

SENATE SUBSTITUTE

FOR

HOUSE BILL NO 265

AN ACT

To repeal sections 160.261, 160.660, 160.775, 160.900, 160.905, 160.910, 160.915, 160.920, 160.925, 160.930, 161.650, 162.431, 162.626, 162.675, 162.700, 162.961, 162.963, 163.011, 163.043, 166.435, 167.020, 167.022, 167.023, 167.029, 167.115, 167.121, 167.161, 167.164, 167.335, 167.621, 167.624, 167.627, 167.630, 168.133, 169.070, 169.466, 169.471, 169.596, 169.670, 171.031, 190.092, 210.102, 376.1218, and 475.060, RSMo, and to enact in lieu thereof sixty-four new sections relating to education, with penalty provisions.

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

1 Section A. Sections 160.261, 160.660, 160.775, 160.900,
2 160.905, 160.910, 160.915, 160.920, 160.925, 160.930, 161.650,
3 162.431, 162.626, 162.675, 162.700, 162.961, 162.963, 163.011,
4 163.043, 166.435, 167.020, 167.022, 167.023, 167.029, 167.115,
5 167.121, 167.161, 167.164, 167.335, 167.621, 167.624, 167.627,
6 167.630, 168.133, 169.070, 169.466, 169.471, 169.596, 169.670,
7 171.031, 190.092, 210.102, 376.1218, and 475.060, RSMo, are
8 repealed and sixty-four new sections enacted in lieu thereof, to
9 be known as sections 160.261, 160.660, 160.775, 160.782, 160.785,
10 160.788, 160.791, 160.794, 160.797, 160.798, 160.900, 160.905,
11 160.910, 160.915, 160.920, 160.925, 160.932, 160.933, 161.650,
12 161.660, 161.720, 162.431, 162.626, 162.675, 162.700, 162.961,
13 162.963, 162.1153, 162.1159, 162.1162, 162.1168, 163.011,
14 163.043, 163.045, 166.424, 166.435, 167.020, 167.022, 167.023,

1 167.029, 167.115, 167.121, 167.161, 167.164, 167.335, 167.621,
2 167.624, 167.627, 167.630, 168.133, 169.070, 169.466, 169.471,
3 169.596, 169.670, 170.135, 171.031, 190.092, 210.102, 210.205,
4 376.1218, 475.060, 1, and 2, to read as follows:

5 160.261. 1. The local board of education of each school
6 district shall clearly establish a written policy of discipline,
7 including the district's determination on the use of corporal
8 punishment and the procedures in which punishment will be
9 applied. A written copy of the district's discipline policy and
10 corporal punishment procedures, if applicable, shall be provided
11 to the pupil and parent or legal guardian of every pupil enrolled
12 in the district at the beginning of each school year and also
13 made available in the office of the superintendent of such
14 district, during normal business hours, for public inspection.
15 All employees of the district shall annually receive instruction
16 related to the specific contents of the policy of discipline and
17 any interpretations necessary to implement the provisions of the
18 policy in the course of their duties, including but not limited
19 to approved methods of dealing with acts of school violence,
20 disciplining students with disabilities and instruction in the
21 necessity and requirements for confidentiality.

22 2. The policy shall require school administrators to report
23 acts of school violence to all teachers at the attendance center
24 and in addition, to other school district employees with a need
25 to know. For the purposes of this chapter or chapter 167, RSMo,
26 "need to know" is defined as school personnel who are directly
27 responsible for the student's education or who otherwise interact
28 with the student on a professional basis while acting within the

1 scope of their assigned duties. As used in this section, the
2 phrase "act of school violence" or "violent behavior" means the
3 exertion of physical force by a student with the intent to do
4 serious physical injury as defined in subdivision (6) of section
5 565.002, RSMo, to another person while on school property,
6 including a school bus in service on behalf of the district, or
7 while involved in school activities. The policy shall at a
8 minimum require school administrators to report, as soon as
9 reasonably practical, to the appropriate law enforcement agency
10 any of the following felonies, or any act which if committed by
11 an adult would be one of the following felonies:

- 12 (1) First degree murder under section 565.020, RSMo;
- 13 (2) Second degree murder under section 565.021, RSMo;
- 14 (3) Kidnapping under section 565.110, RSMo;
- 15 (4) First degree assault under section 565.050, RSMo;
- 16 (5) Forcible rape under section 566.030, RSMo;
- 17 (6) Forcible sodomy under section 566.060, RSMo;
- 18 (7) Burglary in the first degree under section 569.160,
19 RSMo;
- 20 (8) Burglary in the second degree under section 569.170,
21 RSMo;
- 22 (9) Robbery in the first degree under section 569.020,
23 RSMo;
- 24 (10) Distribution of drugs under section 195.211, RSMo;
- 25 (11) Distribution of drugs to a minor under section
26 195.212, RSMo;
- 27 (12) Arson in the first degree under section 569.040, RSMo;
- 28 (13) Voluntary manslaughter under section 565.023, RSMo;

1 (14) Involuntary manslaughter under section 565.024, RSMo;
2 (15) Second degree assault under section 565.060, RSMo;
3 (16) Sexual assault under section 566.040, RSMo;
4 (17) Felonious restraint under section 565.120, RSMo;
5 (18) Property damage in the first degree under section
6 569.100, RSMo;

7 (19) The possession of a weapon under chapter 571, RSMo;
8 (20) Child molestation in the first degree pursuant to
9 section 566.067, RSMo;

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

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

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

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

1 encouraged.

2 3. The policy shall provide that any student who is on
3 suspension for any of the offenses listed in subsection 2 of this
4 section or any act of violence or drug-related activity defined
5 by school district policy as a serious violation of school
6 discipline pursuant to subsection 9 of this section shall have as
7 a condition of his or her suspension the requirement that such
8 student is not allowed, while on such suspension, to be within
9 one thousand feet of any [public] school property in the school
10 district where such student attended school or any activity of
11 that district, regardless of whether or not the activity takes
12 place on district property unless:

13 (1) Such student is under the direct supervision of the
14 student's parent, legal guardian, or custodian and the
15 superintendent or the superintendent's designee has authorized
16 the student to be on school property;

17 (2) Such student is under the direct supervision of another
18 adult designated by the student's parent, legal guardian, or
19 custodian, in advance, in writing, to the principal of the school
20 which suspended the student and the superintendent or the
21 superintendent's designee has authorized the student to be on
22 school property;

23 (3) Such student is enrolled in and attending an
24 alternative school that is located within one thousand feet of a
25 public school in the school district where such student attended
26 school; or

27 (4) Such student resides within one thousand feet of any
28 public school in the school district where such student attended

1 school in which case such student may be on the property of his
2 or her residence without direct adult supervision.

3 4. Any student who violates the condition of suspension
4 required pursuant to subsection 3 of this section may be subject
5 to expulsion or further suspension pursuant to the provisions of
6 sections 167.161, 167.164, and 167.171, RSMo. In making this
7 determination consideration shall be given to whether the student
8 poses a threat to the safety of any child or school employee and
9 whether such student's unsupervised presence within one thousand
10 feet of the school is disruptive to the educational process or
11 undermines the effectiveness of the school's disciplinary policy.
12 Removal of any pupil who is a student with a disability is
13 subject to state and federal procedural rights. This section
14 shall not limit a school district's ability to:

15 (1) Prohibit all students who are suspended from being on
16 school property or attending an activity while on suspension;

17 (2) Discipline students for off-campus conduct that
18 negatively affects the educational environment to the extent
19 allowed by law.

20 5. The policy shall provide for a suspension for a period
21 of not less than one year, or expulsion, for a student who is
22 determined to have brought a weapon to school, including but not
23 limited to the school playground or the school parking lot,
24 brought a weapon on a school bus or brought a weapon to a school
25 activity whether on or off of the school property in violation of
26 district policy, except that:

27 (1) The superintendent or, in a school district with no
28 high school, the principal of the school which such child attends

1 may modify such suspension on a case-by-case basis; and

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

5 6. For the purpose of this section, the term "weapon" shall
6 mean a firearm as defined under 18 U.S.C. 921 and the following
7 items, as defined in section 571.010, RSMo: a blackjack, a
8 concealable firearm, an explosive weapon, a firearm, a firearm
9 silencer, a gas gun, a knife, knuckles, a machine gun, a
10 projectile weapon, a rifle, a shotgun, a spring gun or a
11 switchblade knife; except that this section shall not be
12 construed to prohibit a school board from adopting a policy to
13 allow a Civil War reenactor to carry a Civil War era weapon on
14 school property for educational purposes so long as the firearm
15 is unloaded. The local board of education shall define weapon in
16 the discipline policy. Such definition shall include the weapons
17 defined in this subsection but may also include other weapons.

18 7. All school district personnel responsible for the care
19 and supervision of students are authorized to hold every pupil
20 strictly accountable for any disorderly conduct in school or on
21 any property of the school, on any school bus going to or
22 returning from school, during school-sponsored activities, or
23 during intermission or recess periods.

24 8. Teachers and other authorized district personnel in
25 public schools responsible for the care, supervision, and
26 discipline of schoolchildren, including volunteers selected with
27 reasonable care by the school district, shall not be civilly
28 liable when acting in conformity with the established [policy of

1 discipline] policies developed by each board [under this
2 section], including but not limited to policies of student
3 discipline or when reporting to his or her supervisor or other
4 person as mandated by state law acts of school violence or
5 threatened acts of school violence, within the course and scope
6 of the duties of the teacher, authorized district personnel or
7 volunteer, when such individual is acting in conformity with the
8 established policies developed by the board. Nothing in this
9 section shall be construed to create a new cause of action
10 against such school district, or to relieve the school district
11 from liability for the negligent acts of such persons.

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

27 10. Spanking or the use of force to protect persons or
28 property, when administered by [certificated] personnel of a

1 school district in a reasonable manner in accordance with the
2 local board of education's written policy of discipline, is not
3 abuse within the meaning of chapter 210, RSMo. The provisions of
4 sections 210.110 to 210.165, RSMo, notwithstanding, the
5 children's division [of family services] shall not have
6 jurisdiction over or investigate any report of alleged child
7 abuse arising out of or related to any spanking administered in a
8 reasonable manner by any [certificated] school personnel pursuant
9 to a written policy of discipline established by the board of
10 education of the school district. Upon receipt of any reports of
11 child abuse by the division of family services pursuant to
12 sections 210.110 to 210.165, RSMo, which allegedly involves
13 personnel of a school district, the division of family services
14 shall notify the superintendent of schools of the district or, if
15 the person named in the alleged incident is the superintendent of
16 schools, the president of the school board of the school district
17 where the alleged incident occurred. If, after an initial
18 investigation, the superintendent of schools or the president of
19 the school board finds that the report involves an alleged
20 incident of child abuse other than the administration of a
21 spanking or the use of force to protect persons or property by
22 [certificated] school personnel pursuant to a written policy of
23 discipline or [a] that the report was made for the sole purpose
24 of harassing a public school employee, the superintendent of
25 schools or the president of the school board shall immediately
26 refer the matter back to the children's division [of family
27 services] and take no further action. In all matters referred
28 back to the children's division [of family services], the

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

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

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

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

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

25 11. The findings and conclusions of the school board shall
26 be sent to the children's division [of family services]. If the
27 findings and conclusions of the school board are that the report
28 of the alleged child abuse is unsubstantiated, the investigation

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

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

25 13. In order to ensure the safety of all students, should a
26 student be expelled for bringing a weapon to school, violent
27 behavior, or for an act of school violence, that student shall
28 not, for the purposes of the accreditation process of the

Missouri school improvement plan, be considered a dropout or be included in the calculation of that district's educational persistence ratio.

160.660. 1. On or before July 1, 2001, the state board of education shall add to any school facilities and safety criteria developed for the Missouri school improvement program provisions that require:

(1) Each school district's designated safety coordinator to have a thorough knowledge of all federal, state and local school violence prevention programs and resources available to students, teachers or staff in the district; and

(2) Each school district to fully utilize all such programs and resources that the local school board or its designee determines are necessary and cost-effective for the school district.

2. On or before July 1, 2009, the state board of education shall add to any school facilities and safety criteria developed for the Missouri school improvement program provisions that suggest that the drills required pursuant to the standard for safe facilities occur at least annually and require that all staff receive sufficient training on the security and crisis management plan to ensure familiarity with the plan details is maintained throughout the school year.

3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This

1 section and chapter 536, RSMo, are nonseverable and if any of the
2 powers vested with the general assembly pursuant to chapter 536,
3 RSMo, to review, to delay the effective date or to disapprove and
4 annul a rule are subsequently held unconstitutional, then the
5 grant of rulemaking authority and any rule proposed or adopted
6 after August 28, 2000, shall be invalid and void.

7 160.775. 1. Every district shall adopt an antibullying
8 policy by September 1, 2007.

9 2. "Bullying" means intimidation or harassment that causes
10 a reasonable student to fear for his or her physical safety or
11 property. Bullying may consist of physical actions, including
12 gestures, or oral, cyberbullying, electronic, or written
13 communication, and any threat of retaliation for reporting of
14 such acts.

15 3. Each district's antibullying policy shall be founded on
16 the assumption that all students need a safe learning
17 environment. Policies shall treat students equally and shall not
18 contain specific lists of protected classes of students who are
19 to receive special treatment. Policies may include age
20 appropriate differences for schools based on the grade levels at
21 the school. Each such policy shall contain a statement of the
22 consequences of bullying.

23 4. Each district's antibullying policy shall require
24 district employees to report any instance of bullying of which
25 the employee has firsthand knowledge. The district policy shall
26 address training of employees in the requirements of the district
27 policy.

28 160.782. As used in sections 160.782 to 160.797, the

1 following terms shall mean:

2 (1) "Certified laboratory", a laboratory that is certified
3 by the Substance Abuse and Mental Health Services Administration
4 of the federal Department of Health and Human Services to engage
5 in drug testing for federal agencies;

6 (2) "Confirmatory drug test", a test by a gas
7 chromatography/mass spectrometry testing procedure of a urine
8 specimen conducted after an initial positive drug test result;

9 (3) "Confirmed breath alcohol test", a second breath
10 alcohol specimen provided by the employee fifteen minutes after
11 the initial positive breath alcohol screening test to confirm the
12 alcohol concentration of the four hundreds of one percent or more
13 by weight of alcohol in the blood;

14 (4) "Confirmed positive breath alcohol test", a confirmed
15 alcohol concentration of the amount of four hundreds of one
16 percent or more by weight of alcohol in the blood;

17 (5) "Confirmed positive drug test result", a finding by a
18 confirmatory test of the presence in the tested urine of any of
19 the drugs or their metabolites at or above the minimum detection
20 level specified in section 160.791;

21 (6) "Employee", a laborer, worker, mechanic, or truck
22 driver who performs work on a project as described in section
23 160.785;

24 (7) "Employer", a contractor, subcontractor, or agent of a
25 contractor or subcontractor that performs work on a project as
26 described in section 160.785;

27 (8) "Initial breath alcohol screening test", an initial
28 breath specimen provided by the employee to determine the weight

1 of alcohol in the blood;

2 (9) "Initial drug screening test", a test by an immunoassay
3 procedure of a urine specimen;

4 (10) "Initial positive breath alcohol screening test", an
5 alcohol concentration of the amount of four hundreds of one
6 percent or more by weight of alcohol in the blood;

7 (11) "Initial positive drug test result", a finding by an
8 initial screening test of the presence in the tested urine of any
9 of the drugs or their metabolites at or above the minimum
10 detection level specified in section 160.791;

11 (12) "Medical review officer", a licensed physician who has
12 knowledge of substance abuse disorders, laboratory testing
13 procedures, and chain-of-custody procedures and who has the
14 necessary medical training to interpret and evaluate a confirmed
15 positive drug test result, a person's medical history, and any
16 other relevant biomedical information;

17 (13) "Third-party administrator", a person contracted by an
18 employer, either directly or in cooperation with other employers
19 or organizations, to administer the drug and alcohol testing
20 program of the employer under sections 160.782 to 160.797;

21 (14) "Verified positive drug test result", a confirmed
22 positive drug test result that has been verified by a medical
23 review officer for the presence in the tested urine of any of the
24 drugs or their metabolites at or above the minimum detection
25 level specified in section 160.791.

26 160.785. 1. Any entity that provides construction services
27 under contract on the property of a public or private elementary
28 or secondary school, public vocational school, or public or

1 private junior college, college, university, land grant
2 university, or any state owned building shall have in place
3 before any work on the project commences, a drug and alcohol
4 testing program that complies with sections 160.782 to 160.797.
5 An employer may contract with a third-party administrator to
6 administer the employer's drug and alcohol testing program under
7 this section.

8 2. A bidder for contracts as described in subsection 1 of
9 this section shall submit with the bid all of the following:

10 (1) A statement that the bidder has in place, before any
11 work on the project commences, a drug and alcohol testing program
12 that complies with sections 160.782 to 160.797;

13 (2) A statement from each subcontractor or agent that will
14 be performing work on the project that the subcontractor or agent
15 has in place, or will have in place before any work on the
16 project commences, a drug and alcohol testing program that
17 complies with sections 160.782 to 160.797.

18 3. An employer that is required under sections 160.782 to
19 160.797 to have, but that does not have, a drug and alcohol
20 testing program in place on August 28, 2007 shall provide notice
21 to all of its employees that a drug and alcohol testing program
22 is being implemented and may not begin actual drug and alcohol
23 testing until sixty days after the date of the notice.

24 160.788. Before an employee is tested for the presence of
25 drugs or alcohol, an employer or third-party administrator shall
26 provide the employee with a written policy statement that
27 contains the following:

28 (1) A statement that an employee who receives a verified

positive drug test result may challenge or explain the result to the medical review officer within two working days after receiving notification of the test result; that, if the explanation is unsatisfactory to the medical review officer, the medical review officer will report the test result to the employer; and that the employee may, within two working days after receiving that notice, request a retest of the specimen that tested positive by a certified laboratory chosen by the employee at the expense of the employee;

(2) A statement that the employee shall be given the opportunity to provide any information that he or she considers relevant to the test, including identification of any prescription drugs or nonprescription drugs that he or she is currently using or has recently used or any other relevant medical information.

160.791. 1. An employer may not permit an employee to work on a project unless the employee has tested negative for the presence of drugs or alcohol in the employee's system not more than twelve months preceding the date on which the employee commences work on the project.

2. After an employee begins work on a project, the employer may require the employee to submit to testing if the employer has a reasonable belief, based on specific, objective, and articulable facts and reasonable inferences drawn from those facts, that the employee is using or has used drugs or alcohol in violation of the employer's policy. Those facts and inferences may be based on any of the following:

(1) Facts or events observed while the employee is at work,

1 such as direct observation of drug or alcohol use or of the
2 physical symptoms or manifestations of being under the influence
3 of drugs or alcohol;

4 (2) Abnormal conduct or erratic behavior of the employee
5 while at work or a significant deterioration in the employee's
6 work performance;

7 (3) A report of drug or alcohol use provided by a reliable
8 and credible source;

9 (4) Evidence that the employee has tampered with a drug
10 test during his or her employment with the employer or after
11 receiving an offer of employment with the employer;

12 (5) Evidence that the employee has used, possessed,
13 attempted to possess, distributed, or delivered drugs or alcohol
14 while at work, while on the employer's premises or on the site of
15 the project, or while operating the employer's vehicles,
16 machinery, or equipment;

17 (6) Any other fact or event that provides a reasonable
18 belief that the employee is using or has used drugs or alcohol in
19 violation of the employer's policy.

20 3. After an employee begins work on a project, the employer
21 shall require the employee to submit to random testing.

22 Employees tested under this subsection shall be selected for
23 random testing according to objective, neutral, and
24 nondiscriminatory criteria, and the testing shall be spread out
25 throughout the life of the project so that on any given day, any
26 given employee has an equal chance of being tested. Testing
27 under this subsection shall be conducted without prior warning.

28 4. An employee who under any other state or federal law is

1 required to submit to random drug and alcohol testing that is at
2 least as strict as the testing required under this section is not
3 required to submit to testing under this section.

4 5. Testing under this section shall be performed by a
5 certified laboratory selected by the employer or third-party
6 administrator and shall be conducted in accordance with
7 scientific and technical guidelines established by the Substance
8 Abuse and Mental Health Services Administration of the federal
9 Department of Health and Human Services for those certified
10 laboratories. At a minimum, an employee shall be tested for all
11 of the following:

12 (1) Amphetamines, with the following minimum detection
13 levels constituting a positive drug test result:

14 (a) A level of one thousand nanograms per milliliter
15 constituting an initial positive drug test result;

16 (b) A level of five hundred nanograms per milliliter
17 constituting a confirmed positive drug test result;

18 (2) Barbiturates, with the following minimum detection
19 levels constituting a positive drug test result:

20 (a) A level of three hundred nanograms per milliliter
21 constituting an initial positive drug test result;

22 (b) A level of three hundred nanograms per milliliter
23 constituting a confirmed positive drug test result;

24 (3) Benzodiazepines, with the following minimum detection
25 levels constituting a positive drug test result:

26 (a) A level of three hundred nanograms per milliliter
27 constituting an initial positive drug test result;

28 (b) A level of three hundred nanograms per milliliter

1 constituting a confirmed positive drug test result;

2 (4) Cocaine metabolites, with the following minimum
3 detection levels constituting a positive drug test result:

4 (a) A level of three hundred nanograms per milliliter
5 constituting an initial positive drug test result;

6 (b) A level of one hundred fifty nanograms per milliliter
7 constituting a confirmed positive drug test result;

8 (5) Marijuana metabolites, with the following minimum
9 detection levels constituting a positive drug test result:

10 (a) A level of fifty nanograms per milliliter constituting
11 an initial positive drug test result;

12 (b) A level of fifteen nanograms per milliliter
13 constituting a confirmed positive drug test result;

14 (6) Methadone, with the following minimum detection levels
15 constituting a confirmed positive drug test result:

16 (a) A level of three hundred nanograms per milliliter
17 constituting an initial positive drug test result;

18 (b) A level of three hundred nanograms per milliliter
19 constituting a confirmed positive drug test result;

20 (7) Opiates, with the following minimum detection levels
21 constituting a positive drug test result:

22 (a) A level of two thousand nanograms per milliliter
23 constituting an initial positive drug test result;

24 (b) A level of two thousand nanograms per milliliter
25 constituting a confirmed positive drug test result;

26 (8) Phencyclidine, with the following minimum detection
27 levels constituting a positive drug test result:

28 (a) A level of twenty-five nanograms per milliliter

1 constituting an initial positive drug test result;

2 (b) A level of twenty-five nanograms per milliliter
3 constituting a confirmed positive drug test result;

4 (9) Propoxyphene, with the following minimum detection
5 levels constituting a positive drug test result:

6 (a) A level of three hundred nanograms per milliliter
7 constituting an initial positive drug test result;

8 (b) A level of three hundred nanograms per milliliter
9 constituting a confirmed positive drug test result;

10 (10) Alcohol, with an alcohol concentration of the amount
11 of four-hundredths of one percent or more by weight of alcohol in
12 the blood constituting a confirmed positive alcohol test result
13 as determined by an analysis of a breath specimen provided by the
14 employee.

15 6. This section shall not be construed to prohibit an
16 employer from establishing and enforcing reasonable work rules
17 relating to the use, possession, distribution, or delivery of
18 drugs or alcohol in the workplace.

19 160.794. 1. An employee shall be given the opportunity to
20 provide to the medical review officer any information that he or
21 she considers relevant to the test, including identification of
22 any prescription drugs or nonprescription drugs that he or she is
23 currently using or has recently used or any other relevant
24 medical information.

25 2. Within one working day after receipt of a verified
26 positive test result, the employer or third-party administrator
27 shall inform the employee of the test result, the consequences of
28 the test result, and the options available to the employee. On

1 request, the third-party administrator or medical review officer
2 shall provide a copy of the test result to the employee.

3 3. Within two working days after receiving a verified
4 positive test result, the employee may request a retest of the
5 specimen that tested positive by a certified laboratory chosen by
6 the employee. The employee shall pay the cost of any retesting
7 requested by the employee but not required by the employer,
8 subject to reimbursement by the employer if the result of the
9 retest is negative.

10 4. If testing is conducted based on reasonable suspicion,
11 the employer shall document in writing the circumstances upon
12 which that reasonable suspicion is based and, upon request, shall
13 provide a copy of that documentation to the employee. The
14 employer shall retain a copy of that documentation for not less
15 than one year.

16 5. Any test of an employee conducted under this section
17 shall occur immediately before, during, or immediately after the
18 regular work period of the employee. If the test is conducted
19 during an employee's regular work period, the employee shall be
20 paid for the time lost from work at the employee's hourly basic
21 rate of pay, plus the hourly contribution for health insurance
22 benefits, vacation benefits, pension benefits, and any other bona
23 fide economic benefits payable to the employee. If the test is
24 conducted outside the employee's regular work period, the
25 employee shall be paid for the time necessary to take the test,
26 including reasonable travel time, at the employee's hourly basic
27 rate of pay. The employer shall pay the cost of all testing
28 required by the employer. The employee shall pay the cost of any

1 retesting or additional testing requested by the employee, but
2 not required by the employer, subject to reimbursement by the
3 employer if the result of the retest or additional test is
4 negative.

5 6. Except as required or permitted under this section, any
6 information, written or otherwise, relating to the result of a
7 test conducted under this section shall remain confidential and
8 may be disclosed only as follows:

9 (1) On the specific written consent of the employee who is
10 the subject of the test. That consent shall state the name of
11 the person who is authorized to obtain the information, the
12 purpose of the disclosure, the precise information to be
13 disclosed, and the duration of the consent and shall be signed by
14 the person authorizing the disclosure;

15 (2) On the order of a court, hearing examiner, arbitrator,
16 or other decision maker for purposes of a court proceeding,
17 administrative proceeding, grievance proceeding, or any other
18 proceeding arising out of an adverse employment action taken as a
19 result of a test conducted under this section.

20 160.797. 1. An employee who refuses to submit to testing
21 as required under sections 160.782 to 160.797 or who is the
22 subject of a verified positive test result may not be permitted
23 to work on a project until the employee tests negative for the
24 presence of drugs or alcohol in his or her system. An employee
25 who is the subject of more than one verified positive test result
26 during the life of a project may not work on the project for the
27 life of the project.

28 2. Any employer that knowingly permits an employee of the

1 employer to work on a project in violation of sections 160.782 to
2 160.797 may be fined not more than two hundred dollars or
3 imprisoned for not more than six months, or both. Each day that
4 a violation continues is a separate offense.

5 160.798. The requirements of sections 160.782 to 160.797
6 shall not apply to employers who are party to a program for drug
7 and alcohol testing, which program has been in existence since at
8 least January 1, 2005, provided that such program:

9 (1) Requires the testing of substances which include those
10 substances set forth in subsection 5 of section 160.791;

11 (2) Utilizes detection levels which are at least as
12 stringent as those set forth in subsection 5 of section 160.791;

13 (3) Provides for random testing and reasonable suspicion
14 testing;

15 (4) Provides for review of test results by a medical review
16 officer;

17 (5) Allows the employee to have a positive test specimen
18 retested, at the employee's expense;

19 (6) Provides that an employee who tests positive or refuses
20 to submit to a test shall not be permitted to resume employment
21 until he or she tests negative for the presence of drugs or
22 alcohol.

23 160.900. 1. The state of Missouri shall participate in the
24 federal Infant and Toddler Program, Part C of the Individuals
25 with Disabilities Education Act (IDEA), 20 U.S.C. Section 1431,
26 et seq., and provide early intervention services to infants and
27 toddlers determined eligible under state regulations.

28 2. The state agency designated by the governor as the lead

1 agency shall be responsible for the administration and
2 implementation of Part C of IDEA through a regional Part C early
3 intervention system and shall promulgate rules implementing the
4 requirements of Part C of IDEA consistent with federal
5 regulations, 34 C.F.R. 303, et seq.

6 3. Any rule or portion of a rule, as that term is defined
7 in section 536.010, RSMo, that is created under the authority
8 delegated in sections 160.900 to 160.925 shall become effective
9 only if it complies with and is subject to all of the provisions
10 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo.
11 Sections 160.900 to 160.925 and chapter 536, RSMo, are
12 nonseverable and if any of the powers vested with the general
13 assembly pursuant to chapter 536, RSMo, to review, to delay the
14 effective date, or to disapprove and annul a rule are
15 subsequently held unconstitutional, then the grant of rulemaking
16 authority and any rule proposed or adopted after July 1, 2005,
17 shall be invalid and void.

18 4. Notwithstanding the provisions of section 23.253, RSMo,
19 to the contrary, the provisions of this section shall not sunset.

20 160.905. 1. The lead agency shall establish a "State
21 Interagency Coordinating Council" for the state Part C early
22 intervention system. The composition of the council shall
23 include the members required under Part C of the IDEA consistent
24 with federal regulations, 34 C.F.R. 303.601, appointed by the
25 governor.

26 2. The state interagency coordinating council shall meet at
27 least quarterly and shall comply with chapter 610, RSMo.

28 3. The state interagency coordinating council shall advise

1 and assist the lead agency pursuant to IDEA requirements, 34
2 C.F.R. 303.650 to 303.654.

3 4. The state interagency coordinating council shall assist
4 the lead agency in the preparation and submission of an annual
5 report to the governor and to the secretary of the United States
6 Department of Education on the status of infant and toddler early
7 intervention programs in the state and report any recommendations
8 for improvements to such programs.

9 5. The lead agency, in consultation with any other state
10 agencies involved in the Part C early intervention system, shall
11 submit rules and regulations, other than emergency rules and
12 regulations, to the council for review prior to the lead agency's
13 final approval. The council shall review all proposed rules and
14 regulations and report its recommendations thereon to the lead
15 agency within thirty days. The lead agency shall respond to the
16 council's recommendations providing reasons for proposed rules
17 and regulations that are not consistent with the council's
18 recommendations.

19 6. Notwithstanding the provisions of section 23.253, RSMo,
20 to the contrary, the provisions of this section shall not sunset.

21 160.910. 1. The lead agency shall maintain a state Part C
22 early intervention system under Part C of the Individuals with
23 Disabilities Education Act, 20 U.S.C. Section 1431, et seq., for
24 eligible children and families of such children which shall be
25 administered through the regional Part C early intervention
26 system.

27 2. The lead agency shall compile data in the system on the
28 number of eligible children in the state in need of early

1 intervention services, the number of eligible children and their
2 families served, the types of services provided, and other
3 information as deemed necessary by the agency.

4 3. The state Part C early intervention system shall include
5 a comprehensive child-find system and public awareness program to
6 ensure that eligible children are identified, located, referred
7 to the system, and evaluated for eligibility.

8 4. The lead agency shall monitor system expenditures for
9 administrative services and regional offices to ensure maximum
10 utilization of state funds for all children determined to be
11 eligible for early intervention services. The lead agency or its
12 designee shall provide regional offices with the necessary
13 financial data to assist regional offices in monitoring their
14 expenditures and the cost of direct services. Such data shall
15 include the number of children eligible from the most recent
16 child count from that region and monthly data reports on the
17 costs spent by providers in their network.

18 5. The lead agency shall establish a bidding process for
19 determining regional offices across the state. The bidding
20 process shall establish criteria for allowing regions to
21 implement models that will serve the unique needs of their
22 community. Such process shall encourage organizations bidding
23 for a center to demonstrate agreements:

24 (1) With other state and local government entities that
25 provide services to infants and toddlers with developmental
26 disabilities including regional centers as defined in section
27 633.005, RSMo, and boards established under sections 205.968 to
28 205.973, RSMo; and

1 (2) To collaborate with established, quality early
2 intervention providers in the region to establish a network for
3 early intervention services.

4 6. The lead agency shall establish a centralized system of
5 provider enrollment to assure that all Part C early intervention
6 system providers meet requirements of Part C regulations and the
7 Missouri state plan.

8 7. Notwithstanding the provisions of section 23.253, RSMo,
9 to the contrary, the provisions of this section shall not sunset.

10 160.915. 1. Each regional office shall include in their
11 proposal the following assurances and documentation of their plan
12 to:

13 (1) Provide those functions that are specifically
14 identified under federal and state regulations implementing Part
15 C of IDEA, 20 U.S.C. Section 1431, as functions to be provided at
16 public expense, with no cost to the parent;

17 (2) Contract with established community early intervention
18 providers or hire providers as geographic necessity requires to
19 ensure all services are available and accessible within the
20 region;

21 (3) Implement a system of provider oversight to ensure:

22 (a) That all services are available and accessible within
23 that region including the use of providers hired by the regional
24 office where geographic necessity requires this practice; and

25 (b) Compliance by all providers in the regional office's
26 provider network, including but not limited to upholding the
27 requirements of Part C of IDEA;

28 (4) Include in each child's individual family service plan

1 family-oriented approaches to support the child's developmental
2 goals;

3 (5) Incorporate as the focus of the individualized family
4 service plan best available practices and coaching approaches
5 that support the family's capacity to meet the developmental
6 needs of their child;

7 (6) Develop or maintain resources or utilize multiple
8 funding sources for providing early intervention services for
9 children with disabilities in the region for which they are
10 bidding; and

11 (7) Implement a system for reutilization of assistive
12 technology devices and oversight of assistive technology
13 authorizations.

14 2. The lead agency may determine other assurances and
15 request additional documentation they deem to be necessary and
16 reasonable to achieve the purpose of this section and to comply
17 with applicable federal law and regulation.

18 3. Notwithstanding the provisions of section 23.253, RSMo,
19 to the contrary, the provisions of this section shall not sunset.

20 160.920. 1. No funds appropriated to the lead agency for
21 the implementation and administration of sections 160.900 to
22 160.925 shall be used to satisfy a financial commitment for
23 services that should have been paid from another public or
24 private source. Federal funds available under Part C of the
25 IDEA, 20 U.S.C. Section 1431, et seq., shall be used whenever
26 necessary to prevent the delay of early intervention services to
27 the eligible child or family. When funds are used to reimburse
28 the service provider to prevent a delay of the provision of

1 services, the funds shall be recovered from the public or private
2 source that has ultimate responsibility for the payment.

3 2. Nothing in this section shall be construed to permit any
4 other state agency providing medically related services to reduce
5 medical assistance to eligible children.

6 3. Payments for the provision of direct early intervention
7 services to children and families shall be paid in the manner
8 prescribed by the lead agency.

9 4. The lead agency shall promulgate rules for the
10 reimbursement of services from all third-party payers, both
11 private and public.

12 5. The lead agency or its designee shall, in the first
13 instance and where applicable, seek payment from all third-party
14 payers prior to claiming payment from the state Part C early
15 intervention system for services rendered to eligible children.

16 6. The lead agency or its designee may pay required
17 deductibles, co-payments, coinsurance or other out-of-pocket
18 expenses for a Part C early intervention program eligible child
19 directly to a provider.

20 7. The lead agency shall promulgate rules that establish a
21 schedule of monthly cost participation fees for early
22 intervention services per qualifying family regardless of the
23 number of children participating or the amount of services
24 provided. Such fees shall not include services to be provided to
25 the family at no cost as established in Part C of IDEA, 20 U.S.C.
26 Section 1431, et seq. Fees shall be based on a sliding scale to
27 become effective October 1, 2005, that contemplates the following
28 elements:

1 (1) Adjusted gross income, family size, financial hardship
2 and Medicaid eligibility with the fee implementation beginning at
3 two hundred percent of the federal poverty guidelines;

4 (2) A minimum fee amount of five dollars to the maximum
5 amount of one hundred dollars monthly, with the lead agency
6 retaining the right to revise the fee schedule no earlier than
7 the third year after the family cost participation effective
8 date;

9 (3) An increased fee schedule for parents who have
10 insurance and elect not to assign such right of recovery or
11 indemnification to the lead agency;

12 (4) Procedures for notifying the regional office that a
13 family is not complying with the cost participation fee and
14 procedures for suspending services.

15 8. All amounts generated by family cost participation,
16 insurance reimbursements, and Medicaid reimbursement shall be
17 deposited to the fund created in section 160.925.

18 9. The lead agency may assign the collection of early
19 intervention participation fees, payments, and public or private
20 insurance to a designee, contractor, provider, third-party agent,
21 or designated clearinghouse participating in the Part C early
22 intervention system. Such fees, payments, or insurance amounts
23 shall be paid to the department, its designee, contractor,
24 provider, third-party agent, or designated clearinghouse in a
25 timely manner. Notice of collection procedures, schedule of fees
26 or payments, and guidelines for inability to pay shall be made
27 available to parents of eligible children.

28 10. Notwithstanding the provisions of section 23.253, RSMo,

1 to the contrary, the provisions of this section shall not sunset.

2 160.925. 1. There is hereby created in the state treasury
3 the "Part C Early Intervention System Fund" for implementing the
4 provisions of sections 160.900 to 160.925. Moneys deposited in
5 the fund shall be considered state funds under article IV,
6 section 15 of the Missouri Constitution. The state treasurer
7 shall be custodian of the fund and shall disburse moneys from the
8 fund in accordance with sections 30.170 and 30.180, RSMo. Upon
9 appropriation, money in the fund shall be used solely for the
10 administration of sections 160.900 to 160.925. [Notwithstanding
11 the provisions of section 33.080, RSMo, to the contrary, any
12 moneys remaining in the fund at the end of the biennium shall not
13 revert to the credit of the general revenue fund.] The state
14 treasurer shall invest moneys in the fund in the same manner as
15 other funds are invested. Any interest and moneys earned on such
16 investments shall be credited to the fund.

17 2. At the end of each biennium and after all statutorily or
18 constitutionally required transfer of funds have been made, the
19 state treasurer shall transfer the balance in the fund, except
20 for gifts, donations, bequests, or money received from a federal
21 source, created in subsection 1 of this section in excess of two
22 hundred percent of the previous fiscal year's expenditures into
23 the state general revenue fund.

24 3. Notwithstanding the provisions of section 23.253, RSMo,
25 to the contrary, the provisions of this section shall not sunset.

26 160.932. 1. Subject to appropriations, the department of
27 elementary and secondary education shall implement a pilot
28 program allowing the regional interagency coordinating council of

1 the greater St. Louis system point of entry to hire a part-time
2 child-find coordinator to conduct the child-find requirements
3 under subsection 3 of section 160.910 for the region. The part-
4 time child-find coordinator shall be hired, selected, and
5 employed by the regional interagency coordinating council of the
6 greater St. Louis system point of entry by July 1, 2008.

7 2. By September 1, 2010, the greater St. Louis system point
8 of entry shall conduct a study on the effect of hiring the child-
9 find coordinator under this section. The study shall be
10 submitted to the department, the state interagency coordinating
11 council and the general assembly.

12 3. The provisions of this section shall expire on September
13 1, 2011.

14 160.933. 1. There is hereby created in the state treasury
15 the "Part C Early Intervention Pilot Program Fund" for
16 implementing the provisions of section 160.932. Moneys deposited
17 in the fund shall be considered state funds under article IV,
18 section 15 of the Missouri constitution. The state treasurer
19 shall be custodian of the fund and may disburse moneys from the
20 fund in accordance with sections 30.170 and 30.180, RSMo. Upon
21 appropriation, money in the fund shall be used solely for
22 administration of section 160.932. The state treasurer shall
23 invest moneys in the fund in the same manner as other funds are
24 invested. Any interest and moneys earned on such investments
25 shall be credited to the fund.

26 2. At the end of each biennium and after all statutorily or
27 constitutionally required transfer of funds have been made, the
28 state treasurer shall transfer the balance in the fund, except

1 for gifts, donations, bequests, or money received from a federal
2 source, created in subsection 1 of this section in excess of two
3 hundred percent of the previous fiscal year's expenditures into
4 the state general revenue fund.

5 3. The department of elementary and secondary education
6 shall promulgate rules to implement the provisions of section
7 160.932. Any rule or portion of a rule, as that term is defined
8 in section 536.010, RSMo, that is created under the authority
9 delegated in this section shall become effective only if it
10 complies with and is subject to all of the provisions of chapter
11 536, RSMo, and, if applicable, section 536.028, RSMo. This
12 section and chapter 536, RSMo, are nonseverable and if any of the
13 powers vested with the general assembly under chapter 536, RSMo,
14 to review, to delay the effective date, or to disapprove and
15 annul a rule are subsequently held unconstitutional, then the
16 grant of rulemaking authority and any rule proposed or adopted
17 after August 28, 2007, shall be invalid and void.

18 161.650. 1. The department of elementary and secondary
19 education shall identify and adopt an existing program or
20 programs of educational instruction regarding violence prevention
21 to be administered by public school districts pursuant to
22 subsection 2 of this section, and which shall include, but shall
23 not be limited to, instructing students of the negative
24 consequences, both to the individual and to society at large, of
25 membership in or association with criminal street gangs or
26 participation in criminal street gang activity, as those phrases
27 are defined in section 578.421, RSMo, and shall include related
28 training for school district employees directly responsible for

1 the education of students concerning violence prevention and
2 early identification of and intervention in violent behavior.
3 The state board of education shall adopt such program or programs
4 by rule as approved for use in Missouri public schools. The
5 program or programs of instruction shall encourage nonviolent
6 conflict resolution of problems facing youth; present alternative
7 constructive activities for the students; encourage community
8 participation in program instruction, including but not limited
9 to parents and law enforcement officials; and shall be
10 administered as appropriate for different grade levels and shall
11 not be offered for academic credit.

12 2. All public school districts within this state with the
13 approval of the district's board of education may administer the
14 program or programs of student instruction adopted pursuant to
15 subsection 1 of this section to students within the district
16 starting at the kindergarten level and every year thereafter
17 through the twelfth-grade level.

18 3. Any district adopting and providing a program of
19 instruction pursuant to this section shall be entitled to receive
20 state aid pursuant to section 163.031, RSMo. If such aid is
21 determined by the department to be insufficient to implement any
22 program or programs adopted by a district pursuant to this
23 section:

24 (1) The department may fund the program or programs adopted
25 pursuant to this section or pursuant to subsection 2 of section
26 160.530, RSMo, or both, after securing any funding available from
27 alternative sources; and

28 (2) School districts may fund the program or programs from

1 funds received pursuant to subsection 1 of section 160.530,
2 RSMo[, and section 166.260, RSMo].

3 4. No rule or portion of a rule promulgated pursuant to
4 this section shall become effective unless it has been
5 promulgated pursuant to chapter 536, RSMo.

6 161.660. The department of elementary and secondary
7 education shall designate, by July 1, 2008, a teacher assessment
8 program for use by all school districts within this state. Such
9 assessment shall be a comprehensive, performance-based evaluation
10 of the teacher. The assessment designated by the department
11 shall be an existing assessment tool, such as the Praxis
12 Examination, the National Teacher Examination, or another
13 existing assessment tool. Multiple assessments shall be
14 designated in order to assess each teacher according to the
15 specific subject area taught by the teacher. The department may
16 promulgate rules in order to effectuate the provisions of this
17 section, including objective measures to determine whether a
18 teacher demonstrates a minimum level of competency in the
19 teacher's subject area, as well as whether a teacher demonstrates
20 a high level of competency in the teacher's subject area based on
21 a score of ninety percent or better on the assessment. Any rule
22 or portion of a rule, as that term is defined in section 536.010,
23 RSMo, that is created under the authority delegated in this
24 section shall become effective only if it complies with and is
25 subject to all of the provisions of chapter 536, RSMo, and, if
26 applicable, section 536.028, RSMo. This section and chapter 536,
27 RSMo, are nonseverable and if any of the powers vested with the
28 general assembly pursuant to chapter 536, RSMo, to review, to

1 delay the effective date, or to disapprove and annul a rule are
2 subsequently held unconstitutional, then the grant of rulemaking
3 authority and any rule proposed or adopted after August 28, 2007,
4 shall be invalid and void.

5 161.720. 1. Beginning with academic year 2008-2009, any
6 student who graduates from a Missouri public high school and
7 enrolls in a two-year or four-year degree program in Missouri
8 within three years after high school graduation may apply to
9 receive reimbursement for tuition for remedial courses to which
10 such student is assigned by the college or university under the
11 conditions described in this section.

12 2. A college course shall qualify as remedial if it is:

13 (a) In an academic subject required for high school
14 graduation; and

15 (b) Is designated by number, title, course description, or
16 other means, as necessary to prepare a student for the first
17 college-level course in an academic subject.

18 3. The department of elementary and secondary education
19 shall, by rule, establish a method by which a student may apply
20 for, provide documentation for, and receive a reimbursement for
21 such tuition no more frequently than twice a year.

22 4. Any rule or portion of a rule, as that term is defined
23 in section 536.010, RSMo, that is created under the authority
24 delegated in this section shall become effective only if it
25 complies with and is subject to all of the provisions of chapter
26 536, RSMo, and, if applicable, section 536.028, RSMo. This
27 section and chapter 536, RSMo, are nonseverable and if any of the
28 powers vested with the general assembly pursuant to chapter 536,

1 RSMo, to review, to delay the effective date, or to disapprove
2 and annul a rule are subsequently held unconstitutional, then the
3 grant of rulemaking authority and any rule proposed or adopted
4 after August 28, 2007, shall be invalid and void.

5 162.431. 1. When it is necessary to change the boundary
6 lines between seven-director school districts, in each district
7 affected, ten percent of the voters by number of those voting for
8 school board members in the last annual school election in each
9 district may petition the district boards of education in the
10 districts affected, regardless of county lines, for a change in
11 boundaries. The question shall be submitted at the next [general
12 municipal] election, as referenced in section 115.123, RSMo.

13 2. The voters shall decide the question by a majority vote
14 of those who vote upon the question. If assent to the change is
15 given by each of the various districts voting, each voting
16 separately, the boundaries are changed from that date.

17 3. If one of the districts votes against the change and the
18 other votes for the change, the matter may be appealed to the
19 state board of education, in writing, within fifteen days of the
20 submission of the question by either one of the districts
21 affected, or in the above event by a majority of the signers of
22 the petition requesting a vote on the proposal. At the first
23 meeting of the state board following the appeal, a board of
24 arbitration composed of three members, none of whom shall be a
25 resident of any district affected, shall be appointed. In
26 determining whether it is necessary to change the boundary line
27 between seven-director districts, the board of arbitration shall
28 base its decision upon the following:

1 (1) The presence of school-aged children in the affected
2 area;

3 (2) The presence of actual educational harm to school-aged
4 children, either due to a significant difference in the time
5 involved in transporting students or educational deficiencies in
6 the district which would have its boundary adversely affected;
7 and

8 (3) The presence of an educational necessity, not of a
9 commercial benefit to landowners or to the district benefitting
10 for the proposed boundary adjustment.

11 4. If the potential receiving district obtained a score
12 consistent with the criteria for classification of the district
13 as "accredited" on its most recent annual performance report and
14 the potential sending district obtained a score consistent with
15 the criteria for classification of the district as "unaccredited"
16 on its most recent annual performance report, the board shall
17 approve the proposed boundary change for the educational well-
18 being of the children enrolled in the potential sending district.

19 5. Within twenty days after notification of appointment,
20 the board of arbitration shall meet and consider the necessity
21 for the proposed changes and shall decide whether the boundaries
22 shall be changed as requested in the petition or be left
23 unchanged, which decision shall be final. The decision by the
24 board of arbitration shall be rendered not more than thirty days
25 after the matter is referred to the board. The chairman of the
26 board of arbitration shall transmit the decision to the secretary
27 of each district affected who shall enter the same upon the
28 records of his district and the boundaries shall thereafter be in

1 accordance with the decision of the board of arbitration. The
2 members of the board of arbitration shall be allowed a fee of
3 fifty dollars each, to be paid at the time the appeal is made by
4 the district taking the appeal or by the petitioners should they
5 institute the appeal.

6 [5.] 6. If the board of arbitration decides that the
7 boundaries shall be left unchanged, no new petition for the same,
8 or substantially the same, boundary change between the same
9 districts shall be filed until after the expiration of two years
10 from the date of the municipal election at which the question was
11 submitted to the voters of the districts.

12 162.626. 1. There is hereby established in the
13 metropolitan school district a pilot program of multiyear
14 teacher-student groupings. The program shall be implemented in
15 [no fewer than] ten schools in the district and shall be
16 implemented for no less than five consecutive years in each of
17 such schools and in [at least six] classrooms in each of such
18 schools. Pupil-teacher ratios in such classrooms shall not
19 exceed twenty-five to one. The program shall seek to improve
20 student learning by providing a long-term relationship between
21 the student and a particular teacher. [The board shall develop a
22 plan for grade-level groups throughout which participating
23 classes shall maintain the same group of students with the same
24 teacher for multiyear periods. The grade-level groups shall
25 include at least two grade levels and shall not exceed four grade
26 levels in the same group.] The board shall develop a plan for
27 five of the schools to provide for grade-level groups of
28 kindergarten through second grade, third through fifth grade, and

1 sixth through eighth grade throughout which classes shall
2 maintain the same group of students with the same teacher for
3 three-year periods. The board shall develop a plan for the
4 remaining five schools to provide for grade-level groups of
5 kindergarten through first grade, second through third grade,
6 fourth through fifth grade, sixth grade, and seventh through
7 eighth grade throughout which classes shall maintain the same
8 group of students with the same teacher for two-year periods,
9 except for sixth grade. The plan shall provide for voluntary
10 participation by students. The board shall establish a policy
11 and a procedure to review and act upon requests by a student or
12 the parent of a student that the student be transferred to a
13 different class with a different teacher. All policies and plans
14 established by the board pursuant to this section shall be
15 subject to review and approval of the state board of education.

16 2. Beginning four years after the implementation of the
17 pilot program required by this section, the department of
18 elementary and secondary education shall conduct a study of the
19 pilot program in order to measure student achievement, parent and
20 teacher satisfaction and discipline issues in schools
21 participating in the pilot program. The department shall issue a
22 report to the general assembly and the governor within thirty
23 days of completing the study.

24 162.675. As used in sections 162.670 to 162.995, unless the
25 context clearly indicates otherwise, the following terms mean:

26 (1) "Child with disabilities", or "children with
27 disabilities" or "handicapped children", children under the age
28 of twenty-one years who have not completed an approved high

1 school program and who, because of mental, physical, emotional or
2 learning problems, require special educational services;

3 (2) "Gifted children", children who exhibit precocious
4 development of mental capacity and learning potential as
5 determined by competent professional evaluation to the extent
6 that continued educational growth and stimulation could best be
7 served by an academic environment beyond that offered through a
8 standard grade level curriculum;

9 [(2) "Handicapped children", children under the age of
10 twenty-one years who have not completed an approved high school
11 program and who, because of mental, physical, emotional or
12 learning problems, require special educational services;]

13 (3) "Severely handicapped children", handicapped children
14 under the age of twenty-one years who meet the eligibility
15 criteria for state schools for severely handicapped children,
16 identified in state regulations that implement the Individuals
17 with Disabilities Education Act;

18 (4) "Special educational services", programs designed to
19 meet the needs of handicapped or severely handicapped children
20 and which include, but are not limited to, the provision of
21 diagnostic and evaluation services, student and parent
22 counseling, itinerant, homebound and referral assistance,
23 organized instructional and therapeutic programs, transportation,
24 and corrective and supporting services.

25 162.700. 1. The board of education of each school district
26 in this state, except school districts which are part of a
27 special school district, and the board of education of each
28 special school district shall provide special educational

1 services for [handicapped] children with disabilities three years
2 of age or more residing in the district as required by P.L.
3 99-457, as codified and as may be amended. Any child, determined
4 to be [handicapped] a child with disabilities, shall be eligible
5 for such services upon reaching his or her third birthday and
6 state school funds shall be apportioned accordingly. This
7 subsection shall apply to each full school year beginning on or
8 after July 1, 1991. In the event that federal funding fails to
9 be appropriated at the authorized level as described in 20 U.S.C.
10 1419(b)(2), the implementation of this subsection relating to
11 services for [handicapped] children with disabilities three and
12 four years of age may be delayed until such time as funds are
13 appropriated to meet such level. Each local school district and
14 each special school district shall be responsible to engage in a
15 planning process to design the service delivery system necessary
16 to provide special education and related services for children
17 three and four years of age with [handicaps] disabilities. The
18 planning process shall include public, private, and private
19 not-for-profit agencies which have provided such services for
20 this population. The school district, or school districts, or
21 special school district, shall be responsible for designing an
22 efficient service delivery system which uses the present
23 resources of the local community which may be funded by the
24 department of elementary and secondary education or the
25 department of mental health. School districts may coordinate
26 with public, private, and private not-for-profit agencies
27 presently in existence. The service delivery system shall be
28 consistent with the requirements of the department of elementary

1 and secondary education to provide appropriate special education
2 services in the least restrictive environment.

3 2. Every local school district or, if a special district is
4 in operation, every special school district shall obtain current
5 appropriate diagnostic reports for each [handicapped] child with
6 disabilities prior to assignment in a special program. These
7 records may be obtained with parental permission from previous
8 medical or psychological evaluation, may be provided by competent
9 personnel of such district or special district, or may be secured
10 by such district from competent and qualified medical,
11 psychological, or other professional personnel.

12 3. Evaluations of private school students suspected of
13 having a disability under the Individuals With Disabilities
14 Education Act will be conducted as appropriate by the school
15 district in which the private school is located or its
16 contractor.

17 4. Where special districts have been formed to serve
18 [handicapped] children with disabilities under the provisions of
19 sections 162.670 to 162.995, such children shall be educated in
20 programs of the special district, except that component districts
21 may provide education programs for [handicapped] children with
22 disabilities ages three and four inclusive in accordance with
23 regulations and standards adopted by the state board of
24 education.

25 5. For the purposes of this act, remedial reading programs
26 are not a special education service as defined by subdivision (4)
27 of section 162.675.

28 6. Any and all state costs required to fund special

1 education services for three- and four-year-old children
2 [pursuant to] under this section shall be provided for by a
3 specific, separate appropriation and shall not be funded by a
4 reallocation of money appropriated for the public school
5 foundation program.

6 7. School districts providing early childhood special
7 education shall give consideration to the value of continuing
8 services with Part C early intervention system providers for the
9 remainder of the school year when developing an individualized
10 education program for a student who has received services
11 [pursuant to] under Part C of the Individuals With Disabilities
12 Education Act and reaches the age of three years during a regular
13 school year. Services provided shall be only those permissible
14 according to Section 619 of the Individuals with Disabilities
15 Education Act.

16 8. Any rule or portion of a rule, as that term is defined
17 in section 536.010, RSMo, that is created under the authority
18 delegated in this section shall become effective only if it
19 complies with and is subject to all of the provisions of chapter
20 536, RSMo, and, if applicable, section 536.028, RSMo. This
21 section and chapter 536, RSMo, are nonseverable and if any of the
22 powers vested with the general assembly [pursuant to] under
23 chapter 536, RSMo, to review, to delay the effective date or to
24 disapprove and annul a rule are subsequently held
25 unconstitutional, then the grant of rulemaking authority and any
26 rule proposed or adopted after August 28, 2002, shall be invalid
27 and void.

28 162.961. 1. A parent, guardian or the responsible

1 educational agency may request a due process hearing by the state
2 board of education with respect to any matter relating to
3 identification, evaluation, educational placement, or the
4 provision of a free appropriate public education of the child.
5 Such request shall include the child's name, address, school,
6 issue, and suggested resolution of dispute if known. Except as
7 provided in subsection 4 of this section, the board or its
8 delegated representative shall within fifteen days after
9 receiving notice empower a hearing panel of three persons who are
10 not directly connected with the original decision and who are not
11 employees of the board to which the appeal has been made. All of
12 the panel members shall have some knowledge or training involving
13 children with disabilities, none shall have a personal or
14 professional interest which would conflict with his or her
15 objectivity in the hearing, and all shall meet the department of
16 elementary and secondary education's training and assessment
17 requirements pursuant to state regulations and federal law and
18 regulation requirements of the Individuals With Disabilities
19 Education Act. One person shall be chosen by the local school
20 district board or its delegated representative or the responsible
21 educational agency, and one person shall be chosen at the
22 recommendation of the parent or guardian. If either party has
23 not chosen a panel member ten days after the receipt by the
24 department of elementary and secondary education of the request
25 for a due process hearing, such panel member shall be chosen
26 instead by the department of elementary and secondary education.
27 Each of these two panel members shall be compensated pursuant to
28 a rate set by the department of elementary and secondary

1 education. The third person shall be appointed by the state
2 board of education and shall serve as the chairperson of the
3 panel. The chairperson shall be an attorney licensed to practice
4 law in this state. During the pendency of any three-member panel
5 hearing, or prior to the empowerment of the panel, the parties
6 may, by mutual agreement, submit their dispute to a mediator
7 pursuant to section 162.959.

8 2. The parent or guardian, school official, and other
9 persons affected by the action in question shall present to the
10 hearing panel all pertinent evidence relative to the matter under
11 appeal. All rights and privileges as described in section
12 162.963 shall be permitted.

13 3. After review of all evidence presented and a proper
14 deliberation, the hearing panel, within the time lines required
15 by the Individuals With Disabilities Education Act, 20 U.S.C.
16 Section 1415 and any amendments thereto, shall by majority vote
17 determine its findings, conclusions, and decision in the matter
18 in question and forward the written decision to the parents or
19 guardian of the child and to the president of the appropriate
20 local board of education or responsible educational agency and to
21 the department of elementary and secondary education. A specific
22 extension of the time line may be made by the chairman at the
23 request of either party, except in the case of an expedited
24 hearing as provided in subsection 4 of this section.

25 4. An expedited due process hearing by the state board of
26 education may be requested by a parent to challenge a
27 disciplinary change of placement or to challenge a manifestation
28 determination in connection with a disciplinary change of

1 placement or by a responsible educational agency to seek a
2 forty-five school day alternative educational placement for a
3 dangerous or violent student. The board or its delegated
4 representative shall appoint a hearing officer to hear the case
5 and render a decision within the time line required by federal
6 law and state regulations implementing federal law. The hearing
7 officer shall be an attorney licensed to practice law in this
8 state. The hearing officer shall have some knowledge or training
9 involving children with disabilities, shall not have a personal
10 or professional interest which would conflict with his or her
11 objectivity in the hearing, and shall meet the department of
12 elementary and secondary education's training and assessment
13 requirements pursuant to state regulations and federal law and
14 regulation requirements of the Individuals With Disabilities
15 Education Act. A specific extension of the time line is only
16 permissible to the extent consistent with federal law and
17 pursuant to state regulations.

18 5. If the responsible public agency requests a due process
19 hearing to seek a forty-five school day alternative educational
20 placement for a dangerous or violent student, the agency shall
21 show by substantial evidence that there is a substantial
22 likelihood the student will injure himself or others and that the
23 agency made reasonable efforts to minimize that risk, and shall
24 show that the forty-five school day alternative educational
25 placement will provide a free appropriate public education which
26 includes services and modifications to address the behavior so
27 that it does not reoccur, and continue to allow progress in the
28 general education curriculum.

1 6. Any due process hearing request and responses to the
2 request shall conform to the requirements of the Individuals With
3 Disabilities Education Act (IDEA). Determination of the
4 sufficiency shall be made by the chairperson of the three-member
5 hearing panel, or in the case of an expedited due process
6 hearing, by the hearing officer. The chairperson or hearing
7 officer shall implement the process and procedures, including
8 time lines, required by the IDEA, related to sufficiency of
9 notice, response to notice, determination of sufficiency dispute,
10 and amendments of the notice.

11 7. A preliminary meeting, known as a resolution session,
12 shall be convened by the responsible public agency, under the
13 requirements of the IDEA. The process and procedures required by
14 the IDEA in connection to the resolution session and any
15 resulting written settlement agreement shall be implemented. The
16 responsible public agency or its designee shall sign the
17 agreement. The designee identified by the responsible public
18 agency shall have the authority to bind the agency. A local
19 board of education, as a responsible public agency, shall
20 identify a designee with authority to bind the school district.

21 162.963. 1. At any hearing held pursuant to the provisions
22 of section 162.961, except as otherwise provided in this section,
23 either party or a representative shall be entitled to:

24 (1) Be accompanied and advised by counsel and by
25 individuals with special knowledge or training with respect to
26 the problems of children with disabilities;

27 (2) Present evidence and confront, cross-examine, and
28 compel the attendance of witnesses;

1 (3) Prohibit the introduction of any evidence, including
2 all evaluations and recommendations based on the offering party's
3 evaluation, at the hearing that has not been disclosed to that
4 party at least five business days before the hearing[, except
5 this shall not be applicable in the case of an expedited hearing
6 where no discovery shall take place];

7 (4) Obtain a written or, at the option of the parents,
8 electronic verbatim record of the hearing; and

9 (5) Obtain written or, at the option of the parents,
10 electronic findings of fact and decision.

11 2. Parents involved in hearings have the right to have the
12 child who is the subject of the hearing present and the right to
13 open the hearing to the public.

14 3. Prior to the resolution conference or hearing, the
15 parent or guardian or a representative of the parent or guardian
16 shall have access to any reports, records, clinical evaluations
17 or other materials upon which the action to be reviewed was
18 wholly or partially based which could reasonably have a bearing
19 on the correctness of the determination.

20 4. A complete record shall be made of all proceedings
21 unless otherwise specified by statute, which records shall
22 include verbatim transcription of all testimony and shall include
23 all documents, writings, or other evidence presented by any
24 party. Costs incurred during these proceedings, except those of
25 the parties for purchasing diagnostic services or legal counsel
26 or other services of a personal nature, shall be the
27 responsibility of the state board of education.

28 162.1153. 1. In order to attract and retain teachers with

demonstrable or measurable qualities, experience, or credentials
that are exceptionally well suited to the needs of any school
district that is classified as "unaccredited" or "provisionally
accredited" by the state board of education for academic
improvement in the areas of math, science, special education, and
English as a second language, the school district shall provide,
subject to appropriations from the state, an increased starting
salary for teachers that work in the areas of math, science,
special education, and English as a second language. Such
increase shall be between three thousand dollars and five
thousand dollars more than the starting salary for a teacher in
the district, as determined by the district. Any teacher
receiving an increased starting salary under the provisions of
this subsection shall be entitled to receive any subsequent
salary or cost-of-living increases at the same rate as received
by other teachers in the school district.

2. In order to attract and retain teachers who are willing
to submit to assessment in exchange for agreed upon salary
increases and modifications, in addition to any increase in
starting salary received under subsection 1 of this section, any
applicant for a teaching position at a school within the district
or a teacher currently employed as such within the district may
enter into an agreement with the district that sets forth the
following:

- (1) The starting or current salary of the teacher;
- (2) Salary increases and incentives that shall be awarded
to the teacher if certain performance evaluation standards, as
provided in subsection 3 of this section, are met;

1 (3) The ability of the school district to take disciplinary
2 action, including dismissal, against the teacher if such teacher
3 does not meet the performance evaluation standards as provided in
4 subsection 3 of this section; and

5 (4) The consent of the teacher to opt out of the tenure
6 provisions of section 168.221, RSMo.

7 3. The school district shall create performance evaluation
8 standards to be applied when evaluating teachers subject to the
9 provisions of subsection 2 of this section.

10 (1) Such standards shall include an annual evaluation of
11 the teacher by a peer review group. For purposes of this
12 subsection, the term "peer review group" shall include the
13 principal of the school where the teacher is employed, one or
14 more teachers employed in the school where the teacher is
15 employed, one or more parents of students attending the school
16 where the teacher is employed, and, for grades six to twelve, one
17 or more students of the teacher. The principal shall appoint
18 such teacher, parent and student members of the peer review
19 group. The peer review group shall evaluate each teacher as
20 performing at an outstanding, good, fair, or poor level. The
21 following one-time bonuses shall be awarded to the teacher based
22 on the evaluation of the peer review group:

23 (a) Each teacher rated as "outstanding" shall receive a one-
24 time bonus of two thousand dollars;

25 (b) Each teacher rated as "good" shall receive a one-time
26 bonus of one thousand dollars;

27 (c) Each teacher rated as "fair" shall receive a one-time
28 bonus of five hundred dollars; and

1 (d) Each teacher rated as "poor" shall not receive any bonus
2 for that academic year.

3 (2) The standards shall also include an assessment of the
4 performance of the students taught by the teacher as measured by
5 an assessment of the students at the beginning of the school year
6 compared to an assessment of the students at the end of the
7 school year. Such assessments shall be in accordance with the
8 assessments required by section 162.1159 and shall determine the
9 grade level, in monthly increments, at which the student is
10 proficient. At the conclusion of the academic year, the school
11 district shall determine the average increase or decrease in the
12 proficiency of the students taught by the teacher over the course
13 of the academic year. For each month, in excess of twelve
14 months, that the average grade level of the students has
15 increased over the academic, the salary of the teacher for the
16 upcoming academic year shall be increased by one thousand
17 dollars.

18 4. Salary increases provided by this section shall be paid
19 from the "Missouri Exceptional Teachers Fund" which is hereby
20 created as a special trust fund in the state treasury. Moneys in
21 the fund shall consist of any grant, gift, or contribution from
22 any and all public and private sources whatsoever that is
23 designated for such purpose, including funds appropriated from
24 the classroom trust fund created in section 163.043, RSMo. The
25 state treasurer shall be custodian of the fund and may approve
26 disbursements from the fund in accordance with sections 30.170
27 and 30.180, RSMo. The department of elementary and secondary
28 education shall administer the fund and shall ensure that money

in the fund is used only for the salaries of teachers subject to the provisions of this section, and for the purposes set forth in sections 162.1156 and 162.1165. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

5. Any agreement entered into by a teacher and a school district under the provisions of this section shall remain valid for the entire length of time that the teacher is employed by the school district, notwithstanding any change in accreditation status of the school district subsequent to the date of the agreement.

162.1159. Every student enrolled at a school within a school district classified as "unaccredited" or "provisionally accredited" by the state board of education shall be assessed every six weeks to determine the student's proficiency in the knowledge, skills, and competencies adopted by the state board of education under subsection 1 of section 160.514, RSMo. The state board of education shall develop assessment tools to be administered by the school district. Any student that fails to demonstrate the proficiency required by this section shall receive remedial tutoring from the school district until such time as the student has demonstrated the proficiency required by this section. Moneys from the Missouri exceptional teachers fund created in section 162.1153 shall be used to pay for the cost of

1 such remedial tutoring.

2 162.1162. 1. Beginning August 28, 2008, any school
3 district that is classified as "unaccredited" or "provisionally
4 accredited" by the state board of education shall require each
5 teacher to be assessed every five years to determine the
6 competency of the teacher in the teacher's subject area or areas.

7 2. The school district shall utilize one or more of the
8 assessments designated by the department of elementary and
9 secondary education in section 161.660, RSMo. The school
10 district shall notify each teacher of the results of the
11 assessment by certified mail sent to the teacher.

12 3. Any teacher who fails to demonstrate a minimum level of
13 competency, based on the results of the assessment required by
14 subsection 1 of this section, shall be allowed to re-take the
15 assessment no more than one time within three months after
16 receiving notification of the failure. If a teacher fails a
17 second time, or wishes to appeal after an initial failure, the
18 teacher shall present documentation of effectiveness such as
19 student test scores on a value-added instrument advancing, on
20 average, by one grade level. The appeal shall be made through
21 the administrative hearing commission under chapter 621, RSMo.

22 4. Notwithstanding the provisions of sections 168.221, RSMo
23 and 168.281, RSMo, a teacher that fails to demonstrate a minimum
24 level of competency shall not be considered a permanent employee
25 of the school district.

26 5. A teacher that demonstrates a high level of competency,
27 as determined by rules promulgated by the department of
28 elementary and secondary education under authority granted in

1 section 161.660, RSMo, shall be exempt from the assessment
2 required by this section for the next five-year period.

3 6. The provisions of this section shall not apply to a
4 teacher for five years after the teacher first obtains licensure
5 in this state. Any teacher that demonstrates a high level of
6 competency on the initial licensure examination is exempted from
7 the provisions of this section for a period of ten years from the
8 date of initial licensure as a teacher.

9 162.1168. The state shall, subject to appropriations,
10 provide fully subsidized preschool at a child facility licensed
11 under the provisions of sections 210.201 to 210.259, RSMo, that
12 employs highly qualified teachers, for each child residing with
13 the metropolitan school district who is at least four years of
14 age until such time as the child enters kindergarten and who is
15 eligible for a reduced lunch price under the National School Act,
16 42 U.S.C. Section 1751, et seq., as amended. The department of
17 elementary and secondary education shall promulgate rules to
18 effectuate the provisions of this section. Any rule or portion
19 of a rule, as that term is defined in section 536.010, RSMo, that
20 is created under the authority delegated in this section shall
21 become effective only if it complies with and is subject to all
22 of the provisions of chapter 536, RSMo, and, if applicable,
23 section 536.028, RSMo. This section and chapter 536, RSMo, are
24 nonseverable and if any of the powers vested with the general
25 assembly pursuant to chapter 536, RSMo, to review, to delay the
26 effective date, or to disapprove and annul a rule are
27 subsequently held unconstitutional, then the grant of rulemaking
28 authority and any rule proposed or adopted after August 28, 2007,

1 shall be invalid and void.

2 163.011. As used in this chapter unless the context
3 requires otherwise:

4 (1) "Adjusted operating levy", the sum of tax rates for the
5 current year for teachers' and incidental funds for a school
6 district as reported to the proper officer of each county
7 pursuant to section 164.011, RSMo;

8 (2) "Average daily attendance", the quotient or the sum of
9 the quotients obtained by dividing the total number of hours
10 attended in a term by resident pupils between the ages of five
11 and twenty-one by the actual number of hours school was in
12 session in that term. To the average daily attendance of the
13 following school term shall be added the full-time equivalent
14 average daily attendance of summer school students. "Full-time
15 equivalent average daily attendance of summer school students"
16 shall be computed by dividing the total number of hours, except
17 for physical education hours that do not count as credit toward
18 graduation for students in grades nine, ten, eleven, and twelve,
19 attended by all summer school pupils by the number of hours
20 required in section 160.011, RSMo, in the school term. For
21 purposes of determining average daily attendance under this
22 subdivision, the term "resident pupil" shall include all children
23 between the ages of five and twenty-one who are residents of the
24 school district and who are attending kindergarten through grade
25 twelve in such district. If a child is attending school in a
26 district other than the district of residence and the child's
27 parent is teaching in the school district or is a regular
28 employee of the school district which the child is attending,

1 then such child shall be considered a resident pupil of the
2 school district which the child is attending for such period of
3 time when the district of residence is not otherwise liable for
4 tuition. Average daily attendance for students below the age of
5 five years for which a school district may receive state aid
6 based on such attendance shall be computed as regular school term
7 attendance unless otherwise provided by law;

8 (3) "Current operating expenditures":

9 (a) For the fiscal year 2007 calculation, "current
10 operating expenditures" shall be calculated using data from
11 fiscal year 2004 and shall be calculated as all expenditures for
12 instruction and support services except capital outlay and debt
13 service expenditures minus the revenue from federal categorical
14 sources; food service; student activities; categorical payments
15 for transportation costs pursuant to section 163.161; state
16 reimbursements for early childhood special education; the career
17 ladder entitlement for the district, as provided for in sections
18 168.500 to 168.515, RSMo; the vocational education entitlement
19 for the district, as provided for in section 167.332, RSMo; and
20 payments from other districts;

21 (b) In every fiscal year subsequent to fiscal year 2007,
22 current operating expenditures shall be the amount in paragraph
23 (a) plus any increases in state funding pursuant to sections
24 163.031 and 163.043 subsequent to fiscal year 2005, not to exceed
25 five percent, per recalculation, of the state revenue received by
26 a district in the 2004-05 school year from the foundation
27 formula, line 14, gifted, remedial reading, exceptional pupil
28 aid, fair share, and free textbook payments for any district from

1 the first preceding calculation of the state adequacy target;

2 (4) "District's tax rate ceiling", the highest tax rate
3 ceiling in effect subsequent to the 1980 tax year or any
4 subsequent year. Such tax rate ceiling shall not contain any tax
5 levy for debt service;

6 (5) "Dollar value modifier", an index of the relative
7 purchasing power of a dollar, calculated as one plus fifteen
8 percent of the difference of the regional wage ratio minus one,
9 provided that the dollar value modifier shall not be applied at a
10 rate less than 1.0:

11 (a) "County wage per job", the total county wage and salary
12 disbursements divided by the total county wage and salary
13 employment for each county and the city of St. Louis as reported
14 by the Bureau of Economic Analysis of the United States
15 Department of Commerce for the fourth year preceding the payment
16 year;

17 (b) "Regional wage per job":

18 a. The total Missouri wage and salary disbursements of the
19 metropolitan area as defined by the Office of Management and
20 Budget divided by the total Missouri metropolitan wage and salary
21 employment for the metropolitan area for the county signified in
22 the school district number or the city of St. Louis, as reported
23 by the Bureau of Economic Analysis of the United States
24 Department of Commerce for the fourth year preceding the payment
25 year and recalculated upon every decennial census to incorporate
26 counties that are newly added to the description of metropolitan
27 areas; or if no such metropolitan area is established, then:

28 b. The total Missouri wage and salary disbursements of the

1 micropolitan area as defined by the Office of Management and
2 Budget divided by the total Missouri micropolitan wage and salary
3 employment for the micropolitan area for the county signified in
4 the school district number, as reported by the Bureau of Economic
5 Analysis of the United States Department of Commerce for the
6 fourth year preceding the payment year, if a micropolitan area
7 for such county has been established and recalculated upon every
8 decennial census to incorporate counties that are newly added to
9 the description of micropolitan areas; or

10 c. If a county is not part of a metropolitan or
11 micropolitan area as established by the Office of Management and
12 Budget, then the county wage per job, as defined in paragraph (a)
13 of this subdivision, shall be used for the school district, as
14 signified by the school district number;

15 (c) "Regional wage ratio", the ratio of the regional wage
16 per job divided by the state median wage per job;

17 (d) "State median wage per job", the fifty-eighth highest
18 county wage per job;

19 (6) "Free and reduced lunch pupil count", the number of
20 pupils eligible for free and reduced lunch on the last Wednesday
21 in January for the preceding school year who were enrolled as
22 students of the district, as approved by the department in
23 accordance with applicable federal regulations;

24 (7) "Free and reduced lunch threshold" shall be calculated
25 by dividing the total free and reduced lunch pupil count of every
26 performance district that falls entirely above the bottom five
27 percent and entirely below the top five percent of average daily
28 attendance, when such districts are rank-ordered based on their

1 current operating expenditures per average daily attendance, by
2 the total average daily attendance of all included performance
3 districts;

4 (8) "Limited English proficiency pupil count", the number
5 in the preceding school year of pupils aged three through
6 twenty-one enrolled or preparing to enroll in an elementary
7 school or secondary school who were not born in the United States
8 or whose native language is a language other than English or are
9 Native American or Alaskan native, or a native resident of the
10 outlying areas, and come from an environment where a language
11 other than English has had a significant impact on such
12 individuals' level of English language proficiency, or are
13 migratory, whose native language is a language other than
14 English, and who come from an environment where a language other
15 than English is dominant; and have difficulties in speaking,
16 reading, writing, or understanding the English language
17 sufficient to deny such individuals the ability to meet the
18 state's proficient level of achievement on state assessments
19 described in Public Law 107-10, the ability to achieve
20 successfully in classrooms where the language of instruction is
21 English, or the opportunity to participate fully in society;

22 (9) "Limited English proficiency threshold" shall be
23 calculated by dividing the total limited English proficiency
24 pupil count of every performance district that falls entirely
25 above the bottom five percent and entirely below the top five
26 percent of average daily attendance, when such districts are
27 rank-ordered based on their current operating expenditures per
28 average daily attendance, by the total average daily attendance

1 of all included performance districts;

2 (10) "Local effort":

3 (a) For the fiscal year 2007 calculation, "local effort"
4 shall be computed as the equalized assessed valuation of the
5 property of a school district in calendar year 2004 divided by
6 one hundred and multiplied by the performance levy less the
7 percentage retained by the county assessor and collector plus one
8 hundred percent of the amount received in fiscal year 2005 for
9 school purposes from intangible taxes, fines, escheats, payments
10 in lieu of taxes and receipts from state-assessed railroad and
11 utility tax, one hundred percent of the amount received for
12 school purposes pursuant to the merchants' and manufacturers'
13 taxes under sections 150.010 to 150.370, RSMo, one hundred
14 percent of the amounts received for school purposes from federal
15 properties under sections 12.070 and 12.080, RSMo, except when
16 such amounts are used in the calculation of federal impact aid
17 pursuant to P.L. 81-874, fifty percent of Proposition C revenues
18 received for school purposes from the school district trust fund
19 under section 163.087, and one hundred percent of any local
20 earnings or income taxes received by the district for school
21 purposes. Under this paragraph, for a special district
22 established under sections 162.815 to 162.940, RSMo, in a county
23 with a charter form of government and with more than one million
24 inhabitants, a tax levy of zero shall be utilized in lieu of the
25 performance levy for the special school district;

26 (b) In every year subsequent to fiscal year 2007, "local
27 effort" shall be the amount calculated under paragraph (a) of
28 this subdivision plus any increase in the amount received for

1 school purposes from fines or less any decrease in the amount
2 received for school purposes from fines in any school district
3 located entirely within any county with a charter form of
4 government and with more than two hundred fifty thousand but
5 fewer than three hundred fifty thousand inhabitants that creates
6 a county municipal court after January 1, 2006. If a district's
7 assessed valuation has decreased subsequent to the calculation
8 outlined in paragraph (a) of this subdivision, the district's
9 local effort shall be calculated using the district's current
10 assessed valuation in lieu of the assessed valuation utilized in
11 calculation outlined in paragraph (a) of this subdivision;

12 (11) "Membership" shall be the average of:

13 (a) The number of resident full-time students and the
14 full-time equivalent number of part-time students who were
15 enrolled in the public schools of the district on the last
16 Wednesday in September of the previous year and who were in
17 attendance one day or more during the preceding ten school days;

18 and

19 (b) The number of resident full-time students and the
20 full-time equivalent number of part-time students who were
21 enrolled in the public schools of the district on the last
22 Wednesday in January of the previous year and who were in
23 attendance one day or more during the preceding ten school days,
24 plus the full-time equivalent number of summer school pupils.

25
26 "Full-time equivalent number of part-time students" is determined
27 by dividing the total number of hours for which all part-time
28 students are enrolled by the number of hours in the school term.

1 "Full-time equivalent number of summer school pupils" is
2 determined by dividing the total number of hours for which all
3 summer school pupils were enrolled by the number of hours
4 required pursuant to section 160.011, RSMo, in the school term.
5 Only students eligible to be counted for average daily attendance
6 shall be counted for membership;

7 (12) "Operating levy for school purposes", the sum of tax
8 rates levied for teachers' and incidental funds plus the
9 operating levy or sales tax equivalent pursuant to section
10 162.1100, RSMo, of any transitional school district containing
11 the school district, in the payment year, not including any
12 equalized operating levy for school purposes levied by a special
13 school district in which the district is located;

14 (13) "Performance district", any district that has met all
15 performance standards and indicators as established by the
16 department of elementary and secondary education for purposes of
17 accreditation under section 161.092, RSMo, and as reported on the
18 final annual performance report for that district each year;

19 (14) "Performance levy", three dollars and forty-three
20 cents;

21 (15) "School purposes" pertains to teachers' and incidental
22 funds;

23 (16) "Special education pupil count", the number of public
24 school students with a current individualized education program
25 and receiving services from the resident district as of December
26 first of the preceding school year and nonpublic students served
27 through the federal Individuals with Disabilities Education Act
28 by the district in which the nonpublic school is located, except

1 for special education services provided through a school district
2 established under sections 162.815 to 162.940, RSMo, in a county
3 with a charter form of government and with more than one million
4 inhabitants, in which case the sum of the students in each
5 district within the county exceeding the special education
6 threshold of each respective district within the county shall be
7 counted within the special district and not in the district of
8 residence for purposes of distributing the state aid derived from
9 the special education pupil count;

10 (17) "Special education threshold" shall be calculated by
11 dividing the total special education pupil count of every
12 performance district that falls entirely above the bottom five
13 percent and entirely below the top five percent of average daily
14 attendance, when such districts are rank-ordered based on their
15 current operating expenditures per average daily attendance, by
16 the total average daily attendance of all included performance
17 districts;

18 (18) "State adequacy target", the sum of the current
19 operating expenditures of every performance district that falls
20 entirely above the bottom five percent and entirely below the top
21 five percent of average daily attendance, when such districts are
22 rank-ordered based on their current operating expenditures per
23 average daily attendance, divided by the total average daily
24 attendance of all included performance districts. The department
25 of elementary and secondary education shall first calculate the
26 state adequacy target for fiscal year 2007 and recalculate the
27 state adequacy target every two years using the most current
28 available data. The recalculation shall never result in a

1 decrease from the previous state adequacy target amount. Should
2 a recalculation result in an increase in the state adequacy
3 target amount, fifty percent of that increase shall be included
4 in the state adequacy target amount in the year of recalculation,
5 and fifty percent of that increase shall be included in the state
6 adequacy target amount in the subsequent year. The state
7 adequacy target may be adjusted to accommodate available
8 appropriations;

9 (19) "Teacher", any teacher, teacher-secretary, substitute
10 teacher, supervisor, principal, supervising principal,
11 superintendent or assistant superintendent, school nurse, social
12 worker, counselor or librarian who shall, regularly, teach or be
13 employed for no higher than grade twelve more than one-half time
14 in the public schools and who is certified under the laws
15 governing the certification of teachers in Missouri;

16 (20) "Weighted average daily attendance", the average daily
17 attendance plus the product of twenty-five hundredths multiplied
18 by the free and reduced lunch pupil count that exceeds the free
19 and reduced lunch threshold, plus the product of seventy-five
20 hundredths multiplied by the number of special education pupil
21 count that exceeds the special education threshold, and plus the
22 product of six-tenths multiplied by the number of limited English
23 proficiency pupil count that exceeds the limited English
24 proficiency threshold. For special districts established under
25 sections 162.815 to 162.940, RSMo, in a county with a charter
26 form of government and with more than one million inhabitants,
27 weighted average daily attendance shall be the average daily
28 attendance plus the product of twenty-five hundredths multiplied

1 by the free and reduced lunch pupil count that exceeds the free
2 and reduced lunch threshold, plus the product of seventy-five
3 hundredths multiplied by the sum of the special education pupil
4 count that exceeds the threshold for each county district, plus
5 the product of six-tenths multiplied by the limited English
6 proficiency pupil count that exceeds the limited English
7 proficiency threshold. None of the districts comprising a
8 special district established under sections 162.815 to 162.940,
9 RSMo, in a county with a charter form of government and with more
10 than one million inhabitants, shall use any special education
11 pupil count in calculating their weighted average daily
12 attendance.

13 163.043. 1. For fiscal year 2007 and each subsequent
14 fiscal year, the "Classroom Trust Fund", which is hereby created
15 in the state treasury, shall be distributed by the state board of
16 education to each school district in this state qualified to
17 receive state aid pursuant to section 163.021 on an average daily
18 attendance basis. For fiscal year 2009 and each fiscal year
19 thereafter, one million dollars of the fund otherwise transferred
20 under the provisions of this subsection shall be transferred to
21 the Missouri exceptional teachers fund created in section
22 162.1153, RSMo.

23 2. The moneys distributed pursuant to this section shall be
24 spent at the discretion of the local school district. The moneys
25 may be used by the district for:

26 (1) Teacher recruitment, retention, salaries, or
27 professional development;

28 (2) School construction, renovation, or leasing;

1 (3) Technology enhancements or textbooks or instructional
2 materials;

3 (4) School safety; or

4 (5) Supplying additional funding for required programs,
5 both state and federal.

6 3. The classroom trust fund shall consist of all moneys
7 transferred to it under section 160.534, RSMo, all moneys
8 otherwise appropriated or donated to it, and, notwithstanding any
9 other provision of law to the contrary, all unclaimed lottery
10 prize money.

11 4. The provisions of this section shall not apply to any
12 option district as defined in section 163.042.

13 163.045. 1. The general assembly hereby finds and declares
14 that the safety and security of our school children is of the
15 utmost importance to our society. The purpose of this section is
16 to secure the safety of our children while they attend school so
17 that they may be free to attain a diffuse range of knowledge in
18 an environment free of malaise and to ensure that our school
19 teachers have an environment free of fear or reprisal in order to
20 better educate our children.

21 2. Beginning with the 2009 fiscal year and in each
22 subsequent fiscal year, the general assembly may appropriate nine
23 million dollars to the safe schools fund, as established in
24 subsection 6 of this section. The department of elementary and
25 secondary education shall annually distribute the moneys in the
26 fund to each school district in this state in proportion to their
27 average daily attendance, as such term is defined in section
28 163.011.

1 3. Districts may use the moneys received from this fund in
2 any of the following ways:

3 (1) To hire and pay professional peace officers and/or
4 school resource officers;

5 (2) To purchase, install, and maintain safety-related
6 hardware, such as locking systems;

7 (3) To purchase, install, and maintain camera systems in
8 school buildings and/or buses;

9 (4) To carry out point-of-entry inspections;

10 (5) To provide Internet predator education;

11 (6) To provide training in order to prevent bullying and/or
12 sexual misconduct;

13 (7) To institute a lock-down procedure to be implemented in
14 the case of a potentially dangerous or armed intruder as
15 specified in subsection 5 of this section; and

16 (8) For other safety-related expenditures with prior
17 approval of the department.

18 4. Each district shall annually notify the department of
19 elementary and secondary education of the manner in which the
20 funds received under this section were utilized. Should the
21 department determine that the district utilized such funds in a
22 manner inconsistent with the provisions of subsection 3 of this
23 section, the department may withhold all or any future payments
24 under this section to such district.

25 5. As a condition of receiving funds under this section,
26 each school district shall:

27 (1) Ensure that each school building in the district both
28 institutes a lock-down procedure to be implemented in case a

1 potentially dangerous or armed intruder enters the school and
2 conducts a drill at least once a school year in order to prepare
3 for such a scenario. The department of elementary and secondary
4 education shall establish guidelines no later than January 1,
5 2008, to assist districts in implementing such procedures; and

6 (2) Adopt and implement an antibullying policy as described
7 in section 160.775, RSMo.

8 6. There is hereby created in the state treasury the "Safe
9 Schools Fund". The state treasurer shall be custodian of the
10 fund and shall approve disbursements from the fund in accordance
11 with sections 30.170 and 30.180, RSMo. Upon appropriation, money
12 in the fund shall be used solely for the administration of this
13 section. Notwithstanding the provisions of section 33.080, RSMo,
14 to the contrary, any moneys remaining in the fund at the end of
15 the biennium shall not revert to the credit of the general
16 revenue fund. The state treasurer shall invest moneys in the
17 fund in the same manner as other funds are invested. Any
18 interest and moneys earned on such investments shall be credited
19 to the fund. At the end of each biennium and after all
20 statutorily or constitutionally required transfer of funds have
21 been made, the state treasurer shall transfer the balance in the
22 fund, except for gifts, donations, bequests, or money received
23 from a federal source, created in this subsection in excess of
24 two hundred percent of the previous fiscal year's expenditures
25 into the state general revenue fund.

26 166.424. 1. There is hereby created in the state treasury
27 the "Missouri Legacy Fund", which shall consist of moneys
28 collected under this section. The Missouri higher education

1 savings program board shall administer the fund. The fund may
2 receive moneys from appropriations by the general assembly,
3 transfers from the abandoned fund account established in section
4 447.543, RSMo, interest receipts, donations, or any other
5 payments made by any public or private entity. Moneys in the
6 fund shall be used solely for the purposes of this section. The
7 state treasurer shall invest moneys in the fund in accordance
8 with rules promulgated under chapter 536, RSMo. Any interest and
9 moneys earned on such investments shall be credited to the fund,
10 and such interest shall be used to provide a state match to
11 dollars invested on behalf of eligible beneficiaries in the
12 Missouri savings for tuition program who are Missouri residents,
13 and whose family's income is one hundred fifty percent of the
14 Missouri median family income or less as designated by the U.S.
15 Census Bureau, or who meet other criteria as established by the
16 Missouri savings for tuition program board as necessary, and for
17 the administration of this section. Notwithstanding the
18 provisions of section 33.080, RSMo, to the contrary, any moneys
19 remaining in the fund at the end of the biennium shall not revert
20 to the credit of the general revenue fund.

21 2. Notwithstanding any other provision of law to the
22 contrary, beginning August 28, 2007, and each fiscal year
23 thereafter, the first twenty-two million five hundred thousand
24 dollars of net transfers from the abandoned fund account
25 established in section 447.543, RSMo, shall be transferred to the
26 general revenue fund, and any amount in excess of twenty-two
27 million five hundred thousand dollars shall be transferred from
28 the abandoned fund account to the Missouri legacy fund.

1 3. Any rule or portion of a rule, as that term is defined
2 in section 536.010, RSMo, that is created under the authority
3 delegated in this section shall become effective only if it
4 complies with and is subject to all of the provisions of chapter
5 536, RSMo, and, if applicable, section 536.028, RSMo. This
6 section and chapter 536, RSMo, are nonseverable and if any of the
7 powers vested with the general assembly pursuant to chapter 536,
8 RSMo, to review, to delay the effective date, or to disapprove
9 and annul a rule are subsequently held unconstitutional, then the
10 grant of rulemaking authority and any rule proposed or adopted
11 after August 28, 2007, shall be invalid and void.

12 166.435. 1. Notwithstanding any law to the contrary, the
13 assets of the savings program held by the board and the assets of
14 any deposit program authorized in section 166.500 and qualified
15 pursuant to Section 529 of the Internal Revenue Code and any
16 income therefrom shall be exempt from all taxation by the state
17 or any of its political subdivisions. Income earned or received
18 from the savings program or deposit program shall not be subject
19 to state income tax imposed pursuant to chapter 143, RSMo, and
20 shall be eligible for any benefits provided in accordance with
21 Section 529 of the Internal Revenue Code. The exemption from
22 taxation pursuant to this section shall apply only to assets and
23 income maintained, accrued, or expended pursuant to the
24 requirements of the savings program established pursuant to
25 sections 166.400 to 166.455, and the deposit program established
26 pursuant to sections 166.500 to 166.529, and Section 529 of the
27 Internal Revenue Code, and no exemption shall apply to assets and
28 income expended for any other purposes. Annual contributions

1 made to the savings program held by the board and the deposit
2 program up to and including eight thousand dollars [for the
3 participant] per participating taxpayer, and up to sixteen
4 thousand dollars for married individuals filing a joint tax
5 return, shall be subtracted in determining Missouri adjusted
6 gross income pursuant to section 143.121, RSMo.

7 2. If any deductible contributions to or earnings from any
8 such program referred to in this section are distributed and not
9 used to pay qualified higher education expenses or are not held
10 for the minimum length of time established by the appropriate
11 Missouri state authority, the amount so distributed shall be
12 added to the Missouri adjusted gross income of the participant,
13 or, if the participant is not living, the beneficiary.

14 3. The provisions of this section shall apply to tax years
15 beginning on or after January 1, 1999, and the provisions of this
16 section with regard to sections 166.500 to 166.529 shall apply to
17 tax years beginning on or after January 1, 2004.

18 167.020. 1. As used in this section, the term "homeless
19 child" or "homeless youth" shall [mean a person less than
20 twenty-one years of age who lacks a fixed, regular and adequate
21 nighttime residence, including a child or youth who:

22 (1) Is sharing the housing of other persons due to loss of
23 housing, economic hardship, or a similar reason; is living in
24 motels, hotels, or camping grounds due to lack of alternative
25 adequate accommodations; is living in emergency or transitional
26 shelters; is abandoned in hospitals; or is awaiting foster care
27 placement;

28 (2) Has a primary nighttime residence that is a public or

1 private place not designed for or ordinarily used as a regular
2 sleeping accommodation for human beings;

3 (3) Is living in cars, parks, public spaces, abandoned
4 buildings, substandard housing, bus or train stations, or similar
5 settings; and

6 (4) Is a migratory child or youth who qualifies as homeless
7 because the child or youth is living in circumstances described
8 in subdivisions (1) to (3) of this subsection] have the same
9 meaning as the term "homeless children and youths" in 42 U.S.C.
10 Section 11434a.

11 2. In order to register a pupil, the parent or legal
12 guardian of the pupil or the pupil himself or herself shall
13 provide, at the time of registration, one of the following:

14 (1) Proof of residency in the district. Except as
15 otherwise provided in section 167.151, the term "residency" shall
16 mean that a person both physically resides within a school
17 district and is domiciled within that district or, in the case of
18 a private school student suspected of having a disability under
19 the Individuals With Disabilities Education Act, 20 U.S.C.
20 Section 1412, et seq, that the student attends private school
21 within that district. The domicile of a minor child shall be the
22 domicile of a parent, military guardian pursuant to a
23 military-issued guardianship or court-appointed legal guardian;
24 or

25 (2) Proof that the person registering the student has
26 requested [a waiver] residency review and enrollment under
27 subsection 3 of this section within the last forty-five days if
28 the student is living in the district with a person other than

1 the parent, military guardian, or legal guardian. In instances
2 where there is reason to suspect that admission of the pupil will
3 create an immediate danger to the safety of other pupils and
4 employees of the district, the superintendent or the
5 superintendent's designee may convene a hearing within five
6 working days of the request to register and determine whether or
7 not the pupil may register.

8 3. [Any person subject to the requirements of subsection 2
9 of this section may request a waiver from the district board of
10 any of those requirements on the basis of hardship or good
11 cause.] If the student is living in the district with a person
12 other than the parent, military guardian, or legal guardian, the
13 parent or legal guardian of the pupil, or the pupil himself or
14 herself shall request residency review and enrollment. The
15 department of elementary and secondary education shall develop
16 regulations governing the enrollment standards. Under no
17 circumstances shall athletic ability be a valid basis [of
18 hardship or good cause for the issuance of a waiver of the
19 requirements of subsection 2 of this section] for granting or
20 denying enrollment. The district board may delegate the
21 superintendent or the superintendent's designee to review all
22 requests for residency review and enrollment and may grant the
23 superintendent or the superintendent's designee the authority to
24 allow enrollment of the student. If the superintendent or the
25 superintendent's designee determines that the student is not
26 living in the district or is living in the district for purposes
27 not consistent with the department of elementary and secondary
28 education's enrollment regulations, the superintendent or the

1 superintendent's designee may deny enrollment of the student.
2 The parent or legal guardian, custodian, or the student may
3 request an immediate hearing by the district. The district board
4 or committee of the board appointed by the president and which
5 shall have full authority to act in lieu of the board shall
6 convene a hearing as soon as possible, but no later than
7 forty-five days after receipt of the [waiver] residency review
8 and enrollment request made under this subsection or the [waiver
9 request] student shall be granted[. The district board or
10 committee of the board may grant the request for a waiver of any
11 requirement of subsection 2 of this section. The district board
12 or committee of the board may also reject the request for a
13 waiver in which case the pupil shall not be allowed to register]
14 enrollment. Any person aggrieved by a decision of a district
15 board or committee of the board on a residency review and
16 enrollment request [for a waiver under this subsection] may
17 appeal such decision to the circuit court in the county where the
18 school district is located.

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

22 5. In addition to any other penalties authorized by law, a
23 district board may file a civil action to recover, from the
24 parent, military guardian or legal guardian of the pupil, the
25 costs of school attendance for any pupil who was enrolled at a
26 school in the district and whose parent, military guardian or
27 legal guardian filed false information to satisfy any requirement
28 of subsection 2 of this section.

1 6. Subsection 2 of this section shall not apply to a pupil
2 who is a homeless child or youth, or a pupil attending a school
3 not in the pupil's district of residence as a participant in an
4 interdistrict transfer program established under a court-ordered
5 desegregation program, a pupil who is a ward of the state and has
6 been placed in a residential care facility by state officials, a
7 pupil who has been placed in a residential care facility due to a
8 mental illness or developmental disability, a pupil attending a
9 school pursuant to sections 167.121 and 167.151, a pupil placed
10 in a residential facility by a juvenile court, a pupil with a
11 disability identified under state eligibility criteria if the
12 student is in the district for reasons other than accessing the
13 district's educational program, or a pupil attending a regional
14 or cooperative alternative education program or an alternative
15 education program on a contractual basis.

16 7. Within two business days of enrolling a pupil, the
17 school official enrolling a pupil, including any special
18 education pupil, shall request all education records deemed
19 necessary by the school official for enrollment, including but
20 not limited to those records required by district policy for
21 student transfer, individual education plans, health records, and
22 those discipline records required by subsection 9 of section
23 160.261, RSMo, from all schools previously attended by the pupil
24 within the last twelve months. Any school district that receives
25 a request for such records from another school district enrolling
26 a pupil that had previously attended a school in such district
27 shall respond to such request within five business days of
28 receiving the request. School districts may report or disclose

1 education records to law enforcement ~~[and]~~, juvenile justice
2 authorities, or other state or local officials if the disclosure
3 concerns law enforcement's or juvenile justice authorities'
4 ability to effectively serve, prior to adjudication, the student
5 whose records are released. The officials and authorities to
6 whom such information is disclosed must comply with applicable
7 restrictions set forth in 20 U.S.C. Section 1232g (b) (1) (E).

8 167.022. Consistent with the provisions of section 167.020,
9 within ~~[forty-eight hours]~~ two business days of enrolling a
10 nonresident pupil placed pursuant to sections 210.481 to 210.536,
11 RSMo, the school official enrolling a pupil, including any
12 special education pupil, shall request all education records
13 deemed necessary by the school official for enrollment, including
14 but not limited to those records required by district policy for
15 student transfer, individual education plans, health records, and
16 those discipline records required by subsection ~~[7]~~ 9 of section
17 160.261, RSMo, from all schools and other facilities previously
18 attended by the pupil and from other state agencies as enumerated
19 in section 210.518, RSMo, and any entities involved with the
20 placement of the student within the last twenty-four months. Any
21 request for records under this section shall include, if
22 applicable to the student, any records relating to an act of
23 violence as defined under subsection ~~[7]~~ 9 of section ~~[160.262]~~
24 160.261, RSMo.

25 167.023. 1. When a student is found to have committed a
26 reportable offense under subdivisions (1) to (23) of subsection 1
27 of section 160.261, RSMo, the school district shall attach notice
28 of the commission of the reportable offense to the student's

1 permanent record and to the student's academic transcript.

2 2. Prior to admission to any public school, a school board
3 may require the parent, guardian, or other person having control
4 or charge of a child of school age to provide, upon enrollment, a
5 sworn statement or affirmation indicating whether the student has
6 been expelled from school attendance at any school, public or
7 private, in this state or in any other state for an offense in
8 violation of school board policies relating to weapons, alcohol
9 or drugs, or for the willful infliction of injury to another
10 person. Any person making a materially false statement or
11 affirmation shall be guilty upon conviction of a class B
12 misdemeanor. The registration document shall be maintained as a
13 part of the student's scholastic record.

14 167.029. [A public school district in any city not within a
15 county shall determine whether] Any school district that is
16 classified as "unaccredited" or "provisionally accredited" by the
17 state board of education shall adopt a dress code policy
18 requiring pupils to wear a school uniform [is appropriate] at
19 [any] every school [or schools] within such district[, and if it
20 is so determined, shall adopt such a policy]. The school
21 district may determine the style and color of the school uniform.
22 An individual school within a metropolitan school district that
23 has seventy percent or more of its students score proficient or
24 advanced in both communication arts and math subjects on a
25 statewide assessment as described in section 160.518, RSMo, and
26 that have a number of suspensions in the bottom quartile of the
27 district are exempt from the provisions of this section. Any
28 school that is exempted from the provisions of this section may

1 still adopt a dress code policy that meets the provisions of this
2 section.

3 167.115. 1. Notwithstanding any provision of chapter 211,
4 RSMo, or chapter 610, RSMo, to the contrary, the juvenile
5 officer, sheriff, chief of police or other appropriate law
6 enforcement authority shall, as soon as reasonably practical,
7 notify the superintendent, or the superintendent's designee, of
8 the school district in which the pupil is enrolled when a
9 petition is filed pursuant to subsection 1 of section 211.031,
10 RSMo, alleging that the pupil has committed one of the following
11 acts:

- 12 (1) First degree murder under section 565.020, RSMo;
- 13 (2) Second degree murder under section 565.021, RSMo;
- 14 (3) Kidnapping under section 565.110, RSMo;
- 15 (4) First degree assault under section 565.050, RSMo;
- 16 (5) Forcible rape under section 566.030, RSMo;
- 17 (6) Forcible sodomy under section 566.060, RSMo;
- 18 (7) Burglary in the first degree under section 569.160,
19 RSMo;
- 20 (8) Robbery in the first degree under section 569.020,
21 RSMo;
- 22 (9) Distribution of drugs under section 195.211, RSMo;
- 23 (10) Distribution of drugs to a minor under section
24 195.212, RSMo;
- 25 (11) Arson in the first degree under section 569.040, RSMo;
- 26 (12) Voluntary manslaughter under section 565.023, RSMo;
- 27 (13) Involuntary manslaughter under section 565.024, RSMo;
- 28 (14) Second degree assault under section 565.060, RSMo;

1 (15) Sexual assault under section 566.040, RSMo;
2 (16) Felonious restraint under section 565.120, RSMo;
3 (17) Property damage in the first degree under section
4 569.100, RSMo;
5 (18) The possession of a weapon under chapter 571, RSMo;
6 (19) Child molestation in the first degree pursuant to
7 section 566.067, RSMo;
8 (20) Deviate sexual assault pursuant to section 566.070,
9 RSMo;
10 (21) Sexual misconduct involving a child pursuant to
11 section 566.083, RSMo; or
12 (22) Sexual abuse pursuant to section 566.100, RSMo.
13 2. The notification shall be made orally or in writing, in
14 a timely manner, no later than five days following the filing of
15 the petition. If the report is made orally, written notice shall
16 follow in a timely manner. The notification shall include a
17 complete description of the conduct the pupil is alleged to have
18 committed and the dates the conduct occurred but shall not
19 include the name of any victim. Upon the disposition of any such
20 case, the juvenile office or prosecuting attorney or their
21 designee shall send a second notification to the superintendent
22 providing the disposition of the case, including a brief summary
23 of the relevant finding of facts, no later than five days
24 following the disposition of the case.
25 3. The superintendent or the designee of the superintendent
26 shall report such information to all teachers at the student's
27 attendance center and to any other school district employees with
28 a need to know while acting within the scope of their assigned

1 duties. Any information received by school district officials
2 pursuant to this section shall be received in confidence and used
3 for the limited purpose of assuring that good order and
4 discipline is maintained in the school. This information shall
5 not be used as the sole basis for not providing educational
6 services to a public school pupil.

7 4. The superintendent shall notify the appropriate division
8 of the juvenile or family court upon any pupil's suspension for
9 more than ten days or expulsion of any pupil that the school
10 district is aware is under the jurisdiction of the court.

11 5. The superintendent or the superintendent's designee may
12 be called to serve in a consultant capacity at any dispositional
13 proceedings pursuant to section 211.031, RSMo, which may involve
14 reference to a pupil's academic treatment plan.

15 6. Upon the transfer of any pupil described in this section
16 to any other school district in this state, the superintendent or
17 the superintendent's designee shall forward the written
18 notification given to the superintendent pursuant to subsection 2
19 of this section to the superintendent of the new school district
20 in which the pupil has enrolled. Such written notification shall
21 be required again in the event of any subsequent transfer by the
22 pupil.

23 7. As used in this section, the terms "school" and "school
24 district" shall include any charter, private or parochial school
25 or school district, and the term "superintendent" shall include
26 the principal or equivalent chief school officer in the cases of
27 charter, private or parochial schools.

28 8. The superintendent or the designee of the superintendent

1 or other school employee who, in good faith, reports information
2 in accordance with the terms of this section and section 160.261,
3 RSMo, shall not be civilly liable for providing such information.

4 167.121. 1. If the residence of a pupil is so located that
5 attendance in the district of residence constitutes an unusual or
6 unreasonable transportation hardship because of natural barriers,
7 travel time, or distance, the commissioner of education or his
8 designee may assign the pupil to another district. Subject to
9 the provisions of this section, all existing assignments shall be
10 reviewed prior to July 1, 1984, and from time to time thereafter,
11 and may be continued or rescinded. The board of education of the
12 district in which the pupil lives shall pay the tuition of the
13 pupil assigned. The tuition shall not exceed the pro rata cost
14 of instruction.

15 2. (1) For the school year beginning July 1, 2008, and
16 each succeeding school year, a parent or guardian residing in a
17 lapsed public school district or a district that has scored
18 unaccredited on two consecutive annual performance reports or
19 provisionally accredited in two consecutive annual performance
20 reports may enroll the parent's or guardian's child in the
21 Missouri virtual school created in section 161.670, RSMo,
22 provided the pupil first enrolls in the school district of
23 residence. The school district of residence shall include the
24 pupil's enrollment in the virtual school created in section
25 161.670, RSMo, in determining the district's average daily
26 attendance. Full-time enrollment in the virtual school shall
27 constitute one average daily attendance equivalent in the school
28 district of residence. Average daily attendance for part-time

1 enrollment in the virtual school shall be calculated as a
2 percentage of the total number of virtual courses enrolled in
3 divided by the number of courses required for full-time
4 attendance in the school district of residence.

5 (2) A pupil's residence, for purposes of this section,
6 means residency established under section 167.020, RSMo. Except
7 for students residing in a K-8 district attending high school in
8 a district under section 167.131, RSMo, the board of the home
9 district shall pay to the virtual school the amount required
10 under section 161.670, RSMo.

11 (3) Nothing in this section shall require any school
12 district or the state to provide computers, equipment, Internet
13 or other access, supplies, materials or funding, except as
14 provided in this section, as may be deemed necessary for a pupil
15 to participate in the virtual school created in section 161.670,
16 RSMo.

17 (4) Any rule or portion of a rule, as that term is defined
18 in section 536.010, RSMo, that is created under the authority
19 delegated in this section shall become effective only if it
20 complies with and is subject to all of the provisions of chapter
21 536, RSMo, and, if applicable, section 536.028, RSMo. This
22 section and chapter 536, RSMo, are nonseverable and if any of the
23 powers vested with the general assembly pursuant to chapter 536,
24 RSMo, to review, to delay the effective date, or to disapprove
25 and annul a rule are subsequently held unconstitutional, then the
26 grant of rulemaking authority and any rule proposed or adopted
27 after August 28, 2007, shall be invalid and void.

28 167.161. 1. The school board of any district, after notice

1 to parents or others having custodial care and a hearing upon
2 charges preferred, may suspend or expel a pupil for conduct which
3 is prejudicial to good order and discipline in the schools or
4 which tends to impair the morale or good conduct of the pupils.
5 In addition to the authority granted in section 167.171, a school
6 board may authorize, by general rule, the immediate removal of a
7 pupil upon a finding by the principal, superintendent, or school
8 board that the pupil poses a threat of harm to such pupil or
9 others, as evidenced by the prior conduct of such pupil. Prior
10 disciplinary actions shall not be used as the sole basis for
11 removal, suspension or expulsion of a pupil. Removal of any
12 pupil who is a student with a disability is subject to state and
13 federal procedural rights. At the hearing upon any such removal,
14 suspension or expulsion, the board shall consider the evidence
15 and statements that the parties present and may consider records
16 of past disciplinary actions, criminal court records or juvenile
17 court records consistent with other provisions of the law, or the
18 actions of the pupil which would constitute a criminal offense.
19 The board may provide by general rule not inconsistent with this
20 section for the procedure and conduct of such hearings. After
21 meeting with the superintendent or his designee to discuss the
22 expulsion, the parent, custodian or the student, if at least
23 eighteen years of age, may, in writing, waive any right to a
24 hearing before the board of education.

25 2. The school board of any district, after notice to
26 parents or others having custodial care and a hearing upon the
27 matter, may suspend or expel a pupil upon a finding that the
28 pupil has been charged, convicted or pled guilty in a court of

1 general jurisdiction for the commission of a felony criminal
2 violation of state or federal law. At a hearing required by this
3 subsection, the board shall consider statements that the parties
4 present. The board may provide for the procedure and conduct of
5 such hearings.

6 3. The school board shall make a good-faith effort to have
7 the parents or others having custodial care present at any such
8 hearing. Notwithstanding any other provision of law to the
9 contrary, student discipline hearings or proceedings related to
10 the rights of students to attend school or to receive academic
11 credit shall not be required to comply with the requirements
12 applicable to contested case hearings as provided in chapter 536,
13 RSMo, provided that appropriate due process procedures shall be
14 observed which shall include the right for a trial de novo by the
15 circuit court.

16 167.164. 1. Any suspension or expulsion issued [pursuant
17 to] by a public school district under section 167.161[,] or this
18 section[, or expulsion pursuant to section 167.161,] shall not
19 relieve the state or the suspended student's parents or guardians
20 of their responsibilities to educate the student. School
21 districts are encouraged to provide an in-school suspension
22 system and to search for other acceptable discipline alternatives
23 prior to using suspensions of more than ten days or expelling a
24 student from the school. Each school district or special school
25 district constituting the domicile of any child for whom
26 alternative education programs are provided or procured under
27 this section shall pay toward the per pupil costs for alternative
28 education programs for such child. A school district which is

1 not a special school district shall pay an amount equal to the
2 average sum produced per child by the local tax effort of the
3 district of domicile. A special school district shall pay an
4 amount not to exceed the average sum produced per child by the
5 local tax efforts of the domiciliary districts. When educational
6 services have been provided by the school district or special
7 school district in which a child actually resides, other than the
8 district of domicile, the amounts as provided in subsection 2 of
9 this section for which the domiciliary school district or special
10 school district is responsible shall be paid by such district
11 directly to the serving district. The school district, or
12 special school district, as the case may be, shall send a written
13 voucher for payment to the regular or special district
14 constituting the domicile of the child served and the domiciliary
15 school district or special school district receiving such voucher
16 shall pay the district providing or procuring the services an
17 amount not to exceed the average sum produced per child by the
18 local tax efforts of the domiciliary districts. In the event the
19 responsible district fails to pay the appropriate amount to the
20 district within ninety days after a voucher is submitted, the
21 state department of elementary and secondary education shall
22 deduct the appropriate amount due from the next payments of any
23 state financial aid due that district and shall pay the same to
24 the appropriate district.

25 2. A school district may contract with other political
26 subdivisions, public agencies, not-for-profit organizations, or
27 private agencies for the provision of alternative education
28 services for students whose demonstrated disruptive behavior

1 indicates that they cannot be adequately served in the
2 traditional classroom setting. Such contracting may be included
3 as part of a grant application pursuant to section 167.335 or
4 conducted independent of the provisions of section 167.335.

5 167.335. 1. The state board of education shall establish a
6 program to award grants to school districts that apply for
7 assistance in providing alternative educational opportunities for
8 students whose demonstrated disruptive behavior indicates that
9 they cannot be adequately served in the traditional classroom
10 setting. The board shall solicit applications from school
11 districts and shall make grants from funds appropriated for that
12 purpose in such amounts and on such terms as it determines best
13 encourages the development of alternative education programs
14 throughout the state. The board shall give preference to
15 applications that demonstrate a need for alternative education
16 services and stress:

17 (1) A comprehensive, kindergarten through grade twelve
18 approach to preventing problems that result in the need for
19 alternative education services;

20 (2) Rigorous instruction in core academic disciplines;

21 (3) Activities designed to enable the student to better
22 perform in the regular classroom and to transition students back
23 to the regular classroom when merited by their performance;

24 (4) A student-centered approach whereby activities are
25 designed to meet the particular needs of individual students; and

26 (5) Collaboration with existing community-based service
27 providers, such as cooperative education programs, school to work
28 programs, parents- as-teachers programs, programs developed by

1 the department of economic development and programs developed by
2 local service delivery agencies, and other governmental and
3 private agencies to address student needs beyond those
4 traditionally addressed by schools.

5 2. School districts may submit joint applications and are
6 encouraged to pursue regional approaches to alternative education
7 where warranted. Area vocational learning centers shall be
8 eligible to submit applications and are encouraged to pursue
9 grants to expand and enhance existing alternative education
10 programs established pursuant to sections 167.320 to 167.332,
11 provided that any additional activities are compatible with
12 subdivisions (1) to (5) of subsection 1 of this section.

13 3. In selecting school districts for grant awards, the
14 state board of education shall promulgate selection priority
15 criteria that give preference to districts that meet any of the
16 following criteria:

17 (1) Joint applications and regional approaches to school
18 safety;

19 (2) Regular and timely meetings of education and social
20 service and law enforcement personnel; or

21 (3) Use of techniques developed or promulgated by the
22 Missouri Center for Safe Schools at the University of Missouri-
23 Kansas City or other safe school methods recognized by the state
24 board of education.

25
26 The state board of education shall develop a method to evaluate
27 applications for preventative approaches and ensure that a
28 portion of grant funds are awarded to districts that are not in

1 crisis mode.

2 4. The state board of education shall adopt rules necessary
3 to implement the grant program established pursuant to this
4 section, provided that no rule or portion of a rule promulgated
5 pursuant to this section shall become effective unless it has
6 been promulgated pursuant to the provisions of section 536.024,
7 RSMo.

8 167.621. 1. Persons providing health services under
9 sections 167.600 to 167.621 shall obtain authorization from a
10 parent or guardian of the child before providing services as
11 provided by section 431.061, RSMo.

12 2. No employee of any school district may be required to
13 administer medication or medical services for which the employee
14 is not qualified according to standard medical practices. No
15 unqualified employee who refuses to [violate this provision]
16 administer medication or medical services shall be subject to any
17 disciplinary action for such refusal. Nothing herein shall be
18 construed to prevent any employee from providing routine first
19 aid, provided that any employee shall be held harmless and immune
20 from any liability if such employee is following a proper
21 procedure adopted by the local school board.

22 3. Any qualified employee shall be held harmless and immune
23 from any civil liability for administering medication or medical
24 services according to standard medical practices.

25 167.624. Each school board in the state, if the school
26 district does not presently have a program as described below,
27 may develop and implement a program to train the students and
28 employees of the district in the administration of

1 cardiopulmonary resuscitation and other lifesaving methods, as
2 they determine best, and may consult the department of public
3 safety, the state fire marshal's office, the local fire
4 protection authorities, and others as the board sees fit. The
5 board may make completion of the program a requirement for
6 graduation. Any trained employee shall be held harmless and
7 immune from any civil liability for administering cardiopulmonary
8 resuscitation and other lifesaving methods according to standard
9 medical practices.

10 167.627. 1. For purposes of this section, the following
11 terms shall mean:

12 (1) "Medication", any medicine prescribed or ordered by a
13 physician for the treatment of asthma or anaphylaxis, including
14 without limitation inhaled bronchodilators and auto-injectible
15 epinephrine;

16 (2) "Self-administration", a pupil's discretionary use of
17 medication prescribed by a physician or under a written treatment
18 plan from a physician.

19 2. Each board of education and its employees and agents in
20 this state shall grant any pupil in the school authorization for
21 the possession and self-administration of medication to treat
22 such pupil's chronic health condition, including but not limited
23 to asthma or anaphylaxis if:

24 (1) A licensed physician prescribed or ordered such
25 medication for use by the pupil and instructed such pupil in the
26 correct and responsible use of such medication;

27 (2) The pupil has demonstrated to the pupil's licensed
28 physician or the licensed physician's designee, and the school

1 nurse, if available, the skill level necessary to use the
2 medication and any device necessary to administer such medication
3 prescribed or ordered;

4 (3) The pupil's physician has approved and signed a written
5 treatment plan for managing the pupil's chronic health condition,
6 including asthma or anaphylaxis episodes [of the pupil] and for
7 medication for use by the pupil. Such plan shall include a
8 statement that the pupil is capable of self-administering the
9 medication under the treatment plan;

10 (4) The pupil's parent or guardian has completed and
11 submitted to the school any written documentation required by the
12 school, including the treatment plan required under subdivision
13 (3) of this subsection and the liability statement required under
14 subdivision (5) of this subsection; and

15 (5) The pupil's parent or guardian has signed a statement
16 acknowledging that the school district and its employees or
17 agents shall incur no liability as a result of any injury arising
18 from the self-administration of medication by the pupil or the
19 administration of such medication by school staff. Such
20 statement shall not be construed to release the school district
21 and its employees or agents from liability for negligence.

22 3. An authorization granted under subsection 2 of this
23 section shall:

24 (1) Permit such pupil to possess and self-administer such
25 pupil's medication while in school, at a school-sponsored
26 activity, and in transit to or from school or school-sponsored
27 activity; and

28 (2) Be effective only for the same school and school year

1 for which it is granted. Such authorization shall be renewed by
2 the pupil's parent or guardian each subsequent school year in
3 accordance with this section.

4 4. Any current duplicate prescription medication, if
5 provided by a pupil's parent or guardian or by the school, shall
6 be kept at a pupil's school in a location at which the pupil or
7 school staff has immediate access in the event of an asthma or
8 anaphylaxis emergency.

9 5. The information described in subdivisions (3) and (4) of
10 subsection 2 of this section shall be kept on file at the pupil's
11 school in a location easily accessible in the event of an [asthma
12 or anaphylaxis] emergency.

13 167.630. 1. Each school board may authorize a school nurse
14 licensed under chapter 335, RSMo, who is employed by the school
15 district and for whom the board is responsible for to maintain an
16 adequate supply of prefilled auto syringes of epinephrine with
17 fifteen-hundredths milligram or three-tenths milligram delivery
18 at the school. The nurse shall recommend to the school board the
19 number of prefilled epinephrine auto syringes that the school
20 should maintain.

21 2. To obtain prefilled epinephrine auto syringes for a
22 school district, a prescription written by a licensed physician,
23 a physician's assistant, or nurse practitioner is required. For
24 such prescriptions, the school district shall be designated as
25 the patient, the nurse's name shall be required, and the
26 prescription shall be filled at a licensed pharmacy.

27 3. A school nurse or other school employee trained by and
28 supervised by the nurse shall have the discretion to use an

1 epinephrine auto syringe on any student the school nurse or
2 trained employee believes is having a life-threatening
3 anaphylactic reaction based on the [nurse's] training in
4 recognizing an acute episode of an anaphylactic reaction.

5 168.133. 1. The school district shall ensure that a
6 criminal background check is conducted on any person employed
7 after January 1, 2005, authorized to have contact with pupils and
8 prior to the individual having contact with any pupil. Such
9 persons include, but are not limited to, administrators,
10 teachers, aides, paraprofessionals, assistants, secretaries,
11 custodians, cooks, and nurses. The school district shall also
12 ensure that a criminal background check is conducted for school
13 bus drivers. The district may allow such drivers to operate
14 buses pending the result of the criminal background check. For
15 bus drivers, the background check shall be conducted on drivers
16 employed by the school district or employed by a pupil
17 transportation company under contract with the school district.

18 2. In order to facilitate the criminal history background
19 check on any person employed after January 1, 2005, the applicant
20 shall submit two sets of fingerprints collected pursuant to
21 standards determined by the Missouri highway patrol. One set of
22 fingerprints shall be used by the highway patrol to search the
23 criminal history repository and the family care safety registry
24 pursuant to sections 210.900 to 210.936, RSMo, and the second set
25 shall be forwarded to the Federal Bureau of Investigation for
26 searching the federal criminal history files.

27 3. The applicant shall pay the fee for the state criminal
28 history record information pursuant to section 43.530, RSMo, and

1 sections 210.900 to 210.936, RSMo, and pay the appropriate fee
2 determined by the Federal Bureau of Investigation for the federal
3 criminal history record when he or she applies for a position
4 authorized to have contact with pupils pursuant to this section.
5 The department shall distribute the fees collected for the state
6 and federal criminal histories to the Missouri highway patrol.

7 4. The school district may adopt a policy to provide for
8 reimbursement of expenses incurred by an employee for state and
9 federal criminal history information pursuant to section 43.530,
10 RSMo.

11 5. If, as a result of the criminal history background check
12 mandated by this section, it is determined that the holder of a
13 certificate issued pursuant to section 168.021 has pled guilty or
14 nolo contendere to, or been found guilty of a crime or offense
15 listed in section 168.071, or a similar crime or offense
16 committed in another state, the United States, or any other
17 country, regardless of imposition of sentence, such information
18 shall be reported to the department of elementary and secondary
19 education.

20 6. Any school official making a report to the department of
21 elementary and secondary education in conformity with this
22 section shall not be subject to civil liability for such action.

23 7. For any teacher who is employed by a school district on
24 a substitute or part-time basis within one year of such teacher's
25 retirement from a Missouri school, the state of Missouri shall
26 not require such teacher to be subject to any additional
27 background checks prior to having contact with pupils. Nothing
28 in this subsection shall be construed as prohibiting or otherwise

1 restricting a school district from requiring additional
2 background checks for such teachers employed by the school
3 district.

4 8. A criminal background check and fingerprint collection
5 conducted under subsections 1 and 2 of this section shall be
6 valid for a period of one year and transferrable from one school
7 district to another district. A teacher's change in type of
8 certification shall have no effect on the transferability of such
9 records.

10 9. Nothing in this section shall be construed to alter the
11 standards for suspension, denial, or revocation of a certificate
12 issued pursuant to this chapter.

13 [9.] 10. The state board of education may promulgate rules
14 for criminal history background checks made pursuant to this
15 section. 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
23 and annul a rule are subsequently held unconstitutional, then the
24 grant of rulemaking authority and any rule proposed or adopted
25 after January 1, 2005, shall be invalid and void.

26 169.070. 1. The retirement allowance of a member whose age
27 at retirement is sixty years or more and whose creditable service
28 is five years or more, or whose sum of age and creditable service

1 equals eighty years or more, or who has attained age fifty-five
2 and whose creditable service is twenty-five years or more or
3 whose creditable service is thirty years or more regardless of
4 age, may be the sum of the following items, not to exceed one
5 hundred percent of the member's final average salary:

6 (1) Two and five-tenths percent of the member's final
7 average salary for each year of membership service;

8 (2) Six-tenths of the amount payable for a year of
9 membership service for each year of prior service not exceeding
10 thirty years.

11 In lieu of the retirement allowance otherwise provided in
12 subdivisions (1) and (2) of this subsection, a member may elect
13 to receive a retirement allowance of:

14 (3) Between July 1, 1998, and July 1, [2008] 2013, two and
15 four-tenths percent of the member's final average salary for each
16 year of membership service, if the member's creditable service is
17 twenty-nine years or more but less than thirty years, and the
18 member has not attained age fifty-five;

19 (4) Between July 1, 1998, and July 1, [2008] 2013, two and
20 thirty-five-hundredths percent of the member's final average
21 salary for each year of membership service, if the member's
22 creditable service is twenty-eight years or more but less than
23 twenty-nine years, and the member has not attained age
24 fifty-five;

25 (5) Between July 1, 1998, and July 1, [2008] 2013, two and
26 three-tenths percent of the member's final average salary for
27 each year of membership service, if the member's creditable
28 service is twenty-seven years or more but less than twenty-eight

1 years, and the member has not attained age fifty-five;

2 (6) Between July 1, 1998, and July 1, [2008] 2013, two and
3 twenty-five-hundredths percent of the member's final average
4 salary for each year of membership service, if the member's
5 creditable service is twenty-six years or more but less than
6 twenty-seven years, and the member has not attained age
7 fifty-five;

8 (7) Between July 1, 1998, and July 1, [2008] 2013, two and
9 two-tenths percent of the member's final average salary for each
10 year of membership service, if the member's creditable service is
11 twenty-five years or more but less than twenty-six years, and the
12 member has not attained age fifty-five;

13 (8) Between July 1, 2001, and July 1, [2008] 2013, two and
14 fifty-five hundredths percent of the member's final average
15 salary for each year of membership service, if the member's
16 creditable service is thirty-one years or more regardless of age.

17 2. In lieu of the retirement allowance provided in
18 subsection 1 of this section, a member whose age is sixty years
19 or more on September 28, 1975, may elect to have the member's
20 retirement allowance calculated as a sum of the following items:

21 (1) Sixty cents plus one and five-tenths percent of the
22 member's final average salary for each year of membership
23 service;

24 (2) Six-tenths of the amount payable for a year of
25 membership service for each year of prior service not exceeding
26 thirty years;

27 (3) Three-fourths of one percent of the sum of subdivisions
28 (1) and (2) of this subsection for each month of attained age in

1 excess of sixty years but not in excess of age sixty-five.

2 3. (1) In lieu of the retirement allowance provided either
3 in subsection 1 or 2 of this section, collectively called "option
4 1", a member whose creditable service is twenty-five years or
5 more or who has attained the age of fifty-five with five or more
6 years of creditable service may elect in the member's application
7 for retirement to receive the actuarial equivalent of the
8 member's retirement allowance in reduced monthly payments for
9 life during retirement with the provision that:

10 Option 2. Upon the member's death the reduced retirement
11 allowance shall be continued throughout the life of and paid to
12 such person as has an insurable interest in the life of the
13 member as the member shall have nominated in the member's
14 election of the option, and provided further that if the person
15 so nominated dies before the retired member, the retirement
16 allowance will be increased to the amount the retired member
17 would be receiving had the retired member elected option 1;

18 OR

19 Option 3. Upon the death of the member three-fourths of the
20 reduced retirement allowance shall be continued throughout the
21 life of and paid to such person as has an insurable interest in
22 the life of the member and as the member shall have nominated in
23 an election of the option, and provided further that if the
24 person so nominated dies before the retired member, the
25 retirement allowance will be increased to the amount the retired
26 member would be receiving had the member elected option 1;

27 OR

28 Option 4. Upon the death of the member one-half of the

1 reduced retirement allowance shall be continued throughout the
2 life of, and paid to, such person as has an insurable interest in
3 the life of the member and as the member shall have nominated in
4 an election of the option, and provided further that if the
5 person so nominated dies before the retired member, the
6 retirement allowance shall be increased to the amount the retired
7 member would be receiving had the member elected option 1;

8 OR

9 Option 5. Upon the death of the member prior to the member
10 having received one hundred twenty monthly payments of the
11 member's reduced allowance, the remainder of the one hundred
12 twenty monthly payments of the reduced allowance shall be paid to
13 such beneficiary as the member shall have nominated in the
14 member's election of the option or in a subsequent nomination. If
15 there is no beneficiary so nominated who survives the member for
16 the remainder of the one hundred twenty monthly payments, the
17 total of the remainder of such one hundred twenty monthly
18 payments shall be paid to the estate of the last person to
19 receive a monthly allowance. If the total of the one hundred
20 twenty payments paid to the retired individual and the
21 beneficiary of the retired individual is less than the total of
22 the member's accumulated contributions, the difference shall be
23 paid to the beneficiary in a lump sum;

24 OR

25 Option 6. Upon the death of the member prior to the member
26 having received sixty monthly payments of the member's reduced
27 allowance, the remainder of the sixty monthly payments of the
28 reduced allowance shall be paid to such beneficiary as the member

1 shall have nominated in the member's election of the option or in
2 a subsequent nomination. If there is no beneficiary so nominated
3 who survives the member for the remainder of the sixty monthly
4 payments, the total of the remainder of such sixty monthly
5 payments shall be paid to the estate of the last person to
6 receive a monthly allowance. If the total of the sixty payments
7 paid to the retired individual and the beneficiary of the retired
8 individual is less than the total of the member's accumulated
9 contributions, the difference shall be paid to the beneficiary in
10 a lump sum.

11 (2) The election of an option may be made only in the
12 application for retirement and such application must be filed
13 prior to the date on which the retirement of the member is to be
14 effective. If either the member or the person nominated to
15 receive the survivorship payments dies before the effective date
16 of retirement, the option shall not be effective, provided that:

17 (a) If the member or a person retired on disability
18 retirement dies after acquiring twenty-five or more years of
19 creditable service or after attaining the age of fifty-five years
20 and acquiring five or more years of creditable service and before
21 retirement, except retirement with disability benefits, and the
22 person named by the member as the member's beneficiary has an
23 insurable interest in the life of the deceased member, the
24 designated beneficiary may elect to receive either survivorship
25 benefits under option 2 or a payment of the accumulated
26 contributions of the member. If survivorship benefits under
27 option 2 are elected and the member at the time of death would
28 have been eligible to receive an actuarial equivalent of the

1 member's retirement allowance, the designated beneficiary may
2 further elect to defer the option 2 payments until the date the
3 member would have been eligible to receive the retirement
4 allowance provided in subsection 1 or 2 of this section;

5 (b) If the member or a person retired on disability
6 retirement dies before attaining age fifty-five but after
7 acquiring five but fewer than twenty-five years of creditable
8 service, and the person named as the member's beneficiary has an
9 insurable interest in the life of the deceased member, the
10 designated beneficiary may elect to receive either a payment of
11 the member's accumulated contributions, or survivorship benefits
12 under option 2 to begin on the date the member would first have
13 been eligible to receive an actuarial equivalent of the member's
14 retirement allowance, or to begin on the date the member would
15 first have been eligible to receive the retirement allowance
16 provided in subsection 1 or 2 of this section.

17 4. If the total of the retirement or disability allowance
18 paid to an individual before the death of the individual is less
19 than the accumulated contributions at the time of retirement, the
20 difference shall be paid to the beneficiary of the individual, or
21 to the (1) surviving spouse, (2) surviving children in equal
22 shares, (3) surviving parents in equal shares, or (4) estate of
23 the individual in that order of precedence. If an optional
24 benefit as provided in option 2, 3 or 4 in subsection 3 of this
25 section had been elected, and the beneficiary dies after
26 receiving the optional benefit, and if the total retirement
27 allowance paid to the retired individual and the beneficiary of
28 the retired individual is less than the total of the

1 contributions, the difference shall be paid to the (1) surviving
2 spouse, (2) surviving children in equal shares, (3) surviving
3 parents in equal shares, or (4) estate of the beneficiary, in
4 that order of precedence, unless the retired individual
5 designates a different recipient with the board at or after
6 retirement.

7 5. If a member dies before receiving a retirement
8 allowance, the member's accumulated contributions at the time of
9 the death of the member shall be paid to the beneficiary of the
10 member or, if there is no beneficiary, to the (1) surviving
11 spouse, (2) surviving children in equal shares, (3) surviving
12 parents in equal shares, or (4) to the estate of the member in
13 that order of precedence; except that, no such payment shall be
14 made if the beneficiary elects option 2 in subsection 3 of this
15 section, unless the beneficiary dies before having received
16 benefits pursuant to that subsection equal to the accumulated
17 contributions of the member, in which case the amount of
18 accumulated contributions in excess of the total benefits paid
19 pursuant to that subsection shall be paid to the (1) surviving
20 spouse, (2) surviving children in equal shares, (3) surviving
21 parents in equal shares, or (4) estate of the beneficiary, in
22 that order of precedence.

23 6. If a member ceases to be a public school employee as
24 herein defined and certifies to the board of trustees that such
25 cessation is permanent, or if the membership of the person is
26 otherwise terminated, the member shall be paid the member's
27 accumulated contributions with interest.

28 7. Notwithstanding any provisions of sections 169.010 to

1 169.141 to the contrary, if a member ceases to be a public school
2 employee after acquiring five or more years of membership service
3 in Missouri, the member may at the option of the member leave the
4 member's contributions with the retirement system and claim a
5 retirement allowance any time after reaching the minimum age for
6 voluntary retirement. When the member's claim is presented to
7 the board, the member shall be granted an allowance as provided
8 in sections 169.010 to 169.141 on the basis of the member's age,
9 years of service, and the provisions of the law in effect at the
10 time the member requests the member's retirement to become
11 effective.

12 8. The retirement allowance of a member retired because of
13 disability shall be nine-tenths of the allowance to which the
14 member's creditable service would entitle the member if the
15 member's age were sixty, or fifty percent of one-twelfth of the
16 annual salary rate used in determining the member's contributions
17 during the last school year for which the member received a year
18 of creditable service immediately prior to the member's
19 disability, whichever is greater, except that no such allowance
20 shall exceed the retirement allowance to which the member would
21 have been entitled upon retirement at age sixty if the member had
22 continued to teach from the date of disability until age sixty at
23 the same salary rate.

24 9. Notwithstanding any provisions of sections 169.010 to
25 169.141 to the contrary, from October 13, 1961, the contribution
26 rate pursuant to sections 169.010 to 169.141 shall be multiplied
27 by the factor of two-thirds for any member of the system for whom
28 federal Old Age and Survivors Insurance tax is paid from state or

1 local tax funds on account of the member's employment entitling
2 the person to membership in the system. The monetary benefits
3 for a member who elected not to exercise an option to pay into
4 the system a retroactive contribution of four percent on that
5 part of the member's annual salary rate which was in excess of
6 four thousand eight hundred dollars but not in excess of eight
7 thousand four hundred dollars for each year of employment in a
8 position covered by this system between July 1, 1957, and July 1,
9 1961, as provided in subsection 10 of this section as it appears
10 in RSMo, 1969, shall be the sum of:

11 (1) For years of service prior to July 1, 1946, six-tenths
12 of the full amount payable for years of membership service;

13 (2) For years of membership service after July 1, 1946, in
14 which the full contribution rate was paid, full benefits under
15 the formula in effect at the time of the member's retirement;

16 (3) For years of membership service after July 1, 1957, and
17 prior to July 1, 1961, the benefits provided in this section as
18 it appears in RSMo, 1959; except that if the member has at least
19 thirty years of creditable service at retirement the member shall
20 receive the benefit payable pursuant to that section as though
21 the member's age were sixty-five at retirement;

22 (4) For years of membership service after July 1, 1961, in
23 which the two-thirds contribution rate was paid, two-thirds of
24 the benefits under the formula in effect at the time of the
25 member's retirement.

26 10. The monetary benefits for each other member for whom
27 federal Old Age and Survivors Insurance tax is or was paid at any
28 time from state or local funds on account of the member's

1 employment entitling the member to membership in the system shall
2 be the sum of:

3 (1) For years of service prior to July 1, 1946, six-tenths
4 of the full amount payable for years of membership service;

5 (2) For years of membership service after July 1, 1946, in
6 which the full contribution rate was paid, full benefits under
7 the formula in effect at the time of the member's retirement;

8 (3) For years of membership service after July 1, 1957, in
9 which the two-thirds contribution rate was paid, two-thirds of
10 the benefits under the formula in effect at the time of the
11 member's retirement.

12 11. Any retired member of the system who was retired prior
13 to September 1, 1972, or beneficiary receiving payments under
14 option 1 or option 2 of subsection 3 of this section, as such
15 option existed prior to September 1, 1972, will be eligible to
16 receive an increase in the retirement allowance of the member of
17 two percent for each year, or major fraction of more than
18 one-half of a year, which the retired member has been retired
19 prior to July 1, 1975. This increased amount shall be payable
20 commencing with January, 1976, and shall thereafter be referred
21 to as the member's retirement allowance. The increase provided
22 for in this subsection shall not affect the retired member's
23 eligibility for compensation provided for in section 169.580 or
24 169.585, nor shall the amount being paid pursuant to these
25 sections be reduced because of any increases provided for in this
26 section.

27 12. If the board of trustees determines that the cost of
28 living, as measured by generally accepted standards, increases

1 two percent or more in the preceding fiscal year, the board shall
2 increase the retirement allowances which the retired members or
3 beneficiaries are receiving by two percent of the amount being
4 received by the retired member or the beneficiary at the time the
5 annual increase is granted by the board with the provision that
6 the increases provided for in this subsection shall not become
7 effective until the fourth January first following the member's
8 retirement or January 1, 1977, whichever later occurs, or in the
9 case of any member retiring on or after July 1, 2000, the
10 increase provided for in this subsection shall not become
11 effective until the third January first following the member's
12 retirement, or in the case of any member retiring on or after
13 July 1, 2001, the increase provided for in this subsection shall
14 not become effective until the second January first following the
15 member's retirement. Commencing with January 1, 1992, if the
16 board of trustees determines that the cost of living has
17 increased five percent or more in the preceding fiscal year, the
18 board shall increase the retirement allowances by five percent.
19 The total of the increases granted to a retired member or the
20 beneficiary after December 31, 1976, may not exceed eighty
21 percent of the retirement allowance established at retirement or
22 as previously adjusted by other subsections. If the cost of
23 living increases less than five percent, the board of trustees
24 may determine the percentage of increase to be made in retirement
25 allowances, but at no time can the increase exceed five percent
26 per year. If the cost of living decreases in a fiscal year,
27 there will be no increase in allowances for retired members on
28 the following January first.

1 13. The board of trustees may reduce the amounts which have
2 been granted as increases to a member pursuant to subsection 12
3 of this section if the cost of living, as determined by the board
4 and as measured by generally accepted standards, is less than the
5 cost of living was at the time of the first increase granted to
6 the member; except that, the reductions shall not exceed the
7 amount of increases which have been made to the member's
8 allowance after December 31, 1976.

9 14. Any application for retirement shall include a sworn
10 statement by the member certifying that the spouse of the member
11 at the time the application was completed was aware of the
12 application and the plan of retirement elected in the
13 application.

14 15. Notwithstanding any other provision of law, any person
15 retired prior to September 28, 1983, who is receiving a reduced
16 retirement allowance under option 1 or option 2 of subsection 3
17 of this section, as such option existed prior to September 28,
18 1983, and whose beneficiary nominated to receive continued
19 retirement allowance payments under the elected option dies or
20 has died, shall upon application to the board of trustees have
21 his or her retirement allowance increased to the amount he or she
22 would have been receiving had the option not been elected,
23 actuarially adjusted to recognize any excessive benefits which
24 would have been paid to him or her up to the time of application.

25 16. Benefits paid pursuant to the provisions of the public
26 school retirement system of Missouri shall not exceed the
27 limitations of Section 415 of Title 26 of the United States Code
28 except as provided pursuant to this subsection. Notwithstanding

1 any other law to the contrary, the board of trustees may
2 establish a benefit plan pursuant to Section 415(m) of Title 26
3 of the United States Code. Such plan shall be created solely for
4 the purpose described in Section 415(m) (3) (A) of Title 26 of the
5 United States Code. The board of trustees may promulgate
6 regulations necessary to implement the provisions of this
7 subsection and to create and administer such benefit plan.

8 17. Notwithstanding any other provision of law to the
9 contrary, any person retired before, on, or after May 26, 1994,
10 shall be made, constituted, appointed and employed by the board
11 as a special consultant on the matters of education, retirement
12 and aging, and upon request shall give written or oral opinions
13 to the board in response to such requests. As compensation for
14 such duties the person shall receive an amount based on the
15 person's years of service so that the total amount received
16 pursuant to sections 169.010 to 169.141 shall be at least the
17 minimum amounts specified in subdivisions (1) to (4) of this
18 subsection. In determining the minimum amount to be received,
19 the amounts in subdivisions (3) and (4) of this subsection shall
20 be adjusted in accordance with the actuarial adjustment, if any,
21 that was applied to the person's retirement allowance. In
22 determining the minimum amount to be received, beginning
23 September 1, 1996, the amounts in subdivisions (1) and (2) of
24 this subsection shall be adjusted in accordance with the
25 actuarial adjustment, if any, that was applied to the person's
26 retirement allowance due to election of an optional form of
27 retirement having a continued monthly payment after the person's
28 death. Notwithstanding any other provision of law to the

1 contrary, no person retired before, on, or after May 26, 1994,
2 and no beneficiary of such a person, shall receive a retirement
3 benefit pursuant to sections 169.010 to 169.141 based on the
4 person's years of service less than the following amounts:

5 (1) Thirty or more years of service, one thousand two
6 hundred dollars;

7 (2) At least twenty-five years but less than thirty years,
8 one thousand dollars;

9 (3) At least twenty years but less than twenty-five years,
10 eight hundred dollars;

11 (4) At least fifteen years but less than twenty years, six
12 hundred dollars.

13 18. Notwithstanding any other provisions of law to the
14 contrary, any person retired prior to May 26, 1994, and any
15 designated beneficiary of such a retired member who was deceased
16 prior to July 1, 1999, shall be made, constituted, appointed and
17 employed by the board as a special consultant on the matters of
18 education, retirement or aging and upon request shall give
19 written or oral opinions to the board in response to such
20 requests. Beginning September 1, 1996, as compensation for such
21 service, the member shall have added, pursuant to this
22 subsection, to the member's monthly annuity as provided by this
23 section a dollar amount equal to the lesser of sixty dollars or
24 the product of two dollars multiplied by the member's number of
25 years of creditable service. Beginning September 1, 1999, the
26 designated beneficiary of the deceased member shall as
27 compensation for such service have added, pursuant to this
28 subsection, to the monthly annuity as provided by this section a

1 dollar amount equal to the lesser of sixty dollars or the product
2 of two dollars multiplied by the member's number of years of
3 creditable service. The total compensation provided by this
4 section including the compensation provided by this subsection
5 shall be used in calculating any future cost-of-living
6 adjustments provided by subsection 12 of this section.

7 19. Any member who has retired prior to July 1, 1998, and
8 the designated beneficiary of a deceased retired member shall be
9 made, constituted, appointed and employed by the board as a
10 special consultant on the matters of education, retirement and
11 aging, and upon request shall give written or oral opinions to
12 the board in response to such requests. As compensation for such
13 duties the person shall receive a payment equivalent to eight and
14 seven-tenths percent of the previous month's benefit, which shall
15 be added to the member's or beneficiary's monthly annuity and
16 which shall not be subject to the provisions of subsections 12
17 and 13 of this section for the purposes of the limit on the total
18 amount of increases which may be received.

19 20. Any member who has retired shall be made, constituted,
20 appointed and employed by the board as a special consultant on
21 the matters of education, retirement and aging, and upon request
22 shall give written or oral opinions to the board in response to
23 such request. As compensation for such duties, the beneficiary
24 of the retired member, or, if there is no beneficiary, the (1)
25 surviving spouse, (2) surviving children in equal shares, (3)
26 surviving parents in equal shares, or (4) estate of the retired
27 member, in that order of precedence, shall receive as a part of
28 compensation for these duties a death benefit of five thousand

1 dollars.

2 21. Any member who has retired prior to July 1, 1999, and
3 the designated beneficiary of a retired member who was deceased
4 prior to July 1, 1999, shall be made, constituted, appointed and
5 employed by the board as a special consultant on the matters of
6 education, retirement and aging, and upon request shall give
7 written or oral opinions to the board in response to such
8 requests. As compensation for such duties, the person shall have
9 added, pursuant to this subsection, to the monthly annuity as
10 provided by this section a dollar amount equal to five dollars
11 times the member's number of years of creditable service.

12 22. Any member who has retired prior to July 1, 2000, and
13 the designated beneficiary of a deceased retired member shall be
14 made, constituted, appointed and employed by the board as a
15 special consultant on the matters of education, retirement and
16 aging, and upon request shall give written or oral opinions to
17 the board in response to such requests. As compensation for such
18 duties, the person shall receive a payment equivalent to three
19 and five-tenths percent of the previous month's benefit, which
20 shall be added to the member or beneficiary's monthly annuity and
21 which shall not be subject to the provisions of subsections 12
22 and 13 of this section for the purposes of the limit on the total
23 amount of increases which may be received.

24 23. Any member who has retired prior to July 1, 2001, and
25 the designated beneficiary of a deceased retired member shall be
26 made, constituted, appointed and employed by the board as a
27 special consultant on the matters of education, retirement and
28 aging, and upon request shall give written or oral opinions to

1 the board in response to such requests. As compensation for such
2 duties, the person shall receive a dollar amount equal to three
3 dollars times the member's number of years of creditable service,
4 which shall be added to the member's or beneficiary's monthly
5 annuity and which shall not be subject to the provisions of
6 subsections 12 and 13 of this section for the purposes of the
7 limit on the total amount of increases which may be received.

8 169.466. 1. Any retired member with fifteen or more years
9 of creditable service at retirement receiving [a pension]
10 retirement benefits on August 28, 1997, shall receive on January
11 first of each year, commencing on January 1, 1998, an increase in
12 the amount of [pension] benefits received by the retired member
13 pursuant to sections 169.410 to 169.540 during the preceding year
14 of one hundred percent of the increase in the consumer price
15 index calculated in the manner provided in this section; except
16 that, no such increase in [pension] retirement benefits shall be
17 paid for any year if such increase in the consumer price index is
18 less than one percent. Such annual [pension] retirement benefit
19 increase, however, shall not exceed three percent [and the total
20 increases in the amount of pension benefits received by any
21 retired member shall not, in the aggregate, exceed ten percent of
22 the pension benefits such retired member received during the year
23 preceding January first of the first year the retired member is
24 entitled to receive an increase pursuant to this section]. A
25 retired member qualified to receive an annual [pension]
26 retirement benefit increase pursuant to this section shall not be
27 eligible to receive an additional benefit until the January first
28 after the first anniversary of the date on which he or she

1 commenced receiving [a pension] retirement benefits pursuant to
2 sections 169.410 to 169.540. Benefits shall not be decreased in
3 the case of a decrease in the consumer price index for any year.

4 2. For the purpose of this section, any increase in the
5 consumer price index shall be determined by the board of trustees
6 in November of each year based on the consumer price index for
7 the twelve-month period ended on September thirtieth of such year
8 over the consumer price index for the twelve-month period ended
9 on September thirtieth of the year immediately prior thereto.
10 Any increase so determined shall be applied by the board of
11 trustees in calculating increases in [pension] retirement
12 benefits that become payable pursuant to this section for the
13 twelve-month period beginning on the January first immediately
14 following such determination.

15 3. An annual increase in [pension] retirement benefits, if
16 any, shall be payable monthly with monthly installments of other
17 [pension] retirement benefits pursuant to sections 169.410 to
18 169.540.

19 169.471. 1. The board of education is authorized from time
20 to time, in its discretion, to increase the [pension] retirement
21 benefits now or hereafter provided pursuant to sections 169.410
22 to 169.540 and to adopt and implement additional [pension]
23 retirement benefits and plans, including without limitation,
24 early retirement plans, deferred retirement option plans and
25 cost-of-living adjustments, but excluding compensation to retired
26 members pursuant to section 169.475, and for such purpose the
27 contribution rate of members of the retirement system may be
28 increased to provide part of the cost thereof, subject to the

1 following conditions:

2 (1) Any such increase in [pension] retirement benefits and
3 additional [pension] retirement benefits and plans shall be
4 approved by the board of trustees;

5 (2) The board of trustees shall have presented to the board
6 of education the projected increases in rates of contribution
7 which will be required to be made by members and the board of
8 education to the retirement system to pay the cost of such
9 increases in [pension] retirement benefits and additional
10 [pension] retirement benefits and plans; and

11 (3) Any increase in the contribution rate of members of the
12 retirement system shall be approved by the board of trustees and
13 shall be deducted from the compensation of each member by the
14 employing board and transferred and credited to the individual
15 account of each member from whose compensation the deduction was
16 made, and shall be administered in accordance with sections
17 169.410 to 169.540; provided that, any such increase in the
18 members' contribution rate shall not exceed one-half of one
19 percent of compensation in any year for such increases to
20 [pension] retirement benefits and additional [pension] retirement
21 benefits and plans adopted during such year by the board of
22 education pursuant to this section, and all such increases in the
23 members' contribution rate shall, in the aggregate, not exceed
24 two percent of compensation.

25 2. The board of trustees is authorized from time to time,
26 in its discretion, to increase the retirement benefits, now or
27 hereinafter provided under sections 169.410 to 169.540, and to
28 adopt and implement additional retirement benefits for persons

1 who have retired, including cost-of-living adjustments, provided
2 that the board of trustees finds the additional benefit will not
3 require an increase in the contribution rate required by the
4 members, will not increase the contribution required from the
5 board of education, and is actuarially sound. In the event the
6 board of trustees authorizes an increase under this section, it
7 shall certify in writing to the board of education the findings,
8 including but not limited to all actuarial assumptions, upon
9 which the board of trustees determined that the increase in
10 benefits would result in no increase in contributions by members
11 or the board of education.

12 169.596. 1. Notwithstanding any other provision of this
13 chapter to the contrary, a retired certificated teacher receiving
14 a retirement benefit from the retirement system established
15 pursuant to sections 169.010 to 169.141 may, without losing his
16 or her retirement benefit, teach up to full time for up to two
17 years for a school district covered by such retirement system;
18 provided that the school district has a shortage of certified
19 teachers, as determined by the school district, and provided that
20 no such retired certificated teacher shall be employed as a
21 superintendent. The total number of such retired certificated
22 teachers shall not exceed, at any one time, the lesser of ten
23 percent of the total teacher staff for that school district, or
24 five certificated teachers.

25 2. Notwithstanding any other provision of this chapter to
26 the contrary, a person receiving a retirement benefit from the
27 retirement system established pursuant to sections 169.600 to
28 169.715 may, without losing his or her retirement benefit, be

1 employed up to full time for up to two years for a school
2 district covered by such retirement system; provided that the
3 school district has a shortage of noncertificated employees, as
4 determined by the school district. The total number of such
5 retired noncertificated employees shall not exceed, at any one
6 time, the lesser of ten percent of the total noncertificated
7 staff for that school district, or five employees.

8 3. The employer's contribution rate shall be paid by the
9 hiring school district.

10 4. In order to hire teachers and noncertificated employees
11 pursuant to the provisions of this section, the school district
12 shall:

13 (1) Show a good faith effort to fill positions with
14 nonretired certificated teachers or nonretired noncertificated
15 employees;

16 (2) Post the vacancy for at least one month;

17 (3) Have not offered early retirement incentives for either
18 of the previous two years;

19 (4) Solicit applications through the local newspaper, other
20 media, or teacher education programs;

21 (5) Determine there is an insufficient number of eligible
22 applicants for the advertised position; and

23 (6) Declare a critical shortage of certificated teachers or
24 noncertificated employees that is active for one year.

25 5. Any person hired pursuant to this section shall be
26 included in the State Directory of New Hires for purposes of
27 income and eligibility verification pursuant to 42 U.S.C. Section
28 1320b-7.

1 169.670. 1. The retirement allowance of a member whose age
2 at retirement is sixty years or more and whose creditable service
3 is five years or more, or whose sum of age and creditable service
4 equals eighty years or more, or whose creditable service is
5 thirty years or more regardless of age, shall be the sum of the
6 following items:

7 (1) For each year of membership service, one and sixty-one
8 hundredths percent of the member's final average salary;

9 (2) Six-tenths of the amount payable for a year of
10 membership service for each year of prior service;

11 (3) Eighty-five one-hundredths of one percent of any amount
12 by which the member's average compensation for services rendered
13 prior to July 1, 1973, exceeds the average monthly compensation
14 on which federal Social Security taxes were paid during the
15 period over which such average compensation was computed, for
16 each year of membership service credit for services rendered
17 prior to July 1, 1973, plus six-tenths of the amount payable for
18 a year of membership service for each year of prior service
19 credit;

20 (4) In lieu of the retirement allowance otherwise provided
21 by subdivisions (1) to (3) of this subsection, between July 1,
22 2001, and July 1, [2008] 2013, a member may elect to receive a
23 retirement allowance of:

24 (a) One and fifty-nine hundredths percent of the member's
25 final average salary for each year of membership service, if the
26 member's creditable service is twenty-nine years or more but less
27 than thirty years and the member has not attained the age of
28 fifty-five;

1 (b) One and fifty-seven hundredths percent of the member's
2 final average salary for each year of membership service, if the
3 member's creditable service is twenty-eight years or more but
4 less than twenty-nine years, and the member has not attained the
5 age of fifty-five;

6 (c) One and fifty-five hundredths percent of the member's
7 final average salary for each year of membership service, if the
8 member's creditable service is twenty-seven years or more but
9 less than twenty-eight years and the member has not attained the
10 age of fifty-five;

11 (d) One and fifty-three hundredths percent of the member's
12 final average salary for each year of membership service, if the
13 member's creditable service is twenty-six years or more but less
14 than twenty-seven years and the member has not attained the age
15 of fifty-five;

16 (e) One and fifty-one hundredths percent of the member's
17 final average salary for each year of membership service, if the
18 member's creditable service is twenty-five years or more but less
19 than twenty-six years and the member has not attained the age of
20 fifty-five; and

21 (5) In addition to the retirement allowance provided in
22 subdivisions (1) to (3) of this subsection, a member retiring on
23 or after July 1, 2001, whose creditable service is thirty years
24 or more or whose sum of age and creditable service is eighty
25 years or more, shall receive a temporary retirement allowance
26 equivalent to eight-tenths of one percent of the member's final
27 average salary multiplied by the member's years of service until
28 such time as the member reaches the minimum age for Social

1 Security retirement benefits.

2 2. If the board of trustees determines that the cost of
3 living, as measured by generally accepted standards, increases
4 five percent or more in the preceding fiscal year, the board
5 shall increase the retirement allowances which the retired
6 members or beneficiaries are receiving by five percent of the
7 amount being received by the retired member or the beneficiary at
8 the time the annual increase is granted by the board; provided
9 that, the increase provided in this subsection shall not become
10 effective until the fourth January first following a member's
11 retirement or January 1, 1982, whichever occurs later, and the
12 total of the increases granted to a retired member or the
13 beneficiary after December 31, 1981, may not exceed eighty
14 percent of the retirement allowance established at retirement or
15 as previously adjusted by other provisions of law. If the cost
16 of living increases less than five percent, the board of trustees
17 may determine the percentage of increase to be made in retirement
18 allowances, but at no time can the increase exceed five percent
19 per year. If the cost of living decreases in a fiscal year,
20 there will be no increase in allowances for retired members on
21 the following January first.

22 3. The board of trustees may reduce the amounts which have
23 been granted as increases to a member pursuant to subsection 2 of
24 this section if the cost of living, as determined by the board
25 and as measured by generally accepted standards, is less than the
26 cost of living was at the time of the first increase granted to
27 the member; provided that, the reductions shall not exceed the
28 amount of increases which have been made to the member's

1 allowance after December 31, 1981.

2 4. (1) In lieu of the retirement allowance provided in
3 subsection 1 of this section, called "option 1", a member whose
4 creditable service is twenty-five years or more or who has
5 attained age fifty-five with five or more years of creditable
6 service may elect, in the application for retirement, to receive
7 the actuarial equivalent of the member's retirement allowance in
8 reduced monthly payments for life during retirement with the
9 provision that:

10 Option 2. Upon the member's death, the reduced retirement
11 allowance shall be continued throughout the life of and paid to
12 such person as has an insurable interest in the life of the
13 member as the member shall have nominated in the member's
14 election of the option, and provided further that if the person
15 so nominated dies before the retired member, the retirement
16 allowance will be increased to the amount the retired member
17 would be receiving had the member elected option 1;

18 OR

19 Option 3. Upon the death of the member three-fourths of the
20 reduced retirement allowance shall be continued throughout the
21 life of and paid to such person as has an insurable interest in
22 the life of the member and as the member shall have nominated in
23 an election of the option, and provided further that if the
24 person so nominated dies before the retired member, the
25 retirement allowance will be increased to the amount the retired
26 member would be receiving had the member elected option 1;

27 OR

28 Option 4. Upon the death of the member one-half of the

1 reduced retirement allowance shall be continued throughout the
2 life of, and paid to, such person as has an insurable interest in
3 the life of the member and as the member shall have nominated in
4 an election of the option, and provided further that if the
5 person so nominated dies before the retired member, the
6 retirement allowance shall be increased to the amount the retired
7 member would be receiving had the member elected option 1;

8 OR

9 Option 5. Upon the death of the member prior to the member
10 having received one hundred twenty monthly payments of the
11 member's reduced allowance, the remainder of the one hundred
12 twenty monthly payments of the reduced allowance shall be paid to
13 such beneficiary as the member shall have nominated in the
14 member's election of the option or in a subsequent nomination. If
15 there is no beneficiary so nominated who survives the member for
16 the remainder of the one hundred twenty monthly payments, the
17 reserve for the remainder of such one hundred twenty monthly
18 payments shall be paid to the estate of the last person to
19 receive a monthly allowance. If the total of the one hundred
20 twenty payments paid to the retired individual and the
21 beneficiary of the retired individual is less than the total of
22 the member's accumulated contributions, the difference shall be
23 paid to the beneficiary in a lump sum;

24 OR

25 Option 6. Upon the death of the member prior to the member
26 having received sixty monthly payments of the member's reduced
27 allowance, the remainder of the sixty monthly payments of the
28 reduced allowance shall be paid to such beneficiary as the member

1 shall have nominated in the member's election of the option or in
2 a subsequent nomination. If there is no beneficiary so nominated
3 who survives the member for the remainder of the sixty monthly
4 payments, the reserve for the remainder of such sixty monthly
5 payments shall be paid to the estate of the last person to
6 receive a monthly allowance. If the total of the sixty payments
7 paid to the retired individual and the beneficiary of the retired
8 individual is less than the total of the member's accumulated
9 contributions, the difference shall be paid to the beneficiary in
10 a lump sum;

11 OR

12 Option 7. A plan of variable monthly benefit payments which
13 provides, in conjunction with the member's retirement benefits
14 under the federal Social Security laws, level or near-level
15 retirement benefit payments to the member for life during
16 retirement, and if authorized, to an appropriate beneficiary
17 designated by the member. Such a plan shall be actuarially
18 equivalent to the retirement allowance under option 1 and shall
19 be available for election only if established by the board of
20 trustees under duly adopted rules.

21 (2) The election of an option may be made only in the
22 application for retirement and such application must be filed
23 prior to the date on which the retirement of the member is to be
24 effective. If either the member or the person nominated dies
25 before the effective date of retirement, the option shall not be
26 effective, provided that:

27 (a) If the member or a person retired on disability
28 retirement dies after attaining age fifty-five and acquiring five

1 or more years of creditable service or after acquiring
2 twenty-five or more years of creditable service and before
3 retirement, except retirement with disability benefits, and the
4 person named by the member as the member's beneficiary has an
5 insurable interest in the life of the deceased member, the
6 designated beneficiary may elect to receive either survivorship
7 payments under option 2 or a payment of the member's accumulated
8 contributions. If survivorship benefits under option 2 are
9 elected and the member at the time of death would have been
10 eligible to receive an actuarial equivalent of the member's
11 retirement allowance, the designated beneficiary may further
12 elect to defer the option 2 payments until the date the member
13 would have been eligible to receive the retirement allowance
14 provided in subsection 1 of this section.

15 (b) If the member or a person retired on disability
16 retirement dies before attaining age fifty-five but after
17 acquiring five but fewer than twenty-five years of creditable
18 service, and the person named as the beneficiary has an insurable
19 interest in the life of the deceased member or disability
20 retiree, the designated beneficiary may elect to receive either a
21 payment of the person's accumulated contributions, or
22 survivorship benefits under option 2 to begin on the date the
23 member would first have been eligible to receive an actuarial
24 equivalent of the person's retirement allowance, or to begin on
25 the date the member would first have been eligible to receive the
26 retirement allowance provided in subsection 1 of this section.

27 5. If the total of the retirement or disability allowances
28 paid to an individual before the person's death is less than the

1 person's accumulated contributions at the time of the person's
2 retirement, the difference shall be paid to the person's
3 beneficiary or, if there is no beneficiary, to the (1) surviving
4 spouse, (2) surviving children in equal shares, (3) surviving
5 parents in equal shares, or (4) person's estate in that order of
6 precedence; provided, however, that if an optional benefit, as
7 provided in option 2, 3 or 4 in subsection 4, had been elected
8 and the beneficiary dies after receiving the optional benefit,
9 then, if the total retirement allowances paid to the retired
10 individual and the individual's beneficiary are less than the
11 total of the contributions, the difference shall be paid to the
12 (1) surviving spouse, (2) surviving children in equal shares, (3)
13 surviving parents in equal shares, or (4) estate of the
14 beneficiary, in that order of precedence, unless the retired
15 individual designates a different recipient with the board at or
16 after retirement.

17 6. If a member dies before receiving a retirement
18 allowance, the member's accumulated contributions at the time of
19 the member's death shall be paid to the member's beneficiary or,
20 if there is no beneficiary, to the (1) surviving spouse, (2)
21 surviving children in equal shares, (3) surviving parents in
22 equal shares, or (4) to the member's estate; provided, however,
23 that no such payment shall be made if the beneficiary elects
24 option 2 in subsection 4 of this section, unless the beneficiary
25 dies before having received benefits pursuant to that subsection
26 equal to the accumulated contributions of the member, in which
27 case the amount of accumulated contributions in excess of the
28 total benefits paid pursuant to that subsection shall be paid to

1 the (1) surviving spouse, (2) surviving children in equal shares,
2 (3) surviving parents in equal shares, or (4) estate of the
3 beneficiary, in that order of precedence.

4 7. If a member ceases to be an employee as defined in
5 section 169.600 and certifies to the board of trustees that such
6 cessation is permanent or if the person's membership is otherwise
7 terminated, the person shall be paid the person's accumulated
8 contributions with interest.

9 8. Notwithstanding any provisions of sections 169.600 to
10 169.715 to the contrary, if a member ceases to be an employee as
11 defined in section 169.600 after acquiring five or more years of
12 creditable service, the member may, at the option of the member,
13 leave the member's contributions with the retirement system and
14 claim a retirement allowance any time after the member reaches
15 the minimum age for voluntary retirement. When the member's
16 claim is presented to the board, the member shall be granted an
17 allowance as provided in sections 169.600 to 169.715 on the basis
18 of the member's age and years of service.

19 9. The retirement allowance of a member retired because of
20 disability shall be nine-tenths of the allowance to which the
21 member's creditable service would entitle the member if the
22 member's age were sixty.

23 10. Notwithstanding any provisions of sections 169.600 to
24 169.715 to the contrary, any member who is a member prior to
25 October 13, 1969, may elect to have the member's retirement
26 allowance computed in accordance with sections 169.600 to 169.715
27 as they existed prior to October 13, 1969.

28 11. Any application for retirement shall include a sworn

1 statement by the member certifying that the spouse of the member
2 at the time the application was completed was aware of the
3 application and the plan of retirement elected in the
4 application.

5 12. Notwithstanding any other provision of law, any person
6 retired prior to August 14, 1984, who is receiving a reduced
7 retirement allowance under option 1 or 2 of subsection 4 of this
8 section, as the option existed prior to August 14, 1984, and
9 whose beneficiary nominated to receive continued retirement
10 allowance payments under the elected option dies or has died,
11 shall upon application to the board of trustees have the person's
12 retirement allowance increased to the amount the person would
13 have been receiving had the person not elected the option,
14 actuarially adjusted to recognize any excessive benefits which
15 would have been paid to the person up to the time of the
16 application.

17 13. Benefits paid pursuant to the provisions of the public
18 education employee retirement system of Missouri shall not exceed
19 the limitations of Section 415 of Title 26 of the United States
20 Code, except as provided under this subsection. Notwithstanding
21 any other law, the board of trustees may establish a benefit plan
22 under Section 415(m) of Title 26 of the United States Code. Such
23 plan shall be credited solely for the purpose described in
24 Section 415(m) (3) (A) of Title 26 of the United States Code. The
25 board of trustees may promulgate regulations necessary to
26 implement the provisions of this subsection and to create and
27 administer such benefit plan.

28 14. Any member who has retired prior to July 1, 1999, and

1 the designated beneficiary of a deceased retired member upon
2 request shall be made, constituted, appointed and employed by the
3 board as a special consultant on the matters of education,
4 retirement and aging. As compensation for such duties the person
5 shall receive a payment equivalent to seven and four-tenths
6 percent of the previous month's benefit, which shall be added to
7 the member's or beneficiary's monthly annuity and which shall not
8 be subject to the provisions of subsections 2 and 3 of this
9 section for the purposes of the limit on the total amount of
10 increases which may be received.

11 15. Any member who has retired prior to July 1, 2000, and
12 the designated beneficiary of a deceased retired member upon
13 request shall be made, constituted, appointed and employed by the
14 board as a special consultant on the matters of education,
15 retirement and aging. As compensation for such duties the person
16 shall receive a payment equivalent to three and four-tenths
17 percent of the previous month's benefit, which shall be added to
18 the member's or beneficiary's monthly annuity and which shall not
19 be subject to the provisions of subsections 2 and 3 of this
20 section for the purposes of the limit on the total amount of
21 increases which may be received.

22 16. Any member who has retired prior to July 1, 2001, and
23 the designated beneficiary of a deceased retired member upon
24 request shall be made, constituted, appointed and employed by the
25 board as a special consultant on the matters of education,
26 retirement and aging. As compensation for such duties the person
27 shall receive a payment equivalent to seven and one-tenth percent
28 of the previous month's benefit, which shall be added to the

member's or beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 2 and 3 of this section for the purposes of the limit on the total amount of increases which may be received.

170.135. 1. As used in this section, the following terms mean:

(1) "Captions", when the audio portion of video programming is displayed as text superimposed over the video;

(2) "Closed captions", captions that may be turned on or off by the viewer;

(3) "Electronic video instructional materials", materials designed, marketed, and sold for use in the instructional programs of educational institutions in Missouri, including but not limited to materials on videotape, CD-ROM, digital video disc (DVD), and film;

(4) "Open captions", captions that are always viewable and cannot be turned on and off by the viewer.

2. Beginning January 1, 2008, every publisher or manufacturer of electronic video instructional materials offered for adoption or sale in the state shall supply such materials with open captions or closed captions, except for the following:

(1) Video products or portions of video products for which the publisher does not have the rights to add captions; and

(2) Video products or portions of video products for which the user does not receive a physical copy of the product, but rather the product is otherwise broadcast into the instructional environment through television programming, teleconferences, and/or products distributed over the Internet or World Wide Web.

1 3. If the publisher or manufacturer fails to comply with
2 the requirements of this section, the publisher or manufacturer
3 shall be liable to the entity that purchased the electronic video
4 instructional materials in the amount of three times the amount
5 paid by the purchasing entity to have captions placed on the
6 materials.

7 4. In order to ensure the effective implementation of
8 subsection 3 of this section, a liability claim may be made on
9 behalf of the purchasing entity by either the individual
10 purchaser; a school, school district, college, or university that
11 employs the individual purchaser; the Missouri department of
12 elementary and secondary education; or the Missouri department of
13 higher education.

14 171.031. 1. Each school board shall prepare annually a
15 calendar for the school term, specifying the opening date and
16 providing a minimum term of at least one hundred seventy-four
17 days and one thousand forty-four hours of actual pupil
18 attendance.

19 2. Each local school district may set its opening date each
20 year, which date shall be no earlier than ten calendar days prior
21 to the first Monday in September. No public school district
22 shall select an early start date unless the district follows the
23 procedure set forth in subsection 3 of this section.

24 3. A district may set an opening date that is more than ten
25 calendar days prior to the first Monday in September only if the
26 local school board first gives public notice of a public meeting
27 to discuss the proposal of opening school on a date more than ten
28 days prior to the first Monday in September, and the local school

1 board holds said meeting and, at the same public meeting, a
2 majority of the board votes to allow an earlier opening date. If
3 all of the previous conditions are met, the district may set its
4 opening date more than ten calendar days prior to the first
5 Monday in September. The condition provided in this subsection
6 must be satisfied by the local school board each year that the
7 board proposes an opening date more than ten days before the
8 first Monday in September.

9 4. If any local district violates the provisions of this
10 section, the department of elementary and secondary education
11 shall withhold an amount equal to one quarter of the state
12 funding the district generated under section 163.031, RSMo, for
13 each date the district was in violation of this section.

14 5. The provisions of subsections 2 to 4 of this section
15 shall not apply to school districts in which school is in session
16 for twelve months of each calendar year.

17 6. The state board of education may grant an exemption from
18 this section to a school district that demonstrates highly
19 unusual and extenuating circumstances justifying exemption from
20 the provisions of subsections 2 to 4 of this section. Any
21 exemption granted by the state board of education shall be valid
22 for one academic year only.

23 7. No school day shall be longer than seven hours except
24 for vocational schools which may adopt an eight-hour day in a
25 metropolitan school district and a school district in a first
26 class county adjacent to a city not within a county.

27 190.092. 1. A person or entity who acquires an automated
28 external defibrillator shall ensure that:

1 (1) Expected defibrillator users receive training by the
2 American Red Cross or American Heart Association in
3 cardiopulmonary resuscitation and the use of automated external
4 defibrillators, or an equivalent nationally recognized course in
5 defibrillator use and cardiopulmonary resuscitation;

6 (2) The defibrillator is maintained and tested according to
7 the manufacturer's operational guidelines;

8 (3) Any person who renders emergency care or treatment on a
9 person in cardiac arrest by using an automated external
10 defibrillator activates the emergency medical services system as
11 soon as possible; and

12 (4) Any person or entity that owns an automated external
13 defibrillator that is for use outside of a health care facility
14 shall have a physician review and approve the clinical protocol
15 for the use of the defibrillator, review and advise regarding the
16 training and skill maintenance of the intended users of the
17 defibrillator and assure proper review of all situations when the
18 defibrillator is used to render emergency care.

19 2. Any person or entity who acquires an automated external
20 defibrillator shall notify the emergency communications district
21 or the ambulance dispatch center of the primary provider of
22 emergency medical services where the automated external
23 defibrillator is to be located.

24 3. Any person [who has had appropriate training, including
25 a course in cardiopulmonary resuscitation, has demonstrated a
26 proficiency in the use of an automated external defibrillator,
27 and] who gratuitously and in good faith renders emergency care
28 when medically appropriate by use of or provision of an automated

external defibrillator[, without objection of the injured victim or victims thereof,] shall [not be held liable for any civil damages] be held harmless and immune from civil liability as a result of such care or treatment, where the person acts as an ordinarily reasonable, prudent person would have acted under the same or similar circumstances. The person or entity who provides appropriate training to the person using an automated external defibrillator, the person or entity responsible for the site where the automated external defibrillator is located, and the licensed physician who reviews and approves the clinical protocol shall likewise not be held liable for civil damages resulting from the use of an automated external defibrillator, provided that all other requirements of this section have been met. Nothing in this section shall affect any claims brought pursuant to chapter 537 or 538, RSMo.

4. The provisions of this section shall apply in all counties within the state and any city not within a county.

210.102. 1. It shall be the duty of the Missouri children's services commission to:

(1) Make recommendations which will encourage greater interagency coordination, cooperation, more effective utilization of existing resources and less duplication of effort in activities of state agencies which affect the legal rights and well-being of children in Missouri;

(2) Develop an integrated state plan for the care provided to children in this state through state programs;

(3) Develop a plan to improve the quality of children's programs statewide. Such plan shall include, but not be limited

1 to:

2 (a) Methods for promoting geographic availability and
3 financial accessibility for all children and families in need of
4 such services;

5 (b) Program recommendations for children's services which
6 include child development, education, supervision, health and
7 social services;

8 (4) Design and implement evaluation of the activities of
9 the commission in fulfilling the duties as set out in this
10 section;

11 (5) Report annually to the governor with five copies each
12 to the house of representatives and senate about its activities
13 including, but not limited to the following:

14 (a) A general description of the activities pertaining to
15 children of each state agency having a member on the commission;

16 (b) A general description of the plans and goals, as they
17 affect children, of each state agency having a member on the
18 commission;

19 (c) Recommendations for statutory and appropriation
20 initiatives to implement the integrated state plan;

21 (d) A report from the commission regarding the state of
22 children in Missouri;

23 (6) On or before July 1, 2008, develop recommendations for
24 best practices in sharing relevant agency information relating to
25 school-aged children receiving state services in order to permit
26 the best degree of coordination in the delivery of such services
27 while protecting the privacy of the involved student and family.

28 2. There is hereby established within the children's

1 services commission the "Coordinating Board for Early Childhood",
2 which shall constitute a body corporate and politic, and shall
3 include but not be limited to the following members:

4 (1) A representative from the governor's office;

5 (2) A representative from each of the following
6 departments: health and senior services, mental health, social
7 services, and elementary and secondary education;

8 (3) A representative of the judiciary;

9 (4) A representative of the family and community trust
10 board (FACT);

11 (5) A representative from the head start program;

12 (6) Nine members appointed by the governor with the advice
13 and consent of the senate who are representatives of the groups,
14 such as business, philanthropy, civic groups, faith-based
15 organizations, parent groups, advocacy organizations, early
16 childhood service providers, and other stakeholders.

17
18 The coordinating board may make all rules it deems necessary to
19 enable it to conduct its meetings, elect its officers, and set
20 the terms and duties of its officers. The coordinating board
21 shall elect from amongst its members a chairperson, vice
22 chairperson, a secretary-reporter, and such other officers as it
23 deems necessary. Members of the board shall serve without
24 compensation but may be reimbursed for actual expenses necessary
25 to the performance of their official duties for the board.

26 3. The coordinating board for early childhood shall have
27 the power to:

28 (1) Develop a comprehensive statewide long-range strategic

1 plan for a cohesive early childhood system;

2 (2) Confer with public and private entities for the purpose
3 of promoting and improving the development of children from birth
4 through age five of this state;

5 (3) Identify legislative recommendations to improve
6 services for children from birth through age five;

7 (4) Promote coordination of existing services and programs
8 across public and private entities;

9 (5) Promote research-based approaches to services and
10 ongoing program evaluation;

11 (6) Identify service gaps and advise public and private
12 entities on methods to close such gaps;

13 (7) Apply for and accept gifts, grants, appropriations,
14 loans, or contributions to the coordinating board for early
15 childhood fund from any source, public or private, and enter into
16 contracts or other transactions with any federal or state agency,
17 any private organizations, or any other source in furtherance of
18 the purpose of subsections 2 and 3 of this section, and take any
19 and all actions necessary to avail itself of such aid and
20 cooperation;

21 (8) Direct disbursements from the coordinating board for
22 early childhood fund as provided in this section;

23 (9) Administer the coordinating board for early childhood
24 fund and invest any portion of the moneys not required for
25 immediate disbursement in obligations of the United States or any
26 agency or instrumentality of the United States, in obligations of
27 the state of Missouri and its political subdivisions, in
28 certificates of deposit and time deposits, or other obligations

1 of banks and savings and loan associations, or in such other
2 obligations as may be prescribed by the board;

3 (10) Purchase, receive, take by grant, gift, devise,
4 bequest or otherwise, lease, or otherwise acquire, own, hold,
5 improve, employ, use, and otherwise deal with real or personal
6 property or any interests therein, wherever situated;

7 (11) Sell, convey, lease, exchange, transfer or otherwise
8 dispose of all or any of its property or any interest therein,
9 wherever situated;

10 (12) Employ and fix the compensation of an executive
11 director and such other agents or employees as it considers
12 necessary;

13 (13) Adopt, alter, or repeal by its own bylaws, rules, and
14 regulations governing the manner in which its business may be
15 transacted;

16 (14) Adopt and use an official seal;

17 (15) Assess or charge fees as the board determines to be
18 reasonable to carry out its purposes;

19 (16) Make all expenditures which are incident and necessary
20 to carry out its purposes;

21 (17) Sue and be sued in its official name;

22 (18) Take such action, enter into such agreements, and
23 exercise all functions necessary or appropriate to carry out the
24 duties and purposes set forth in this section.

25 4. There is hereby created the "Coordinating Board for
26 Early Childhood Fund" which shall consist of the following:

27 (1) Any moneys appropriated by the general assembly for use
28 by the board in carrying out the powers set out in subsections 2

1 and 3 of this section;

2 (2) Any moneys received from grants or which are given,
3 donated, or contributed to the fund from any source;

4 (3) Any moneys received as fees authorized under
5 subsections 2 and 3 of this section;

6 (4) Any moneys received as interest on deposits or as
7 income on approved investments of the fund;

8 (5) Any moneys obtained from any other available source.
9

10 Notwithstanding the provisions of section 33.080, RSMo, to the
11 contrary, any moneys remaining in the coordinating board for
12 early childhood fund at the end of the biennium shall not revert
13 to the credit of the general revenue fund.

14 210.205. 1. By September 1, 2007, the department of social
15 services in collaboration with the departments of health and
16 senior services, elementary and secondary education, and mental
17 health shall develop a quality rating system for early childhood
18 and before- and after-school programs licensed by the department
19 of health and senior services that operate in this state. Such
20 ratings shall be built upon Missouri's current system of
21 licensing and regulation. The base level of the rating system
22 shall be licensing, and the highest level of the rating system
23 shall include accreditation by a state or nationally recognized
24 accrediting agency. The department of social services shall
25 utilize the model from the existing Missouri quality rating
26 system pilots developed by the University of Missouri Center for
27 Family Policy and Research, or any successor organization, to
28 establish this system.

1 2. The quality rating system shall:

2 (1) Provide information for consumers and parents to
3 evaluate and select high quality programs;

4 (2) Create an accountability system for policymakers and
5 those who fund early childhood and before- and after-school
6 programs;

7 (3) Guide providers through a system of ever increasing
8 levels of quality with specific outcomes.

9 3. By July 1, 2014, one hundred percent of all licensed
10 facilities shall be rated using the quality rating system
11 established under this section. The coordinating board for early
12 childhood, established under section 210.102, shall develop a
13 plan for a tiered system of reimbursement for child care
14 subsidies based on the quality rating system established under
15 this section. The plan shall be submitted to the general
16 assembly with recommendations for implementation of the
17 reimbursement system, to begin July 1, 2009.

18 4. There is hereby created in the state treasury the
19 "Quality Rating System Program Improvement Grant Fund". Within
20 this fund there is created a first sub-account which shall
21 consist of all gifts, donations, transfers, and bequests to the
22 fund. Notwithstanding the provisions of section 33.080, RSMo, to
23 the contrary, any moneys remaining in this first sub-account
24 shall not revert to the credit of the general revenue fund.
25 There is also created a second sub-account consisting of moneys
26 appropriated by the general assembly. Any moneys remaining in
27 this second sub-account shall at the end of the biennium revert
28 to the credit of the general revenue fund. The state treasurer

1 shall be custodian of the fund and may approve disbursements from
2 the fund in accordance with sections 30.170 and 30.180, RSMo.
3 Upon appropriation, money in the fund shall be used solely for
4 the administration of this section to provide grants directly to
5 licensed providers seeking assistance for quality improvements to
6 undergo evaluation under the quality rating system established
7 under this section or to community-based organizations assisting
8 providers with such improvements. The fund shall be administered
9 by the department of social services. The state treasurer shall
10 invest moneys in the fund in the same manner as other funds are
11 invested. Any interest and moneys earned on such investments
12 shall be credited to the fund.

13 5. The departments of social services in collaboration with
14 the departments of health and senior services and elementary and
15 secondary education shall be responsible for:

16 (1) Collecting and distributing resource materials to
17 educate the public and early childhood and before- and after-
18 school programs in Missouri about the quality rating system
19 established under this section;

20 (2) Developing and distributing educational materials,
21 including but not limited to brochures and other media as part of
22 a comprehensive public relations campaign about the useful and
23 informational system of assessing the quality of child care and
24 early childhood programs in Missouri; and

25 (3) Posting the ratings of the quality rating system on the
26 Internet in a format easily understood and accessible by the
27 public by January 1, 2009.

28 6. The department of social services shall promulgate rules

1 to implement the provisions of this section. Any rule or portion
2 of a rule, as that term is defined in section 536.010, RSMo, that
3 is created under the authority delegated in this section shall
4 become effective only if it complies with and is subject to all
5 of the provisions of chapter 536, RSMo, and, if applicable,
6 section 536.028, RSMo. This section and chapter 536, RSMo, are
7 nonseverable and if any of the powers vested with the general
8 assembly pursuant to chapter 536, RSMo, to review, to delay the
9 effective date, or to disapprove and annul a rule are
10 subsequently held unconstitutional, then the grant of rulemaking
11 authority and any rule proposed or adopted after August 28, 2007,
12 shall be invalid and void.

13 7. For purposes of this section, "early childhood program"
14 shall mean programs that are both centered and home-based and
15 providing services for children from birth to kindergarten.

16 8. Pursuant to section 23.253, RSMo, of the Missouri sunset
17 act:

18 (1) The provisions of the new program authorized under this
19 section shall automatically sunset six years after the effective
20 date of this section unless reauthorized by an act of the general
21 assembly; and

22 (2) If such program is reauthorized, the program authorized
23 under this section shall automatically sunset six years after the
24 effective date of the reauthorization of this section; and

25 (3) This section shall terminate on September first of the
26 calendar year immediately following the calendar year in which
27 the program authorized under this section is sunset.

28 376.1218. 1. Any health carrier or health benefit plan

1 that offers or issues health benefit plans, other than Medicaid
2 health benefit plans, which are delivered, issued for delivery,
3 continued, or renewed in this state on or after January 1, 2006,
4 shall provide coverage for early intervention services described
5 in this section that are delivered by early intervention
6 specialists who are health care professionals licensed by the
7 state of Missouri and acting within the scope of their
8 professions for children from birth to age three identified by
9 the Part C early intervention system as eligible for services
10 under Part C of the Individuals with Disabilities Education Act,
11 20 U.S.C. Section 1431, et seq. Such coverage shall be limited
12 to three thousand dollars for each covered child per policy per
13 calendar year, with a maximum of nine thousand dollars per child.

14 2. As used in this section, "health carrier" and "health
15 benefit plan" shall have the same meaning as such terms are
16 defined in section 376.1350.

17 3. In the event that any health benefit plan is found not
18 to be required to provide coverage under subsection 1 of this
19 section because of preemption by a federal law, including but not
20 limited to the act commonly known as ERISA contained in Title 29
21 of the United States Code, or in the event that subsection 1 of
22 this section is found to be unconstitutional, then the lead
23 agency shall be responsible for payment and provision of any
24 benefit provided under this section.

25 4. For purposes of this section, "early intervention
26 services" means medically necessary speech and language therapy,
27 occupational therapy, physical therapy, and assistive technology
28 devices for children from birth to age three who are identified

1 by the Part C early intervention system as eligible for services
2 under Part C of the Individuals with Disabilities Education Act,
3 20 U.S.C. Section 1431, et seq. Early intervention services
4 shall include services under an active individualized family
5 service plan that enhance functional ability without effecting a
6 cure. An individualized family service plan is a written plan
7 for providing early intervention services to an eligible child
8 and the child's family that is adopted in accordance with 20
9 U.S.C. Section 1436. The Part C early intervention system, on
10 behalf of its contracted regional Part C early intervention
11 system centers and providers, shall be considered the rendering
12 provider of services for purposes of this section.

13 5. No payment made for specified early intervention
14 services shall be applied by the health carrier or health benefit
15 plan against any maximum lifetime aggregate specified in the
16 policy or health benefit plan if the carrier opts to satisfy its
17 obligations under this section under subdivision (2) of
18 subsection 7 of this section. A health benefit plan shall be
19 billed at the applicable Medicaid rate at the time the covered
20 benefit is delivered, and the health benefit plan shall pay the
21 Part C early intervention system at such rate for benefits
22 covered by this section. Services under the Part C early
23 intervention system shall be delivered as prescribed by the
24 individualized family service plan and an electronic claim filed
25 in accordance with the carrier's or plan's standard format.
26 Beginning January 1, 2007, such claims' payments shall be made in
27 accordance with the provisions of sections 376.383 and 376.384.

28 6. The health care service required by this section shall

1 not be subject to any greater deductible, co-payment, or
2 coinsurance than other similar health care services provided by
3 the health benefit plan.

4 7. (1) Subject to the provisions of this section, payments
5 made during a calendar year by a health carrier or group of
6 carriers affiliated by or under common ownership or control to
7 the Part C early intervention system for services provided to
8 children covered by the Part C early intervention system shall
9 not exceed one-half of one percent of the direct written premium
10 for health benefit plans as reported to the department of
11 insurance on the health carrier's most recently filed annual
12 financial statement.

13 (2) In lieu of reimbursing claims under this section, a
14 carrier or group of carriers affiliated by or under common
15 ownership or control may, on behalf of all of the carrier's or
16 carriers' health benefit plan or plans providing coverage under
17 this section, directly pay the Part C early intervention system
18 by January thirty-first of the calendar year an amount equal to
19 one-half of one percent of the direct written premium for health
20 benefit plans as reported to the department of insurance on the
21 health carrier's most recently filed annual financial statement,
22 or five hundred thousand dollars, whichever is less, and such
23 payment shall constitute full and complete satisfaction of the
24 health benefit plan's obligation for the calendar year. Nothing
25 in this subsection shall require a health carrier or health
26 benefit plan providing coverage under this section to amend or
27 modify any provision of an existing policy or plan relating to
28 the payment or reimbursement of claims by the health carrier or

1 health benefit plan.

2 8. This section shall not apply to a supplemental insurance
3 policy, including a life care contract, specified disease policy,
4 hospital policy providing a fixed daily benefit only, Medicare
5 supplement policy, hospitalization-surgical care policy, policy
6 that is individually underwritten or provides such coverage for
7 specific individuals and members of their families, long-term
8 care policy, or short-term major medical policies of six months
9 or less duration.

10 9. Except for health carriers or health benefit plans
11 making payments under subdivision (2) of subsection 7 of this
12 section, the department of insurance shall collect data related
13 to the number of children receiving private insurance coverage
14 under this section and the total amount of moneys paid on behalf
15 of such children by private health carriers or health benefit
16 plans. The department shall report to the general assembly
17 regarding the department's findings no later than January 30,
18 2007, and annually thereafter.

19 10. Notwithstanding the provisions of section 23.253, RSMo,
20 to the contrary, the provisions of this section shall not sunset.

21 475.060. Any person may file a petition for the appointment
22 of himself or some other qualified person as guardian of a minor
23 or guardian of an incapacitated person. Such petition shall
24 state:

25 (1) The name, age, domicile, actual place of residence and
26 post office address of the minor or incapacitated person if known
27 and if any of these facts is unknown, the efforts made to
28 ascertain that fact;

1 (2) The estimated value of his real and personal property;

2 (3) If the minor or incapacitated person has no domicile or
3 place of residence in this state, the county in which the
4 property or major part thereof of the minor or incapacitated
5 person is located;

6 (4) The name and address of the parents of the minor or
7 incapacitated person and whether they are living or dead;

8 (5) The name and address of the spouse, and the names, ages
9 and addresses of all living children of the minor or
10 incapacitated person;

11 (6) The name and address of the person having custody of
12 the person of the minor or incapacitated person;

13 (7) The name and address of any guardian of the person or
14 conservator of the estate of the minor or incapacitated person
15 appointed in this or any other state;

16 (8) If appointment is sought for a natural person, other
17 than the public administrator, the names and addresses of wards
18 and disabled persons for whom such person is already guardian or
19 conservator;

20 (9) In the case of an incapacitated person, the fact that
21 the person for whom guardianship is sought is unable by reason of
22 some specified physical or mental condition to receive and
23 evaluate information or to communicate decisions to such an
24 extent that the person lacks capacity to meet essential
25 requirements for food, clothing, shelter, safety or other care
26 such that serious physical injury, illness or disease is likely
27 to occur;

28 (10) The reasons why the appointment of a guardian is

1 sought;

2 (11) A petition for the appointment of a guardian of a
3 minor may be filed for the sole and specific purpose of school
4 registration or medical insurance coverage. Such a petition
5 shall clearly set out this limited request and shall not be
6 combined with a petition for conservatorship. This appointment
7 shall not be used to circumvent current law requiring the student
8 to be a resident of the school district.

9 Section 1. Notwithstanding any provision of law to the
10 contrary, the state auditor shall have the power to audit any
11 school district within the state in the same manner as the
12 auditor may audit any agency of the state.

13 Section 2. Whenever any school district in this state
14 attains a score or displays criteria for classification of the
15 district on its annual performance review consistent with the
16 classification of "unaccredited", the state board of education
17 shall, within ninety days, study all of the pertinent, current
18 data from the district and shall either classify the district as
19 "unaccredited" or issue a report to the general assembly and the
20 governor delineating the factors considered and the reasons for
21 not classifying the district as "unaccredited". Should the state
22 board vote to classify a district as "unaccredited", the board
23 may vote to apply such classification prospectively to a date no
24 later than ten days after the last scheduled day of classes for
25 the district in the current academic year.

26 [160.930. Pursuant to section 23.253, RSMo, of
27 the Missouri sunset act:

28 (1) The provisions of the program authorized
29 under sections 160.900 to 160.925, section 162.700,
30 RSMo, and section 376.1218, RSMo, shall automatically
31 sunset two years after August 28, 2005, unless

1 reauthorized by an act of the general assembly; and

2 (2) If such program is reauthorized, the program
3 authorized under sections 160.900 to 160.925, section
4 162.700, RSMo, and section 376.1218, RSMo, shall
5 automatically sunset twelve years after the effective
6 date of the reauthorization of sections 160.900 to
7 160.925, section 162.700, RSMo, and section 376.1218,
8 RSMo; and

9 (3) Sections 160.900 to 160.925, section 162.700,
10 RSMo, and section 376.1218, RSMo, shall terminate on
11 September first of the calendar year immediately
12 following the calendar year in which the program
13 authorized under sections 160.900 to 160.925, section
14 162.700, RSMo, and section 376.1218, RSMo, is sunset.]