subsequent year shall enter the program on the cost-sharing basis
17 required by subsection 4 of this section.

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

1 7. To participate in the salary supplement program
2 established under this section, a school district may submit to
3 the voters of the district a proposition to increase taxes for
4 this purpose. If a school district's current tax rate ceiling is
5 at or above the rate from which an increase would require a
6 two-thirds majority, the school board may submit to the voters of
7 the district a proposition to reduce or eliminate the amount of
8 the levy reduction resulting from section 164.013, RSMo. If a
9 majority of the voters voting thereon vote in favor of the
10 proposition, the board may certify that seventy-five percent of
11 the revenue generated from this source shall be used to implement
12 the salary supplement program established under this section.

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

18 9. Beginning in the 1996-97 school year, for any teacher
19 who participated in the career program in the 1995-96 school
20 year, continues to participate in the program thereafter, and
21 remains qualified to receive career pay pursuant to section
22 168.510, the state's share of the teacher's salary supplement
23 shall continue to be the percentage paid by the state in the
24 1995-96 school year, notwithstanding any provisions of subsection

1 4 of this section to the contrary, and the state shall continue
2 to pay such percentage of the teacher's salary supplement until
3 any of the following occurs:

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

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

11 172.360. All youths, resident of the state of Missouri,
12 [over the age of sixteen years,] shall be admitted to all the
13 privileges and advantages of the various classes of all the
14 departments of the University of the State of Missouri; provided,
15 that each applicant for admission therein shall possess such
16 scholastic attainments and mental and moral qualifications as
17 shall be prescribed in rules adopted and established by the board
18 of curators; and provided further, that the board of curators may
19 charge and collect reasonable tuition and other fees necessary
20 for the maintenance and operation of all departments of the
21 university, as they may deem necessary.

22 209.321. 1. No person shall represent himself or herself
23 as an interpreter or engage in the practice of interpreting as
24 defined in section 209.285 in the state of Missouri unless such

1 person is licensed as required by the provisions of sections
2 209.319 to 209.339.

3 2. A person registered, certified or licensed by this
4 state, another state or any recognized national certification
5 agent, acceptable to the committee that allows that person to
6 practice any other occupation or profession in this state, is not
7 considered to be interpreting if he or she is in performance of
8 the occupation or profession for which he or she is registered,
9 certified or licensed. The professions referred to in this
10 subsection include, but are not limited to, physicians,
11 psychologists, nurses, certified public accountants, architects
12 and attorneys.

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

21 4. A person is not considered to be interpreting pursuant
22 to the provisions of this section if, in a casual setting and as
23 defined by rule, a person is acting as an interpreter
24 gratuitously or is engaged in interpreting incidental to

1 traveling.

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

6 6. A person is not considered to be interpreting under the
7 provisions of this section if the person is currently enrolled in
8 an interpreter training program which has been accredited by a
9 certifying agency and approved by the committee. The training
10 program shall offer a degree in interpreting from an accredited
11 institution of higher education. Persons exempted under this
12 provision shall engage only in activities and services that
13 constitute part of a supervised course of study and shall clearly
14 designate themselves by a title of the student, practicum
15 student, student interpreter, trainee, or intern.

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

23 8. A person who is an employee or independent contractor of
24 a Missouri public school district and is providing interpreting

1 as part of special education, related services, or supplementary
2 aids and services for students with disabilities, subject to the
3 requirements of state and federal law, shall be exempt from the
4 provisions of sections 209.321 to 209.339 provided that such
5 person demonstrates satisfactory progress toward certification by
6 enrolling in continuing education classes or workshops and
7 passing the certification examination by August 28, 2006. The
8 provisions of this subsection shall expire, and be of no effect,
9 on August 28, 2006.

10 9. A person who is providing interpreting in a hospital, as
11 defined in section 197.020, RSMo, subject to the requirements of
12 state and federal law, shall be exempt from the provisions of
13 sections 209.321 to 209.339 provided that such person
14 demonstrates satisfactory progress toward certification by
15 enrolling in continuing education classes or workshops and
16 passing the certification examination by August 28, 2006. The
17 provisions of this subsection shall expire, and be of no effect,
18 on August 28, 2006.

19 210.145. 1. The division shall establish and maintain an
20 information system operating at all times, capable of receiving
21 and maintaining reports. This information system shall have the
22 ability to receive reports over a single, statewide toll-free
23 number. Such information system shall maintain the results of
24 all investigations, family assessments and services, and other

1 relevant information.

2 2. Upon receipt of a report, the division shall immediately
3 communicate such report to its appropriate local office and any
4 relevant information as may be contained in the information
5 system. The local division staff shall determine, through the
6 use of protocols developed by the division, whether an
7 investigation or the family assessment and services approach
8 should be used to respond to the allegation. The protocols
9 developed by the division shall give priority to ensuring the
10 well-being and safety of the child.

11 3. The local office shall contact the appropriate law
12 enforcement agency immediately upon receipt of a report which
13 division personnel determine merits an investigation, or, which,
14 if true, would constitute a suspected violation of any of the
15 following: section 565.020, 565.021, 565.023, 565.024 or
16 565.050, RSMo, if the victim is a child less than eighteen years
17 of age, section 566.030 or 566.060, RSMo, if the victim is a
18 child less than eighteen years of age, or other crime under
19 chapter 566, RSMo, if the victim is a child less than eighteen
20 years of age and the perpetrator is twenty-one years of age or
21 older, section 567.050, RSMo, if the victim is a child less than
22 eighteen years of age, section 568.020, 568.030, 568.045,
23 568.050, 568.060, 568.080, or 568.090, RSMo, section 573.025,
24 573.037 or 573.045, RSMo, or an attempt to commit any such

1 crimes. The local office shall provide such agency with a
2 detailed description of the report received. In such cases the
3 local division office shall request the assistance of the local
4 law enforcement agency in all aspects of the investigation of the
5 complaint. The appropriate law enforcement agency shall either
6 assist the division in the investigation or provide the division,
7 within twenty-four hours, an explanation in writing detailing the
8 reasons why it is unable to assist.

9 4. The local office of the division shall cause an
10 investigation or family assessment and services approach to be
11 initiated immediately or no later than within twenty-four hours
12 of receipt of the report from the division, except in cases where
13 the sole basis for the report is educational neglect. If the
14 report indicates that educational neglect is the only complaint
15 and there is no suspicion of other neglect or abuse, the
16 investigation shall be initiated within seventy-two hours of
17 receipt of the report. If the report indicates the child is in
18 danger of serious physical harm or threat to life, an
19 investigation shall include direct observation of the subject
20 child within twenty-four hours of the receipt of the report.
21 Local law enforcement shall take all necessary steps to
22 facilitate such direct observation. If the parents of the child
23 are not the alleged abusers, a parent of the child must be
24 notified prior to the child being interviewed by the division.

1 The division shall not meet with the child [at the child's school
2 or child-care facility] in any school building or child care
3 facility building where abuse of such child is alleged to have
4 occurred. When the child is reported absent from the residence,
5 the location and the well-being of the child shall be verified.

6 5. The director of the division shall name at least one
7 chief investigator for each local division office, who shall
8 direct the division response on any case involving a second or
9 subsequent incident regarding the same subject child or
10 perpetrator. The duties of a chief investigator shall include
11 verification of direct observation of the subject child by the
12 division and shall ensure information regarding the status of an
13 investigation is provided to the public school district liaison.
14 The public school district liaison shall develop protocol in
15 conjunction with the chief investigator to ensure information
16 regarding an investigation is shared with appropriate school
17 personnel. The superintendent of each school district shall
18 designate a specific person or persons to act as the public
19 school district liaison. Should the subject child attend a
20 nonpublic school the chief investigator shall notify the school
21 principal of the investigation. Upon notification of an
22 investigation, all information received by the public school
23 district liaison or the school shall be subject to the provisions
24 of the federal Family Educational Rights and Privacy Act (FERPA),

1 20 U.S.C., Section 1232g, and federal rule 34 C.F.R., Part 99.

2 6. The investigation shall include but not be limited to
3 the nature, extent, and cause of the abuse or neglect; the
4 identity and age of the person responsible for the abuse or
5 neglect; the names and conditions of other children in the home,
6 if any; the home environment and the relationship of the subject
7 child to the parents or other persons responsible for the child's
8 care; any indication of incidents of physical violence against
9 any other household or family member; and other pertinent data.

10 7. When a report has been made by a person required to
11 report under section 210.115, the division shall contact the
12 person who made such report within forty-eight hours of the
13 receipt of the report in order to ensure that full information
14 has been received and to obtain any additional information or
15 medical records, or both, that may be pertinent.

16 8. Upon completion of the investigation, if the division
17 suspects that the report was made maliciously or for the purpose
18 of harassment, the division shall refer the report and any
19 evidence of malice or harassment to the local prosecuting or
20 circuit attorney.

21 9. Multidisciplinary teams shall be used whenever
22 conducting the investigation as determined by the division in
23 conjunction with local law enforcement. Multidisciplinary teams
24 shall be used in providing protective or preventive social

1 services, including the services of law enforcement, a liaison of
2 the local public school, the juvenile officer, the juvenile
3 court, and other agencies, both public and private.

4 10. If the appropriate local division personnel determine
5 after an investigation has begun that completing an investigation
6 is not appropriate, the division shall conduct a family
7 assessment and services approach. The division shall provide
8 written notification to local law enforcement prior to
9 terminating any investigative process. The reason for the
10 termination of the investigative process shall be documented in
11 the record of the division and the written notification submitted
12 to local law enforcement. Such notification shall not preclude
13 nor prevent any investigation by law enforcement.

14 11. If the appropriate local division personnel determines
15 to use a family assessment and services approach, the division
16 shall:

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

20 (2) Provide services which are voluntary and time-limited
21 unless it is determined by the division based on the assessment
22 of risk that there will be a high risk of abuse or neglect if the
23 family refuses to accept the services. The division shall
24 identify services for families where it is determined that the

1 child is at high risk of future abuse or neglect. The division
2 shall thoroughly document in the record its attempt to provide
3 voluntary services and the reasons these services are important
4 to reduce the risk of future abuse or neglect to the child. If
5 the family continues to refuse voluntary services or the child
6 needs to be protected, the division may commence an
7 investigation;

8 (3) Commence an immediate investigation if at any time
9 during the family assessment and services approach the division
10 determines that an investigation, as delineated in sections
11 210.109 to 210.183, is required. The division staff who have
12 conducted the assessment may remain involved in the provision of
13 services to the child and family;

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

17 12. Within thirty days of an oral report of abuse or
18 neglect, the local office shall update the information in the
19 information system. The information system shall contain, at a
20 minimum, the determination made by the division as a result of
21 the investigation, identifying information on the subjects of the
22 report, those responsible for the care of the subject child and
23 other relevant dispositional information. The division shall
24 complete all investigations within thirty days, unless good cause

1 for the failure to complete the investigation is documented in
2 the information system. If the investigation is not completed
3 within thirty days, the information system shall be updated at
4 regular intervals and upon the completion of the investigation.
5 The information in the information system shall be updated to
6 reflect any subsequent findings, including any changes to the
7 findings based on an administrative or judicial hearing on the
8 matter.

9 13. A person required to report under section 210.115 to
10 the division shall be informed by the division of his right to
11 obtain information concerning the disposition of his or her
12 report. Such person shall receive, from the local office, if
13 requested, information on the general disposition of his or her
14 report. A person required to report to the division pursuant to
15 section 210.115 may receive, if requested, findings and
16 information concerning the case. Such release of information
17 shall be at the discretion of the director based upon a review of
18 the mandated reporter's ability to assist in protecting the child
19 or the potential harm to the child or other children within the
20 family. The local office shall respond to the request within
21 forty-five days. The findings shall be made available to the
22 mandated reporter within five days of the outcome of the
23 investigation.

24 14. In any judicial proceeding involving the custody of a

1 child the fact that a report may have been made pursuant to
2 sections 210.109 to 210.183 shall not be admissible. However,
3 nothing in this subsection shall prohibit the introduction of
4 evidence from independent sources to support the allegations that
5 may have caused a report to have been made.

6 15. In any judicial proceeding involving the custody of a
7 child where the court determines that the child is in need of
8 services pursuant to subdivision (d) of subsection 1 of section
9 211.031, RSMo, and has taken jurisdiction, the child's parent,
10 guardian or custodian shall not be entered into the registry.

11 16. The division of family services is hereby granted the
12 authority to promulgate rules and regulations pursuant to the
13 provisions of section 207.021, RSMo, and chapter 536, RSMo, to
14 carry out the provisions of sections 210.109 to 210.183.

15 17. Any rule or portion of a rule, as that term is defined
16 in section 536.010, RSMo, that is created under the authority
17 delegated in this section shall become effective only if it
18 complies with and is subject to all of the provisions of chapter
19 536, RSMo, and, if applicable, section 536.028, RSMo. This
20 section and chapter 536, RSMo, are nonseverable and if any of the
21 powers vested with the general assembly pursuant to chapter 536,
22 RSMo, to review, to delay the effective date or to disapprove and
23 annul a rule are subsequently held unconstitutional, then the
24 grant of rulemaking authority and any rule proposed or adopted

1 after August 28, 2000, shall be invalid and void.

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

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

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

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

17 (4) The applicant has successfully passed an examination
18 for the operation of a school bus as prescribed by the director
19 of revenue. The examination shall include, but need not be
20 limited to, a written skills examination of applicable laws,
21 rules and procedures, and a driving test in the type of vehicle
22 to be operated. The test shall be completed in the appropriate
23 class of vehicle to be driven. For purposes of this section
24 classes of school buses shall comply with the Commercial Motor

1 Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570).

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

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

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

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

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

14 (2) Who has pled guilty to or been found guilty of any
15 felony or misdemeanor for violation of drug regulations as
16 defined in chapter 195, RSMo; of any felony for an offense
17 against the person as defined by chapter 565, RSMo, or any other
18 offense against the person involving the endangerment of a child
19 as prescribed by law; of any misdemeanor or felony for a sexual
20 offense as defined by chapter 566, RSMo; of any misdemeanor or
21 felony for prostitution as defined by chapter 567, RSMo; of any
22 misdemeanor or felony for an offense against the family as
23 defined in chapter 568, RSMo; of any felony or misdemeanor for a
24 weapons offense as defined by chapter 571, RSMo; of any

1 misdemeanor or felony for pornography or related offense as
2 defined by chapter 573, RSMo; or of any similar crime in any
3 federal, state, municipal or other court of similar jurisdiction
4 of which the director has knowledge;

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

11 6. The department of social services or the Missouri
12 highway patrol, whichever has access to applicable records, shall
13 provide a record of clearance or denial of clearance for any
14 applicant for a school bus permit for the convictions specified
15 in subdivisions (2) and (3) of subsection 5 of this section. The
16 Missouri highway patrol in providing the record of clearance or
17 denial of clearance for any such applicant is authorized to
18 obtain from the Federal Bureau of Investigation any information
19 which might aid the Missouri highway patrol in providing such
20 record of clearance or denial of clearance. The department of
21 social services or the Missouri highway patrol shall provide the
22 record of clearance or denial of clearance within thirty days of
23 the date requested, relying on information available at that
24 time, except that the department of social services or the

1 Missouri highway patrol shall provide any information
2 subsequently discovered to the department of revenue.

3 393.310. 1. This section shall only apply to gas
4 corporations as defined in section 386.020, RSMo. This section
5 shall not affect any existing laws and shall only apply to the
6 program established pursuant to this section.

7 2. As used in this section, the following terms mean:

8 (1) "Aggregate", the combination of natural gas supply and
9 transportation services, including storage, requirements of
10 eligible school entities served through a Missouri gas
11 corporation's delivery system;

12 (2) "Commission", the Missouri public service commission;
13 and

14 (3) "Eligible school entity" shall include any
15 seven-director, urban or metropolitan school district as defined
16 pursuant to section 160.011, RSMo, and shall also include, one
17 year after July 11, 2002, and thereafter, any school for
18 elementary or secondary education situated in this state, whether
19 a charter, private, or parochial school or school district.

20 3. Each Missouri gas corporation shall file with the
21 commission, by August 1, 2002, a set of experimental tariffs
22 applicable the first year to public school districts and
23 applicable to all school districts, whether charter, private,
24 public, or parochial, thereafter.

1 4. The tariffs required pursuant to subsection 3 of this
2 section shall, at a minimum:

3 (1) Provide for the aggregate purchasing of natural gas
4 supplies and pipeline transportation services on behalf of
5 eligible school entities in accordance with aggregate purchasing
6 contracts negotiated by and through a not-for-profit school
7 association;

8 (2) Provide for the resale of such natural gas supplies,
9 including related transportation service costs, to the eligible
10 school entities at the gas corporation's cost of purchasing of
11 such gas supplies and transportation, plus all applicable
12 distribution costs, plus an aggregation and balancing fee to be
13 determined by the commission, not to exceed four-tenths of one
14 cent per therm delivered during the first year; and

15 (3) Not require telemetry or special metering, except for
16 individual school meters over one hundred thousand therms
17 annually.

18 5. The commission may suspend the tariff as required
19 pursuant to subsection 3 of this section for a period ending no
20 later than November 1, 2002, and shall approve such tariffs upon
21 finding that implementation of the aggregation program set forth
22 in such tariffs will not have any negative financial impact on
23 the gas corporation, its other customers or local taxing
24 authorities, and that the aggregation charge is sufficient to

1 generate revenue at least equal to all incremental costs caused
2 by the experimental aggregation program. Except as may be
3 mutually agreed by the gas corporation and eligible school
4 entities and approved by the commission, such tariffs shall not
5 require eligible school entities to be responsible for pipeline
6 capacity charges for longer than is required by the gas
7 corporation's tariff for large industrial or commercial basic
8 transportation customers.

9 6. The commission shall treat the gas corporation's
10 pipeline capacity costs for associated eligible school entities
11 in the same manner as for large industrial or commercial basic
12 transportation customers, which shall not be considered a
13 negative financial impact on the gas corporation, its other
14 customers, or local taxing authorities, and the commission may
15 adopt by order such other procedures not inconsistent with this
16 section which the commission determines are reasonable or
17 necessary to administer the experimental program.

18 7. This section shall terminate June 30, [2005] 2007.

19 8. Tariffs in effect as of August 28, 2004, shall be
20 extended until the termination date set in subsection 7 of this
21 section.

22 Section 1. The department of elementary and secondary
23 education shall not reimburse a school district for more than one
24 A+ program coordinator per one thousand two hundred fifty

1 students; however a school with up to one thousand five hundred
2 students shall be reimbursed for only one A+ program coordinator.

3 Section 2. Professional development requirements pursuant
4 to section 168.021, RSMo, for vocational-technical certification
5 or successor certification may include contact hours spent in
6 class in an appropriate college curriculum relating to the
7 specific vocational-technical subject area for which the educator
8 seeks certification.

9 Section 3. If any public school district hosts a district-
10 sponsored Internet web site, that district shall post the
11 following on such site:

12 (1) A current version of that district's policy manual and
13 all related documents; and

14 (2) A current version of that district's handbook, or, if
15 the district has more than one handbook, a current version of all
16 of that district's handbooks.

17 Section B. Because immediate action is necessary to
18 adequately protect children being interviewed by the state and to
19 aid school finances, the repeal and reenactment of sections
20 163.031, 163.036, 168.515, and 210.145 of section A of this act
21 is deemed necessary for the immediate preservation of the public
22 health, welfare, peace, and safety, and is hereby declared to be
23 an emergency act within the meaning of the constitution, and the
24 repeal and reenactment of sections 163.031, 163.036, 168.515, and

1 210.145 of section A of this act shall be in full force and
2 effect upon its passage and approval.