

FIRST REGULAR SESSION

HOUSE BILL NO. 136

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE JACKSON.

Pre-filed December 29, 2004 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0141L.011

AN ACT

To repeal sections 161.102, 161.205, 162.631, 165.091, 165.111, 166.151, 167.091, 167.101, 167.221, 167.278, 167.308, 167.330, 168.171, 168.191, 170.031, 170.041, 171.051, 171.141, 177.131, 177.171, 178.300, 178.310, 178.320, 178.330, 178.340, 178.350, and 178.360, RSMo, relating to education.

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

Section A. Sections 161.102, 161.205, 162.631, 165.091, 165.111, 166.151, 167.091, 2 167.101, 167.221, 167.278, 167.308, 167.330, 168.171, 168.191, 170.031, 170.041, 171.051, 3 171.141, 177.131, 177.171, 178.300, 178.310, 178.320, 178.330, 178.340, 178.350, and 178.360, 4 are repealed.

[161.102. 1. The state board of education shall:

2 (1) Adopt and promulgate rules and regulations deemed necessary to secure
3 courses in physical education to all pupils and students in all public schools and in
4 all educational institutions supported in whole or in part by the state; and

5 (2) With the advice and cooperation of the director of the state department
6 of health and senior services, compile and print a manual of physical education and
7 health supervision and school nurse service to be distributed for use by the teachers,
8 supervisors of physical education, school health supervisors and school nurses of the
9 state.

10 2. No rule or portion of a rule promulgated under the authority of this chapter
11 shall become effective unless it has been promulgated pursuant to the provisions of
12 section 536.024, RSMo.]

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

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[161.205. The department of elementary and secondary education shall furnish a legislative summary of all changes in juvenile law enacted during the 1995 regular session of the general assembly and distribute it to all schools within the state of Missouri. All schools receiving state aid shall announce the contents of the summary to each student on the first day of class in the 1995-96 school year.]

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[162.631. 1. The circuit court of the city has jurisdiction over the members of the board of education and its officers to require them to account for their official conduct in the management and disposition of the funds, property and business committed to their charge; to order, decree and compel payment by them to the public school fund of all sums of money, and of the value of all property which may have been improperly retained by them, or transferred to others, or which may have been lost or wasted by any violation of their duties or abuse of their powers as such members or officers of the board; to suspend any member or officer from exercising his office, whensoever it appears that he has abused his trust or become disqualified; to remove any member or officer upon proof or conviction of gross misconduct or disqualification for his office; to restrain and prevent any alienation of property of the public schools by members or officers, in cases where it is threatened, or there is good reason to apprehend that it is intended to be made in fraud of the rights and interests of the public schools.

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2. The jurisdiction conferred by this section shall be exercised as in ordinary cases upon petition, filed by or at the instance of any member or officer of the board, or at the instance of any ten citizens and householders of the city who join in the petition, verified by the affidavit of at least one of them. The petition shall be heard in a summary manner after ten days' notice in writing to the member or officer complained of; and an appeal shall lie from the judgment of the circuit court as in other causes, and shall be speedily determined; but an appeal does not operate under any condition as a supersedeas of a judgment of suspension or removal from office.]

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[165.091. No money belonging to the school district shall be paid by any depository or from any investment account maintained pursuant to section 165.051 except upon the check of the treasurer and president of the board of the school district or order for payment duly issued by the treasurer. The board, by resolution, may direct that the signatures be affixed to the checks in facsimile in the manner and with the effect provided in sections 105.273 to 105.278, RSMo.]

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[165.111. 1. The school board of each district, for any year for which it does not cause an audit to be performed by October thirty-first after the close of the school year, shall make and publish, not later than September first, in some newspaper as described in section 493.050, RSMo, published in the school district, and if there is none then in some newspaper of general circulation within the district, a statement of all receipts of school moneys, when and from what source derived, and all

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expenditures, and on what account; also, the present indebtedness of the district and its nature, and the rate of taxation for all purposes for the year. The statement shall be duly attested by the president and secretary of the board, and the secretary shall forward a copy to the state board of education on forms prescribed by the board.

2. The state board of education shall not release the state aid apportioned to the district for the next ensuing school year until a copy of the required statement has been received at its office in Jefferson City and has been approved by it. Any school board which fails, refuses or neglects to order the statement to be made, and any officer of the board who fails, refuses, or neglects to prepare, publish and forward the statement, as required by this section, when ordered by the board, is guilty of a misdemeanor and punishable by a fine not to exceed one hundred dollars. Annual or biennial audit summaries shall be published according to section 165.121.]

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[166.151. Whenever there is presented to the body having in its charge the capital of the county school fund of any county or the city of St. Louis a petition, signed by qualified electors of the county or the city of St. Louis equal in number to five percent of the voters casting a ballot in the county or the city of St. Louis for the office of governor at the last preceding general election at which the office was voted upon, praying that the proposal be submitted to the qualified electors for making annual distribution of the capital of the liquidated school fund, the body shall cause an election to be held upon the proposal.]

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[167.091. 1. The school board of any district which has ten thousand inhabitants or more, may establish and maintain from the public school funds one or more special truant or parental day schools in the city or district for children who are either habitual truants from any school in which they are enrolled as pupils, or who, while in attendance at any school are incorrigible, vicious or immoral, or who habitually wander or loiter about the streets or roads or other public places without lawful employment, or who, in the opinion of the board or of its superintendent of instruction, require special attention and instruction. The school board, through its officers, may assign, require and compel all such children to attend the special truant or parental school or any department of the graded schools that the board directs.

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2. The board may also establish and maintain from the public school funds, either within or without its district, a parental school for the care and education of any child resident of the school district and committed to it by a juvenile court under the provisions of section 211.181, RSMo. For every child committed to the school there shall be paid to the board of education out of the treasury of the city or county the sum of ten dollars per month for the support, maintenance, clothing and other expenses of the child from the time of its entrance into the school until its discharge therefrom.]

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[167.101. Superintendents, principals and persons in charge of schools and attendance officers may administer oaths and take the affidavits of parents, guardians

3 or other persons having charge, control or custody of children, concerning the ages
4 of children, and furnish children with certificates of the affidavits. The certificates
5 must have attached the signature of the child for whom it is issued, the signature of
6 the persons who made and took the affidavit, and the seal of the school board of the
7 district and shall contain the description of the color of eye and hair of the child to
8 whom it is issued.]
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2 [167.221. 1. The board of directors of any urban school district which has
3 established facilities for supplying lunches to children attending any of the schools
4 in the district in accordance with the provisions of section 167.211, may designate
5 the secretary of the district or some other person as manager for any or all of the
6 facilities in the schools and, by rule, prescribe his duties. The board may also
7 designate and appoint submanagers, cashiers and other employees to staff the
8 facilities and, by rule, prescribe their duties or the board may delegate to the manager
9 the authority to employ the labor and assistance required to conduct the facilities;
10 except that all persons who handle or are responsible for any moneys in connection
11 with the operation of the facilities, or who have authority to sign or countersign any
12 checks upon any of the funds or accounts shall be appointed by the board and shall
13 be required to give bond to the district in the amount, and with such sureties as the
14 board designates, conditioned to faithfully account for all funds coming into their
15 possession, and for the faithful performance of their duties. The manager of the
16 facilities shall keep full and accurate accounts of all receipts, expenditures and
17 disbursements by the facilities under his direction and control, and shall on or before
18 October first of each year deliver to the board a complete report in writing showing
19 the operations of the facilities under his direction and control, and the receipts and
20 disbursements on account thereof for the preceding fiscal year.

21 2. The board may authorize the deposit of funds received from the operations
22 of the facilities in the banks or depositaries and in the amounts that the board
23 determines, and may designate the persons by whom and the purposes for which
24 checks may be drawn thereon. All deposits shall be secured in the manner provided
25 in section 165.241, RSMo. If the board designates depositaries for the receipts from
26 the operation of the facilities, the treasurer of the school district shall not be required
27 to take into his custody or control any funds so received and so deposited, and neither
28 he nor his sureties shall be responsible for the funds not coming into his custody and
29 control.]

2 [167.278. The superintendent of schools or other chief school officer of each
3 local public school district and the chief school officer of any nonpublic school shall
4 make available to pupils and their parents information about the various types of
5 financial assistance available to pursue a postsecondary education at a
6 degree-granting institution. The commissioner of higher education shall assist such
7 efforts by making available to schools and pupils information relating to such
8 programs and assistance. In addition, the commissioner in cooperation with the state

8 board of education shall provide such other information as is appropriate to
9 encourage pupils to complete high school and to assist pupils in preparing to enter
10 a postsecondary degree program.]
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2 [167.308. No district applying for funds under sections 167.290 to 167.310
3 shall require as a condition of employment that any full-time certificated personnel
4 of the district must participate in any way in the operation of an extended day child
5 care program in the district. No full-time certificated personnel employed in a
6 district operating an extended day child care program shall be prohibited from
7 seeking employment in such a program. Such requirement or prohibition shall be
8 grounds for disapproving an application.]

2 [167.330. An alternative education program class shall be composed as
3 nearly as practicable of twenty students during regular school hours and twenty
4 students during evening or extended hours. Classes shall be offered during the
5 regular school hours and classes for evening or extended hours may be for three
6 hours.]

2 [168.171. Each school board employing thirty or more teachers may employ
3 a supervisor of physical education for the schools under its jurisdiction whose
4 qualifications for service shall be established by the state board of education. The
5 supervisor of physical education, under the direction of the superintendent of schools
6 of the district, shall supervise the teaching of all subjects related to physical
7 education and the physical well-being of the children under his charge, direct the
8 supervised play and gymnastics in the schools and control school athletics. School
9 boards employing thirty or more teachers may employ, or otherwise provide or secure
10 the service of, a supervisor of health and of one or more school nurses, who shall
11 serve under the administration of the superintendent of schools of the district. If the
12 supervisor of physical education is qualified to perform the duties of supervisor of
13 health, he may perform the duties of both offices. All duties performed by the
14 supervisor of health or the school nurses shall be performed with the advice and
15 cooperation of the director of the state department of health and senior services.]

2 [168.191. In all counties of the first class except counties of the first class not
3 having a charter form of government, any board of education, other than boards in
4 urban districts, in charge of a public school system maintaining a classified high
5 school, previously approved by the state board of education, and employing a
6 superintendent devoting his full time to supervisory and administrative work, may
7 employ and enter into contract with a superintendent of schools for the school district
8 for a period of not to exceed three years. This law shall not invalidate or repeal any
9 other law of this state relating to the employment of teachers, principals or
10 superintendents of public schools.]

2 [170.031. One or more chapters on dental hygiene is required in all textbooks
3 on physiology used in the public schools of the state of Missouri. The chapters shall
4 convey the proper knowledge to the pupil on the care, function and relation of the
5 teeth to the general health. Such chapters in the textbooks shall be edited or
6 approved by a competent committee composed of five members, three of whom are
7 selected by the state dental society, one by the director of the department of social
8 services, and one by the state board of education, and they shall serve without
9 compensation. The sale or offer for sale of any textbook which does not contain the
10 chapter on dental hygiene required by this section is a misdemeanor.]

2 [170.041. The board of each seven-director school district which employs
3 thirty or more teachers and also employs a supervisor of physical education or
4 supervisor of health under section 168.171, RSMo, may raise and expend funds to
5 carry out the purpose of that section and for the purchase of books, printed matter,
6 apparatus, including weighing scales, instruments and other necessary appliances and
7 supplies as are designated by the commissioner of education.]

2 [171.051. School holidays include Thanksgiving Day, December
3 twenty-fifth, the third Monday in February, and July fourth.]

2 [171.141. 1. As used in this section, a school fraternity or sorority is any
3 organization composed wholly or in part of public school pupils, which seeks to
4 perpetuate itself by taking in additional members from the pupils enrolled in public
5 high schools, junior high schools or elementary schools on the basis of the decision
6 of its membership rather than upon the free choice of any pupil in the school who is
7 qualified by the rules of the board to fill the aims of the organization.

8 2. The school board of any school district, by rule, may prohibit membership
9 of pupils in school fraternities or sororities composed of pupils in any high school,
10 junior high school or elementary school in the district, when it deems that
11 membership in the fraternities or sororities detrimentally affects the conduct and
12 discipline of the schools in the district. Any rule adopted under this subsection shall
13 prescribe the aim of school organizations which may be formed and the qualifications
14 of pupils eligible for membership therein. The board may adopt other rules that are
15 necessary to carry out the purposes of this section.

16 3. Upon the adoption of the rule authorized by subsection 2, the school board
17 may suspend, discipline and expel from the schools under its control, any pupil who
18 remains a member of, who joins or promises to join, or who becomes pledged to
19 become a member, or who solicits any other person to join, promise to join or be
20 pledged or to become a member of a school fraternity or sorority. Upon direction of
21 the board, by rule or otherwise, the superintendent of schools may suspend and
22 discipline any person who violates the rule authorized by subsection 2 until the time
23 that the matter is considered by the board.]

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[177.131. The school board in each urban district, as soon as sufficient funds have been provided, shall establish an adequate number of elementary and high schools, select and procure sites, and erect and furnish suitable school buildings therefor.]

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[177.171. The board of education shall cause advertisements to be made under regulations that it provides for proposals for furnishing the supplies required in the schools and by the board. Every contract shall be awarded to the lowest responsible bidder complying with the terms of the letting; but the board shall have and reserve the right to reject any and all bids. The board may authorize the purchase of supplies not exceeding five thousand dollars in amount without letting of contract. The board shall make distribution of supplies through the agencies and in the manner that it deems proper. The board may contract for textbooks or school apparatus for such term of years as it deems proper.]

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[178.300. Whenever in any school district in this state not less than twenty-five employment certificates for children under sixteen years of age have been issued and are in full force and effect, the school district shall establish and maintain part-time schools, departments or classes for the employed children for not less than four hours per week and for a term not less than that in which schools are regularly in session in the district.]

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[178.310. The state board of education shall establish standards for the establishment and maintenance of the schools.]

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[178.320. Whenever the part-time schools meet the standards of the federal act and the standards established by the state board of education, they shall be entitled to share in the distribution of the federal funds available under the provisions of the federal act, and the state funds appropriated for the promotion of vocational education under the provisions of the Missouri vocational education law.]

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[178.330. The attendance of the part-time school, department or class shall be counted as a part of the time the minor can be employed.]

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[178.340. The state board of education is responsible for the execution of sections 178.300 to 178.360. The local school boards or school authorities maintaining the instruction given are responsible for the local administration of the sections.]

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[178.350. The state board of education may, upon special hearing in each case, excuse a school district from either establishing or maintaining part-time schooling.]

2 [178.360. The state board of education shall make an annual report to the
3 legislature of its administration of sections 178.300 to 178.360, with its policies and
regulations, and the statistics and finances involved.]