

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1722
94TH GENERAL ASSEMBLY

Reported from the Committee on Education, May 1, 2008, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

3813S.04C

AN ACT

To repeal sections 105.711, 160.261, 160.545, 160.660, 160.730, 160.775, 161.650, 162.675, 162.730, 162.740, 162.755, 162.780, 162.785, 162.810, 162.961, 162.963, 163.011, 167.020, 167.022, 167.023, 167.029, 167.115, 167.161, 167.164, 167.621, 167.624, 167.627, 167.630, 168.133, 168.520, 169.010, 170.011, 173.256, 173.258, and 210.102, and to enact in lieu thereof forty-seven new sections relating to elementary and secondary education, with penalty provisions and an emergency clause for certain sections.

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

Section A. Sections 105.711, 160.261, 160.545, 160.660, 160.730, 160.775, 161.650, 162.675, 162.730, 162.740, 162.755, 162.780, 162.785, 162.810, 162.961, 162.963, 163.011, 167.020, 167.022, 167.023, 167.029, 167.115, 167.161, 167.164, 167.621, 167.624, 167.627, 167.630, 168.133, 168.520, 169.010, 170.011, 173.256, 173.258, and 210.102, RSMo, are repealed and forty-seven new sections enacted in lieu thereof, to be known as sections 105.711, 160.261, 160.459, 160.545, 160.660, 160.775, 160.800, 160.805, 160.810, 160.815, 160.820, 161.650, 162.204, 162.215, 162.675, 162.730, 162.740, 162.755, 162.780, 162.785, 162.810, 162.961, 162.963, 163.011, 167.020, 167.022, 167.023, 167.029, 167.115, 167.161, 167.164, 167.621, 167.624, 167.627, 167.630, 168.133, 168.390, 168.520, 169.010, 170.011, 170.256, 170.400, 173.256, 173.258, 192.631, 210.102, and 1, to read as follows:

105.711. 1. There is hereby created a "State Legal Expense Fund" which shall consist of moneys appropriated to the fund by the general assembly and moneys otherwise credited to such fund pursuant to section 105.716.

2. Moneys in the state legal expense fund shall be available for the

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

5 payment of any claim or any amount required by any final judgment rendered by
6 a court of competent jurisdiction against:

7 (1) The state of Missouri, or any agency of the state, pursuant to section
8 536.050 or 536.087, RSMo, or section 537.600, RSMo;

9 (2) Any officer or employee of the state of Missouri or any agency of the
10 state, including, without limitation, elected officials, appointees, members of state
11 boards or commissions, and members of the Missouri national guard upon conduct
12 of such officer or employee arising out of and performed in connection with his or
13 her official duties on behalf of the state, or any agency of the state, provided that
14 moneys in this fund shall not be available for payment of claims made under
15 chapter 287, RSMo;

16 (3) (a) Any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse,
17 or other health care provider licensed to practice in Missouri under the provisions
18 of chapter 330, 332, 334, 335, 336, 337 or 338, RSMo, who is employed by the
19 state of Missouri or any agency of the state, under formal contract to conduct
20 disability reviews on behalf of the department of elementary and secondary
21 education or provide services to patients or inmates of state correctional facilities
22 on a part-time basis, and any physician, psychiatrist, pharmacist, podiatrist,
23 dentist, nurse, or other health care provider licensed to practice in Missouri
24 under the provisions of chapter 330, 332, 334, 335, 336, 337, or 338, RSMo, who
25 is under formal contract to provide services to patients or inmates at a county jail
26 on a part-time basis;

27 (b) Any physician licensed to practice medicine in Missouri under the
28 provisions of chapter 334, RSMo, and his professional corporation organized
29 pursuant to chapter 356, RSMo, who is employed by or under contract with a city
30 or county health department organized under chapter 192, RSMo, or chapter 205,
31 RSMo, or a city health department operating under a city charter, or a combined
32 city-county health department to provide services to patients for medical care
33 caused by pregnancy, delivery, and child care, if such medical services are
34 provided by the physician pursuant to the contract without compensation or the
35 physician is paid from no other source than a governmental agency except for
36 patient co-payments required by federal or state law or local ordinance;

37 (c) Any physician licensed to practice medicine in Missouri under the
38 provisions of chapter 334, RSMo, who is employed by or under contract with a
39 federally funded community health center organized under Section 315, 329, 330
40 or 340 of the Public Health Services Act (42 U.S.C. 216, 254c) to provide services

41 to patients for medical care caused by pregnancy, delivery, and child care, if such
42 medical services are provided by the physician pursuant to the contract or
43 employment agreement without compensation or the physician is paid from no
44 other source than a governmental agency or such a federally funded community
45 health center except for patient co-payments required by federal or state law or
46 local ordinance. In the case of any claim or judgment that arises under this
47 paragraph, the aggregate of payments from the state legal expense fund shall be
48 limited to a maximum of one million dollars for all claims arising out of and
49 judgments based upon the same act or acts alleged in a single cause against any
50 such physician, and shall not exceed one million dollars for any one claimant;

51 (d) Any physician licensed pursuant to chapter 334, RSMo, who is
52 affiliated with and receives no compensation from a nonprofit entity qualified as
53 exempt from federal taxation under Section 501(c)(3) of the Internal Revenue
54 Code of 1986, as amended, which offers a free health screening in any setting or
55 any physician, nurse, physician assistant, dental hygienist, dentist, or other
56 health care professional licensed or registered under chapter 330, 331, 332, 334,
57 335, 336, 337, or 338, RSMo, who provides health care services within the scope
58 of his or her license or registration at a city or county health department
59 organized under chapter 192, RSMo, or chapter 205, RSMo, a city health
60 department operating under a city charter, or a combined city-county health
61 department, or a nonprofit community health center qualified as exempt from
62 federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as
63 amended, if such services are restricted to primary care and preventive health
64 services, provided that such services shall not include the performance of an
65 abortion, and if such health services are provided by the health care professional
66 licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338,
67 RSMo, without compensation. MO HealthNet or Medicare payments for primary
68 care and preventive health services provided by a health care professional
69 licensed or registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338,
70 RSMo, who volunteers at a free health clinic is not compensation for the purpose
71 of this section if the total payment is assigned to the free health clinic. For the
72 purposes of the section, "free health clinic" means a nonprofit community health
73 center qualified as exempt from federal taxation under Section 501 (c)(3) of the
74 Internal Revenue Code of 1987, as amended, that provides primary care and
75 preventive health services to people without health insurance coverage for the
76 services provided without charge. In the case of any claim or judgment that

77 arises under this paragraph, the aggregate of payments from the state legal
78 expense fund shall be limited to a maximum of five hundred thousand dollars, for
79 all claims arising out of and judgments based upon the same act or acts alleged
80 in a single cause and shall not exceed five hundred thousand dollars for any one
81 claimant, and insurance policies purchased pursuant to the provisions of section
82 105.721 shall be limited to five hundred thousand dollars. Liability or
83 malpractice insurance obtained and maintained in force by or on behalf of any
84 health care professional licensed or registered under chapter 330, 331, 332, 334,
85 335, 336, 337, or 338, RSMo, shall not be considered available to pay that portion
86 of a judgment or claim for which the state legal expense fund is liable under this
87 paragraph;

88 (e) Any physician, nurse, physician assistant, dental hygienist, or dentist
89 licensed or registered to practice medicine, nursing, or dentistry or to act as a
90 physician assistant or dental hygienist in Missouri under the provisions of
91 chapter 332, RSMo, chapter 334, RSMo, or chapter 335, RSMo, who provides
92 medical, nursing, or dental treatment within the scope of his license or
93 registration to students of a school whether a public, private, or parochial
94 elementary or secondary school, if such physician's treatment is restricted to
95 primary care and preventive health services and if such medical, dental, or
96 nursing services are provided by the physician, dentist, physician assistant,
97 dental hygienist, or nurse without compensation. In the case of any claim or
98 judgment that arises under this paragraph, the aggregate of payments from the
99 state legal expense fund shall be limited to a maximum of five hundred thousand
100 dollars, for all claims arising out of and judgments based upon the same act or
101 acts alleged in a single cause and shall not exceed five hundred thousand dollars
102 for any one claimant, and insurance policies purchased pursuant to the provisions
103 of section 105.721 shall be limited to five hundred thousand dollars; or

104 (f) Any physician licensed under chapter 334, RSMo, or dentist licensed
105 under chapter 332, RSMo, providing medical care without compensation to an
106 individual referred to his or her care by a city or county health department
107 organized under chapter 192 or 205, RSMo, a city health department operating
108 under a city charter, or a combined city-county health department, or nonprofit
109 health center qualified as exempt from federal taxation under Section 501(c)(3)
110 of the Internal Revenue Code of 1986, as amended, or a federally funded
111 community health center organized under Section 315, 329, 330, or 340 of the
112 Public Health Services Act, 42 U.S.C. Section 216, 254c; provided that such

113 treatment shall not include the performance of an abortion. In the case of any
114 claim or judgment that arises under this paragraph, the aggregate of payments
115 from the state legal expense fund shall be limited to a maximum of one million
116 dollars for all claims arising out of and judgments based upon the same act or
117 acts alleged in a single cause and shall not exceed one million dollars for any one
118 claimant, and insurance policies purchased under the provisions of section
119 105.721 shall be limited to one million dollars. Liability or malpractice insurance
120 obtained and maintained in force by or on behalf of any physician licensed under
121 chapter 334, RSMo, or any dentist licensed under chapter 332, RSMo, shall not
122 be considered available to pay that portion of a judgment or claim for which the
123 state legal expense fund is liable under this paragraph;

124 (4) Staff employed by the juvenile division of any judicial circuit;

125 (5) Any attorney licensed to practice law in the state of Missouri who
126 practices law at or through a nonprofit community social services center qualified
127 as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue
128 Code of 1986, as amended, or through any agency of any federal, state, or local
129 government, if such legal practice is provided by the attorney without
130 compensation. In the case of any claim or judgment that arises under this
131 subdivision, the aggregate of payments from the state legal expense fund shall be
132 limited to a maximum of five hundred thousand dollars for all claims arising out
133 of and judgments based upon the same act or acts alleged in a single cause and
134 shall not exceed five hundred thousand dollars for any one claimant, and
135 insurance policies purchased pursuant to the provisions of section 105.721 shall
136 be limited to five hundred thousand dollars; [or]

137 (6) Any social welfare board created under section 205.770, RSMo, and the
138 members and officers thereof upon conduct of such officer or employee while
139 acting in his or her capacity as a board member or officer, and any physician,
140 nurse, physician assistant, dental hygienist, dentist, or other health care
141 professional licensed or registered under chapter 330, 331, 332, 334, 335, 336,
142 337, or 338, RSMo, who is referred to provide medical care without compensation
143 by the board and who provides health care services within the scope of his or her
144 license or registration as prescribed by the board; or

145 (7) **Any school district or any employee of a school district in an**
146 **action or proceeding that involves the reporting on or discussion of**
147 **employee job performance for the purpose of making employment**
148 **decisions that affect the safety and welfare of any elementary and**

149 **secondary education student or students as provided in section 168.390,**
150 **RSMo.**

151 3. The department of health and senior services shall promulgate rules
152 regarding contract procedures and the documentation of care provided under
153 paragraphs (b), (c), (d), (e), and (f) of subdivision (3) of subsection 2 of this
154 section. The limitation on payments from the state legal expense fund or any
155 policy of insurance procured pursuant to the provisions of section 105.721,
156 provided in subsection 7 of this section, shall not apply to any claim or judgment
157 arising under paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection
158 2 of this section. Any claim or judgment arising under paragraph (a), (b), (c), (d),
159 (e), or (f) of subdivision (3) of subsection 2 of this section shall be paid by the
160 state legal expense fund or any policy of insurance procured pursuant to section
161 105.721, to the extent damages are allowed under sections 538.205 to 538.235,
162 RSMo. Liability or malpractice insurance obtained and maintained in force by
163 any health care professional licensed or registered under chapter 330, 331, 332,
164 334, 335, 336, 337, or 338, RSMo, for coverage concerning his or her private
165 practice and assets shall not be considered available under subsection 7 of this
166 section to pay that portion of a judgment or claim for which the state legal
167 expense fund is liable under paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3)
168 of subsection 2 of this section. However, a health care professional licensed or
169 registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338, RSMo, may
170 purchase liability or malpractice insurance for coverage of liability claims or
171 judgments based upon care rendered under paragraphs (c), (d), (e), and (f) of
172 subdivision (3) of subsection 2 of this section which exceed the amount of liability
173 coverage provided by the state legal expense fund under those paragraphs. Even
174 if paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of this
175 section is repealed or modified, the state legal expense fund shall be available for
176 damages which occur while the pertinent paragraph (a), (b), (c), (d), (e), or (f) of
177 subdivision (3) of subsection 2 of this section is in effect.

178 4. The attorney general shall promulgate rules regarding contract
179 procedures and the documentation of legal practice provided under subdivision
180 (5) of subsection 2 of this section. The limitation on payments from the state
181 legal expense fund or any policy of insurance procured pursuant to section
182 105.721 as provided in subsection 7 of this section shall not apply to any claim
183 or judgment arising under subdivision (5) of subsection 2 of this section. Any
184 claim or judgment arising under subdivision (5) of subsection 2 of this section

185 shall be paid by the state legal expense fund or any policy of insurance procured
186 pursuant to section 105.721 to the extent damages are allowed under sections
187 538.205 to 538.235, RSMo. Liability or malpractice insurance otherwise obtained
188 and maintained in force shall not be considered available under subsection 7 of
189 this section to pay that portion of a judgment or claim for which the state legal
190 expense fund is liable under subdivision (5) of subsection 2 of this
191 section. However, an attorney may obtain liability or malpractice insurance for
192 coverage of liability claims or judgments based upon legal practice rendered
193 under subdivision (5) of subsection 2 of this section that exceed the amount of
194 liability coverage provided by the state legal expense fund under subdivision (5)
195 of subsection 2 of this section. Even if subdivision (5) of subsection 2 of this
196 section is repealed or amended, the state legal expense fund shall be available for
197 damages that occur while the pertinent subdivision (5) of subsection 2 of this
198 section is in effect.

199 5. All payments shall be made from the state legal expense fund by the
200 commissioner of administration with the approval of the attorney
201 general. Payment from the state legal expense fund of a claim or final judgment
202 award against a health care professional licensed or registered under chapter 330,
203 331, 332, 334, 335, 336, 337, or 338, RSMo, described in paragraph (a), (b), (c),
204 (d), (e), or (f) of subdivision (3) of subsection 2 of this section, or against an
205 attorney in subdivision (5) of subsection 2 of this section, shall only be made for
206 services rendered in accordance with the conditions of such paragraphs. In the
207 case of any claim or judgment against an officer or employee of the state or any
208 agency of the state based upon conduct of such officer or employee arising out of
209 and performed in connection with his or her official duties on behalf of the state
210 or any agency of the state that would give rise to a cause of action under section
211 537.600, RSMo, the state legal expense fund shall be liable, excluding punitive
212 damages, for:

213 (1) Economic damages to any one claimant; and

214 (2) Up to three hundred fifty thousand dollars for noneconomic damages.

215 The state legal expense fund shall be the exclusive remedy and shall preclude any
216 other civil actions or proceedings for money damages arising out of or relating to
217 the same subject matter against the state officer or employee, or the officer's or
218 employee's estate. No officer or employee of the state or any agency of the state
219 shall be individually liable in his or her personal capacity for conduct of such
220 officer or employee arising out of and performed in connection with his or her

221 official duties on behalf of the state or any agency of the state. The provisions of
222 this subsection shall not apply to any defendant who is not an officer or employee
223 of the state or any agency of the state in any proceeding against an officer or
224 employee of the state or any agency of the state. Nothing in this subsection shall
225 limit the rights and remedies otherwise available to a claimant under state law
226 or common law in proceedings where one or more defendants is not an officer or
227 employee of the state or any agency of the state.

228 6. The limitation on awards for noneconomic damages provided for in this
229 subsection shall be increased or decreased on an annual basis effective January
230 first of each year in accordance with the Implicit Price Deflator for Personal
231 Consumption Expenditures as published by the Bureau of Economic Analysis of
232 the United States Department of Commerce. The current value of the limitation
233 shall be calculated by the director of the department of insurance, who shall
234 furnish that value to the secretary of state, who shall publish such value in the
235 Missouri Register as soon after each January first as practicable, but it shall
236 otherwise be exempt from the provisions of section 536.021, RSMo.

237 7. Except as provided in subsection 3 of this section, in the case of any
238 claim or judgment that arises under sections 537.600 and 537.610, RSMo, against
239 the state of Missouri, or an agency of the state, the aggregate of payments from
240 the state legal expense fund and from any policy of insurance procured pursuant
241 to the provisions of section 105.721 shall not exceed the limits of liability as
242 provided in sections 537.600 to 537.610, RSMo. No payment shall be made from
243 the state legal expense fund or any policy of insurance procured with state funds
244 pursuant to section 105.721 unless and until the benefits provided to pay the
245 claim by any other policy of liability insurance have been exhausted.

246 8. The provisions of section 33.080, RSMo, notwithstanding, any moneys
247 remaining to the credit of the state legal expense fund at the end of an
248 appropriation period shall not be transferred to general revenue.

249 9. Any rule or portion of a rule, as that term is defined in section 536.010,
250 RSMo, that is promulgated under the authority delegated in sections 105.711 to
251 105.726 shall become effective only if it has been promulgated pursuant to the
252 provisions of chapter 536, RSMo. Nothing in this section shall be interpreted to
253 repeal or affect the validity of any rule filed or adopted prior to August 28, 1999,
254 if it fully complied with the provisions of chapter 536, RSMo. This section and
255 chapter 536, RSMo, are nonseverable and if any of the powers vested with the
256 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective

257 date, or to disapprove and annul a rule are subsequently held unconstitutional,
258 then the grant of rulemaking authority and any rule proposed or adopted after
259 August 28, 1999, shall be invalid and void.

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

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

- 29 (1) First degree murder under section 565.020, RSMo;
30 (2) Second degree murder under section 565.021, RSMo;
31 (3) Kidnapping under section 565.110, RSMo;
32 (4) First degree assault under section 565.050, RSMo;
33 (5) Forcible rape under section 566.030, RSMo;

34 (6) Forcible sodomy under section 566.060, RSMo;
35 (7) Burglary in the first degree under section 569.160, RSMo;
36 (8) Burglary in the second degree under section 569.170, RSMo;
37 (9) Robbery in the first degree under section 569.020, RSMo;
38 (10) Distribution of drugs under section 195.211, RSMo;
39 (11) Distribution of drugs to a minor under section 195.212, RSMo;
40 (12) Arson in the first degree under section 569.040, RSMo;
41 (13) Voluntary manslaughter under section 565.023, RSMo;
42 (14) Involuntary manslaughter under section 565.024, RSMo;
43 (15) Second degree assault under section 565.060, RSMo;
44 (16) Sexual assault under section 566.040, RSMo;
45 (17) Felonious restraint under section 565.120, RSMo;
46 (18) Property damage in the first degree under section 569.100, RSMo;
47 (19) The possession of a weapon under chapter 571, RSMo;
48 (20) Child molestation in the first degree pursuant to section 566.067,
49 RSMo;
50 (21) Deviate sexual assault pursuant to section 566.070, RSMo;
51 (22) Sexual misconduct involving a child pursuant to section 566.083,
52 RSMo; or
53 (23) Sexual abuse pursuant to section 566.100, RSMo;
54 committed on school property, including but not limited to actions on any school
55 bus in service on behalf of the district or while involved in school activities. The
56 policy shall require that any portion of a student's individualized education
57 program that is related to demonstrated or potentially violent behavior shall be
58 provided to any teacher and other school district employees who are directly
59 responsible for the student's education or who otherwise interact with the student
60 on an educational basis while acting within the scope of their assigned
61 duties. The policy shall also contain the consequences of failure to obey
62 standards of conduct set by the local board of education, and the importance of
63 the standards to the maintenance of an atmosphere where orderly learning is
64 possible and encouraged.

65 3. The policy shall provide that any student who is on suspension for any
66 of the offenses listed in subsection 2 of this section or any act of violence or
67 drug-related activity defined by school district policy as a serious violation of
68 school discipline pursuant to subsection 9 of this section shall have as a condition
69 of his or her suspension the requirement that such student is not allowed, while

70 on such suspension, to be within one thousand feet of any [public] school
71 **property** in the school district where such student attended school **or any**
72 **activity of that district, regardless of whether or not the activity takes**
73 **place on district property** unless:

74 (1) Such student is under the direct supervision of the student's parent,
75 legal guardian, or custodian **and the superintendent or the**
76 **superintendent's designee has authorized the student to be on school**
77 **property;**

78 (2) Such student is under the direct supervision of another adult
79 designated by the student's parent, legal guardian, or custodian, in advance, in
80 writing, to the principal of the school which suspended the student **and the**
81 **superintendent or the superintendent's designee has authorized the**
82 **student to be on school property;**

83 (3) Such student is **enrolled in and attending** an alternative school that
84 is located within one thousand feet of a public school in the school district where
85 such student attended school; or

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

89 4. Any student who violates the condition of suspension required pursuant
90 to subsection 3 of this section may be subject to expulsion or further suspension
91 pursuant to the provisions of sections 167.161, 167.164, and 167.171, RSMo. In
92 making this determination consideration shall be given to whether the student
93 poses a threat to the safety of any child or school employee and whether such
94 student's unsupervised presence within one thousand feet of the school is
95 disruptive to the educational process or undermines the effectiveness of the
96 school's disciplinary policy. Removal of any pupil who is a student with a
97 disability is subject to state and federal procedural rights. **This section shall**
98 **not limit a school district's ability to:**

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

101 (2) **Discipline students for off-campus conduct that negatively**
102 **affects the educational environment to the extent allowed by law.**

103 5. The policy shall provide for a suspension for a period of not less than
104 one year, or expulsion, for a student who is determined to have brought a weapon
105 to school, including but not limited to the school playground or the school parking

106 lot, brought a weapon on a school bus or brought a weapon to a school activity
107 whether on or off of the school property in violation of district policy, except that:

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

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

114 6. For the purpose of this section, the term "weapon" shall mean a firearm
115 as defined under 18 U.S.C. 921 and the following items, as defined in section
116 571.010, RSMo: a blackjack, a concealable firearm, an explosive weapon, a
117 firearm, a firearm silencer, a gas gun, a knife, knuckles, a machine gun, a
118 projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except
119 that this section shall not be construed to prohibit a school board from adopting
120 a policy to allow a Civil War reenactor to carry a Civil War era weapon on school
121 property for educational purposes so long as the firearm is unloaded. The local
122 board of education shall define weapon in the discipline policy. Such definition
123 shall include the weapons defined in this subsection but may also include other
124 weapons.

125 7. All school district personnel responsible for the care and supervision
126 of students are authorized to hold every pupil strictly accountable for any
127 disorderly conduct in school or on any property of the school, on any school bus
128 going to or returning from school, during school-sponsored activities, or during
129 intermission or recess periods.

130 8. Teachers and other authorized district personnel in public schools
131 responsible for the care, supervision, and discipline of schoolchildren, including
132 volunteers selected with reasonable care by the school district, shall not be civilly
133 liable when acting in conformity with the established [policy of discipline]
134 **policies** developed by each board [under this section], **including but not**
135 **limited to policies of student discipline** or when reporting to his or her
136 supervisor or other person as mandated by state law acts of school violence or
137 threatened acts of school violence, within the course and scope of the duties of the
138 teacher, authorized district personnel or volunteer, when such individual is acting
139 in conformity with the established policies developed by the board. Nothing in
140 this section shall be construed to create a new cause of action against such school
141 district, or to relieve the school district from liability for the negligent acts of

142 such persons.

143 9. Each school board shall define in its discipline policy acts of violence
144 and any other acts that constitute a serious violation of that policy. Acts of
145 violence as defined by school boards shall include but not be limited to exertion
146 of physical force by a student with the intent to do serious bodily harm to another
147 person while on school property, including a school bus in service on behalf of the
148 district, or while involved in school activities. School districts shall for each
149 student enrolled in the school district compile and maintain records of any
150 serious violation of the district's discipline policy. Such records shall be made
151 available to teachers and other school district employees with a need to know
152 while acting within the scope of their assigned duties, and shall be provided as
153 required in section 167.020, RSMo, to any school district in which the student
154 subsequently attempts to enroll.

155 10. Spanking **or the use of force to protect persons or property**,
156 when administered by [certificated] personnel of a school district in a reasonable
157 manner in accordance with the local board of education's written policy of
158 discipline, is not abuse within the meaning of chapter 210, RSMo, **as long as no**
159 **allegation of sexual misconduct arises from the incident, and in**
160 **addition, in the case of spanking, as long as another employee of the**
161 **school is present as a witness.** The provisions of sections 210.110 to 210.165,
162 RSMo, notwithstanding, the **children's** division [of family services] shall not
163 have jurisdiction over or investigate any report of alleged child abuse arising out
164 of or related to any spanking administered in a reasonable manner by any
165 [certificated] school personnel pursuant to a written policy of discipline
166 established by the board of education of the school district. Upon receipt of any
167 reports of child abuse by the division of family services pursuant to sections
168 210.110 to 210.165, RSMo, which allegedly involves personnel of a school district,
169 the division of family services shall notify the superintendent of schools of the
170 district or, if the person named in the alleged incident is the superintendent of
171 schools, the president of the school board of the school district where the alleged
172 incident occurred. If, after an initial investigation, the superintendent of schools
173 or the president of the school board finds that the report involves an alleged
174 incident of child abuse other than the administration of a spanking **or the use**
175 **of force to protect persons or property** by [certificated] school personnel
176 pursuant to a written policy of discipline or [a] **that the report was** made for the
177 sole purpose of harassing a public school employee, the superintendent of schools

178 or the president of the school board shall immediately refer the matter back to
179 the **children's** division [of family services] and take no further action. In all
180 matters referred back to the **children's** division [of family services], the division
181 [of family services] shall treat the report in the same manner as other reports of
182 alleged child abuse received by the division. If the report pertains to an alleged
183 incident which arose out of or is related to a spanking **or the use of force to**
184 **protect persons or property** administered by [certificated] personnel of a
185 school district pursuant to a written policy of discipline or a report made for the
186 sole purpose of harassing a public school employee, a notification of the reported
187 child abuse shall be sent by the superintendent of schools or the president of the
188 school board to the juvenile officer of the county in which the alleged incident
189 occurred. The report shall be jointly investigated by the juvenile officer or a law
190 enforcement officer designated by the juvenile officer and the superintendent of
191 schools or, if the subject of the report is the superintendent of schools, by the
192 juvenile officer or a law enforcement officer designated by the juvenile officer and
193 the president of the school board or such president's designee. The investigation
194 shall begin no later than forty-eight hours after notification from the **children's**
195 division [of family services] is received, and shall consist of, but need not be
196 limited to, interviewing and recording statements of the child and the child's
197 parents or guardian within two working days after the start of the investigation,
198 of the school district personnel allegedly involved in the report, and of any
199 witnesses to the alleged incident. The juvenile officer or a law enforcement officer
200 designated by the juvenile officer and the investigating school district personnel
201 shall issue separate reports of their findings and recommendations after the
202 conclusion of the investigation to the school board of the school district within
203 seven days after receiving notice from the **children's** division [of family
204 services]. The reports shall contain a statement of conclusion as to whether the
205 report of alleged child abuse is substantiated or is unsubstantiated. The school
206 board shall consider the separate reports and shall issue its findings and
207 conclusions and the action to be taken, if any, within seven days after receiving
208 the last of the two reports. The findings and conclusions shall be made in
209 substantially the following form:

210 (1) The report of the alleged child abuse is unsubstantiated. The juvenile
211 officer or a law enforcement officer designated by the juvenile officer and the
212 investigating school board personnel agree that the evidence shows that no abuse
213 occurred;

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

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

222 11. The findings and conclusions of the school board shall be sent to the
223 **children's** division [of family services]. If the findings and conclusions of the
224 school board are that the report of the alleged child abuse is unsubstantiated, the
225 investigation shall be terminated, the case closed, and no record shall be entered
226 in the **children's** division [of family services'] central registry. If the findings
227 and conclusions of the school board are that the report of the alleged child abuse
228 is substantiated, the **children's** division [of family services] shall report the
229 incident to the prosecuting attorney of the appropriate county along with the
230 findings and conclusions of the school district and shall include the information
231 in the division's central registry. If the findings and conclusions of the school
232 board are that the issue involved in the alleged incident of child abuse is
233 unresolved, the **children's** division [of family services] shall report the incident
234 to the prosecuting attorney of the appropriate county along with the findings and
235 conclusions of the school board, however, the incident and the names of the
236 parties allegedly involved shall not be entered into the central registry of the
237 **children's** division [of family services] unless and until the alleged child abuse
238 is substantiated by a court of competent jurisdiction.

239 12. Any superintendent of schools, president of a school board or such
240 person's designee or juvenile officer who knowingly falsifies any report of any
241 matter pursuant to this section or who knowingly withholds any information
242 relative to any investigation or report pursuant to this section is guilty of a class
243 A misdemeanor.

244 13. In order to ensure the safety of all students, should a student be
245 expelled for bringing a weapon to school, violent behavior, or for an act of school
246 violence, that student shall not, for the purposes of the accreditation process of
247 the Missouri school improvement plan, be considered a dropout or be included in
248 the calculation of that district's educational persistence ratio.

160.459. 1. There is hereby established the "Rebuild Missouri

2 Schools Program" under which the state board of education shall
3 distribute no-interest funding to eligible school districts from moneys
4 appropriated by the general assembly to the rebuild Missouri schools
5 program fund for the purposes of this section to assist in paying the
6 costs of emergency projects.

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

8 (1) "Eligible school district", any public school district that has
9 one or more school facilities that have experienced severe damage or
10 destruction due to an act of God or extreme weather events, including
11 but not limited to tornado, flood, or hail;

12 (2) "Emergency project", reconstruction, replacement or
13 renovation of, or repair to, any school facilities located in an area that
14 has been declared a disaster area by the governor or President of the
15 United States because of severe damage;

16 (3) "Fund", the rebuild Missouri schools fund created by this
17 section and funded by appropriations of the general assembly;

18 (4) "Severe damage", such level of damage as to render all or a
19 substantial portion of a facility within a school district unusable for the
20 purpose for which it was being used immediately prior to the event
21 that caused the damage.

22 3. Under rules and procedures established by the state board of
23 education, eligible school districts may receive moneys from the fund
24 to pay for the costs of one or more emergency projects.

25 4. Each eligible school district applying for such funding shall
26 enter into an agreement with the state board of education which shall
27 provide for all of the following:

28 (1) The funding shall be used only to pay the costs of an
29 emergency project;

30 (2) The eligible school district shall pay no interest for the
31 funding;

32 (3) The eligible school district shall, subject to annual
33 appropriation as provided in this section, repay the amount of the
34 funding to the fund in annual installments, which may or may not be
35 equal in amount, not more than twenty years from the date the funding
36 is received by the eligible school district. If the fund is no longer in
37 existence, the eligible school district shall repay the amount of the
38 funding to the general revenue fund;

39 (4) The repayment described in subdivision (3) of this subsection
40 shall annually be subject to an appropriation by the board of education
41 of the eligible school district to make such repayment, such
42 appropriation to be, at the discretion of the eligible school district,
43 from such district's incidental fund or capital projects fund;

44 (5) As security for the repayment, a pledge from the eligible
45 school district to the state board of education of the use and occupancy
46 of the school facilities constituting the emergency project for a period
47 ending not earlier than the date the repayment shall be completed; and

48 (6) Such other provisions as the state board of education shall
49 provide for in its rules and procedures or as to which the state board
50 of education and the eligible school district shall agree.

51 5. The amount of funding awarded by the state board of
52 education for any emergency project shall not exceed the cost of that
53 emergency project less the amount of any insurance proceeds or other
54 moneys received by the eligible school district as a result of the severe
55 damage. If the eligible school district receives such insurance proceeds
56 or other moneys after it receives funding under the rebuild Missouri
57 schools program, it shall pay to the state board of education the
58 amount by which the sum of the funding under the rebuild Missouri
59 schools program plus the insurance proceeds and other moneys exceeds
60 the cost of the emergency project. Such payment shall:

61 (1) Be made at the time the annual payment under the agreement
62 is made;

63 (2) Be made whether or not the eligible school district has made
64 an appropriation for its annual payment;

65 (3) Be in addition to the annual payment; and

66 (4) Not be a credit against the annual payment.

67 6. Repayments from eligible school districts shall be paid into
68 the fund so long as it is in existence and may be used by the state board
69 of education to provide additional funding under the rebuild Missouri
70 schools program. If the fund is no longer in existence, repayments shall
71 be paid to the general revenue fund.

72 7. The funding provided for under the rebuild Missouri schools
73 program, and the obligation to repay such funding, shall not be taken
74 into account for purposes of any constitutional or statutory debt
75 limitation applicable to an eligible school district.

76 8. The state board of education shall establish procedures,
77 criteria, and deadlines for eligible school districts to follow in applying
78 for assistance under this section. The state board of education shall
79 promulgate rules and regulations necessary to implement this section.
80 No regulations, procedures, or deadline shall be adopted by the state
81 board of education that would serve to exclude or limit any public
82 school district that received severe damage after April 1, 2006, from
83 participation in the program established by this section. Any rule or
84 portion of a rule, as that term is defined in section 536.010, RSMo, that
85 is created under the authority delegated in this section shall become
86 effective only if it complies with and is subject to all of the provisions
87 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This
88 section and chapter 536, RSMo, are nonseverable and if any of the
89 powers vested with the general assembly pursuant to chapter 536,
90 RSMo, to review, to delay the effective date, or to disapprove and annul
91 a rule are subsequently held unconstitutional, then the grant of
92 rulemaking authority and any rule proposed or adopted after August
93 28, 2008, shall be invalid and void.

94 9. There is hereby created in the state treasury the "Rebuild
95 Missouri Schools Fund", which shall consist of money appropriated or
96 collected under this section. The state treasurer shall be custodian of
97 the fund and may approve disbursements from the fund in accordance
98 with sections 30.170 and 30.180, RSMo. Upon appropriation, money in
99 the fund shall be used solely for the purposes of this section. Any
100 moneys remaining in the fund at the end of the biennium shall revert
101 to the credit of the general revenue fund. The state treasurer shall
102 invest moneys in the fund in the same manner as other funds are
103 invested. Any interest and moneys earned on such investments shall be
104 credited to the fund.

105 10. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

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

109 (2) If such program is reauthorized, the program authorized
110 under this section shall sunset automatically twelve years after the
111 effective date of the reauthorization of this section; and

112 (3) This section shall terminate on September first of the

113 **calendar year immediately following the calendar year in which the**
114 **program authorized under this section is sunset.**

160.545. 1. There is hereby established within the department of
2 elementary and secondary education the "A+ Schools Program" to be administered
3 by the commissioner of education. The program shall consist of grant awards
4 made to public secondary schools that demonstrate a commitment to ensure that:

- 5 (1) All students be graduated from school;
- 6 (2) All students complete a selection of high school studies that is
7 challenging and for which there are identified learning expectations; and
- 8 (3) All students proceed from high school graduation to a college or
9 postsecondary vocational or technical school or high-wage job with work place
10 skill development opportunities.

11 2. The state board of education shall promulgate rules and regulations for
12 the approval of grants made under the program to schools that:

- 13 (1) Establish measurable districtwide performance standards for the goals
14 of the program outlined in subsection 1 of this section; and
- 15 (2) Specify the knowledge, skills and competencies, in measurable terms,
16 that students must demonstrate to successfully complete any individual course
17 offered by the school, and any course of studies which will qualify a student for
18 graduation from the school; and
- 19 (3) Do not offer a general track of courses that, upon completion, can lead
20 to a high school diploma; and
- 21 (4) Require rigorous coursework with standards of competency in basic
22 academic subjects for students pursuing vocational and technical education as
23 prescribed by rule and regulation of the state board of education; and
- 24 (5) Have a partnership plan developed in cooperation and with the advice
25 of local business persons, labor leaders, parents, and representatives of college
26 and postsecondary vocational and technical school representatives, with the plan
27 then approved by the local board of education. The plan shall specify a
28 mechanism to receive information on an annual basis from those who developed
29 the plan in addition to senior citizens, community leaders, and teachers to update
30 the plan in order to best meet the goals of the program as provided in subsection
31 1 of this section. Further, the plan shall detail the procedures used in the school
32 to identify students that may drop out of school and the intervention services to
33 be used to meet the needs of such students. The plan shall outline counseling
34 and mentoring services provided to students who will enter the work force upon

35 graduation from high school, address apprenticeship and intern programs, and
36 shall contain procedures for the recruitment of volunteers from the community
37 of the school to serve in schools receiving program grants.

38 **3. A school district may participate in the program irrespective**
39 **of its accreditation classification by the state board of education,**
40 **provided it meets all other requirements.**

41 **4.** By rule and regulation, the state board of education may determine a
42 local school district variable fund match requirement in order for a school or
43 schools in the district to receive a grant under the program. However, no school
44 in any district shall receive a grant under the program unless the district
45 designates a salaried employee to serve as the program coordinator, with the
46 district assuming a minimum of one-half the cost of the salary and other benefits
47 provided to the coordinator. Further, no school in any district shall receive a
48 grant under the program unless the district makes available facilities and
49 services for adult literacy training as specified by rule of the state board of
50 education.

51 **[4.] 5.** For any school that meets the requirements for the approval of the
52 grants authorized by this section and specified in subsection 2 of this section for
53 three successive school years, by August first following the third such school year,
54 the commissioner of education shall present a plan to the superintendent of the
55 school district in which such school is located for the waiver of rules and
56 regulations to promote flexibility in the operations of the school and to enhance
57 and encourage efficiency in the delivery of instructional services in the
58 school. The provisions of other law to the contrary notwithstanding, the plan
59 presented to the superintendent shall provide a summary waiver, with no
60 conditions, for the pupil testing requirements pursuant to section 160.257 in the
61 school. Further, the provisions of other law to the contrary notwithstanding, the
62 plan shall detail a means for the waiver of requirements otherwise imposed on
63 the school related to the authority of the state board of education to classify
64 school districts pursuant to subdivision (9) of section 161.092, RSMo, and such
65 other rules and regulations as determined by the commissioner of education,
66 except such waivers shall be confined to the school and not other schools in the
67 school district unless such other schools meet the requirements of this
68 subsection. However, any waiver provided to any school as outlined in this
69 subsection shall be void on June thirtieth of any school year in which the school
70 fails to meet the requirements for the approval of the grants authorized by this

71 section as specified in subsection 2 of this section.

72 [5.] **6.** For any school year, grants authorized by subsections 1 to 3 of this
73 section shall be funded with the amount appropriated for this program, less those
74 funds necessary to reimburse eligible students pursuant to subsection 6 of this
75 section.

76 [6.] **7.** The commissioner of education shall, by rule and regulation of the
77 state board of education and with the advice of the coordinating board for higher
78 education, establish a procedure for the reimbursement of the cost of tuition[,
79 books] and fees to any public community college or **within the limits**
80 **established in subsection 9 of this section any two-year public or**
81 **private** vocational or technical school for any student:

82 (1) Who has attended a public high school in the state for at least three
83 years immediately prior to graduation that meets the requirements of subsection
84 2 of this section, except that students who are active duty military dependents
85 who, in the school year immediately preceding graduation, meet all other
86 requirements of this subsection and are attending a school that meets the
87 requirements of subsection 2 of this section shall be exempt from the three-year
88 attendance requirement of this subdivision; and

89 (2) Who has made a good faith effort to first secure all available federal
90 sources of funding that could be applied to the reimbursement described in this
91 subsection; and

92 (3) Who has earned a minimal grade average while in high school as
93 determined by rule of the state board of education, and other requirements for the
94 reimbursement authorized by this subsection as determined by rule and
95 regulation of said board.

96 [7.] **8.** The commissioner of education shall develop a procedure for
97 evaluating the effectiveness of the program described in this section. Such
98 evaluation shall be conducted annually with the results of the evaluation
99 provided to the governor, speaker of the house, and president pro tempore of the
100 senate.

101 **9. For a two-year public or private vocational or technical school**
102 **to obtain reimbursements under subsection 7 of this section, except for**
103 **those schools that are receiving reimbursements on August 28, 2008, the**
104 **following requirements shall be satisfied:**

105 (1) **Such two-year public or private vocational or technical**
106 **school shall be a member of the North Central Association and be**

107 accredited by the Higher Learning Commission as of July 1, 2008, and
108 maintain such accreditation;

109 (2) Such two-year public or private vocational or technical
110 school shall be designated as a 501(c)(3) nonprofit organization under
111 the Internal Revenue Code of 1986, as amended;

112 (3) No two-year public or private vocational or technical school
113 shall receive tuition reimbursements in excess of the tuition rate
114 charged by a public community college for course work offered by the
115 private vocational or technical school within the service area of such
116 college; and

117 (4) The reimbursements provided to any two-year private
118 vocational or technical school shall not violate the provisions of article
119 IX, section 8, or article I, section 7, of the Missouri Constitution or the
120 first amendment of the United States Constitution.

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

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

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

10 2. On or before July 1, 2010, the state board of education shall
11 add to any school facilities and safety criteria developed for the
12 Missouri school improvement program provisions that suggest that the
13 drills required pursuant to the standard for safe facilities occur at least
14 annually and require that all staff receive sufficient training on the
15 security and crisis management plan to ensure familiarity with the plan
16 details is maintained throughout the school year.

17 3. Any rule or portion of a rule, as that term is defined in section 536.010,
18 RSMo, that is created under the authority delegated in this section shall become
19 effective only if it complies with and is subject to all of the provisions of chapter
20 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter
21 536, RSMo, are nonseverable and if any of the powers vested with the general
22 assembly pursuant to chapter 536, RSMo, to review, to delay the effective date

23 or to disapprove and annul a rule are subsequently held unconstitutional, then
24 the grant of rulemaking authority and any rule proposed or adopted after August
25 28, 2000, shall be invalid and void.

160.775. 1. Every district shall adopt an antibullying policy by September
2 1, 2007.

3 2. "Bullying" means intimidation or harassment that causes a reasonable
4 student to fear for his or her physical safety or property. Bullying may consist
5 of physical actions, including gestures, or oral, **cyberbullying, electronic,** or
6 written communication, and any threat of retaliation for reporting of such acts.

7 3. Each district's antibullying policy shall be founded on the assumption
8 that all students need a safe learning environment. Policies shall treat students
9 equally and shall not contain specific lists of protected classes of students who are
10 to receive special treatment. Policies may include age appropriate differences for
11 schools based on the grade levels at the school. Each such policy shall contain
12 a statement of the consequences of bullying.

13 4. Each district's antibullying policy shall require district employees to
14 report any instance of bullying of which the employee has firsthand
15 knowledge. The district policy shall address training of employees in the
16 requirements of the district policy.

**160.800. The governor may, on behalf of the state and in
2 accordance with chapter 355, RSMo, establish a private not-for-profit
3 corporation named the "P-20 Council", to carry out the provisions of
4 sections 160.800 to 160.820. As used in this section, the word
5 "corporation" means the P-20 council authorized by this section. Before
6 certification by the governor, the corporation shall conduct a public
7 hearing for the purpose of giving all interested parties an opportunity
8 to review and comment upon the articles of incorporation, bylaws, and
9 method of operation of the corporation. Notice of hearing shall be
10 given at least fourteen days prior to the hearing.**

**160.805. 1. The articles of incorporation and bylaws of the
2 corporation shall provide that the purpose of the corporation is to
3 create a more efficient and effective education system that more
4 adequately prepares students for the challenges of entering the
5 workforce.**

**6 2. The board of directors of the corporation shall be composed
7 of thirteen members. The governor shall annually appoint one of its**

8 members, who shall be employed in the private sector, as
9 chairperson. The board shall consist of the following members:

10 (1) The director of the department of economic development;

11 (2) The commissioner of higher education;

12 (3) The chairperson of the coordinating board for higher
13 education;

14 (4) The president of the state board of education;

15 (5) The chairperson of the coordinating board of early childhood;

16 (6) The commissioner of education;

17 (7) Seven members appointed by the governor. Two members
18 shall represent higher education institutions, one two-year institution
19 and one four-year institution; two members shall represent elementary
20 and secondary schools; two members shall represent the private, for-
21 profit business sector; and one member shall represent an early
22 childhood education provider.

23 3. Each member of the board of directors of the corporation
24 appointed by the governor shall serve for a term of four years. Of the
25 directors initially appointed to the board of directors by the governor,
26 two directors shall be designated by the governor to serve a term of
27 four years, two directors shall be designated to serve a term of three
28 years, two directors shall be designated to serve a term of two years,
29 and one director shall be designated to serve a term of one
30 year. Thereafter, directors shall serve a term of four years. Each
31 director shall continue to serve until a successor is duly appointed by
32 the governor.

33 4. The corporation may receive money from any source, may
34 borrow money, may enter into contracts, and may expend money for
35 any activities appropriate to its purpose.

36 5. The corporation may appoint staff and do all other things
37 necessary or incidental to carrying out the functions listed in sections
38 160.800 to 160.820.

39 6. Any changes in the articles of incorporation or bylaws shall be
40 approved by the governor.

41 7. The corporation shall submit an annual report to the governor
42 and to the Missouri general assembly by the first day of November and
43 shall include detailed information on the structure, operation, and
44 financial status of the corporation. The corporation shall conduct an

45 annual public hearing to receive comments from interested parties
46 regarding the report, and notice of the hearing shall be given at least
47 fourteen days prior to the hearing.

48 8. The corporation shall be subject to an annual audit by the
49 state auditor. The corporation shall bear the full cost of the audit.

160.810. The corporation, after being certified by the governor
2 as provided by section 160.800, may:

3 (1) Study the potential for a state-coordinated economic and
4 educational policy that addresses all levels of education;

5 (2) Determine where obstacles make state support of programs
6 that cross institutional or jurisdictional boundaries difficult and
7 suggest remedies;

8 (3) Create programs that:

9 (a) Intervene at known critical transition points, such as middle
10 school to high school and the freshman year of college, to help ensure
11 student success at the next level;

12 (b) Foster higher education faculty spending time in elementary
13 and secondary classrooms and private workplaces, and elementary and
14 secondary faculty spending time in general education level higher
15 education courses and private workplaces, with particular emphasis on
16 secondary school faculty working with general education higher
17 education faculty;

18 (c) Allow education stakeholders to collaborate with members of
19 business and industry to foster policy alignment, professional
20 interaction, and information systems across sectors;

21 (d) Regularly provide feedback to schools, colleges, and
22 employers concerning the number of students requiring postsecondary
23 remediation, whether in educational institutions or the workplace;

24 (4) Explore ways to better align academic content, particularly
25 between secondary school and first-year courses at public colleges and
26 universities, which may include alignment between:

27 (a) Elementary and secondary assessments and public college
28 and university admission and placement standards; and

29 (b) Articulation agreements for programs across sectors and
30 educational levels.

160.815. 1. Debts incurred by the corporation established
2 pursuant to the authority of sections 160.800 to 160.820 do not represent

3 or constitute a debt of this state within the meaning of the provisions
4 of the constitution or statutes of this state.

5 2. The corporation established pursuant to sections 160.800 to
6 160.820 shall be subject to all provisions of chapter 355, RSMo, which
7 do not conflict with the provisions of sections 160.800 to 160.820.

160.820. In order to assist the corporation in achieving the
2 objectives identified in section 160.810, the department of economic
3 development, department of elementary and secondary education, and
4 department of higher education may contract with the corporation for
5 activities consistent with the corporation's purpose, as specified in
6 section 160.805, including but not limited to the employment of any
7 personnel of the corporation, administrative services, and provision of
8 office space. When contracting with the corporation under the
9 provisions of this section, the departments may directly enter into
10 agreements with the corporation and shall not be bound by the
11 provisions of chapter 34, RSMo.

161.650. 1. The department of elementary and secondary education shall
2 identify and adopt an existing program or programs of educational instruction
3 regarding violence prevention to be administered by public school districts
4 pursuant to subsection 2 of this section, and which shall include, but shall not be
5 limited to, instructing students of the negative consequences, both to the
6 individual and to society at large, of membership in or association with criminal
7 street gangs or participation in criminal street gang activity, as those phrases are
8 defined in section 578.421, RSMo, and shall include related training for school
9 district employees directly responsible for the education of students concerning
10 violence prevention and early identification of and intervention in violent
11 behavior. The state board of education shall adopt such program or programs by
12 rule as approved for use in Missouri public schools. The program or programs of
13 instruction shall encourage nonviolent conflict resolution of problems facing
14 youth; present alternative constructive activities for the students; encourage
15 community participation in program instruction, including but not limited to
16 parents and law enforcement officials; and shall be administered as appropriate
17 for different grade levels and shall not be offered for academic credit.

18 2. All public school districts within this state with the approval of the
19 district's board of education may administer the program or programs of student
20 instruction adopted pursuant to subsection 1 of this section to students within the

21 district starting at the kindergarten level and every year thereafter through the
22 twelfth-grade level.

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

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

31 (2) School districts may fund the program or programs from funds
32 received pursuant to subsection 1 of section 160.530, RSMo[, and section 166.260,
33 RSMo].

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

162.204. Notwithstanding any provision of law to the contrary,
2 **a school district may fulfill its statutory responsibility to maintain**
3 **permanent records by maintaining or storing such records in a digital**
4 **or electronic format. A school district that maintains or stores records**
5 **in a digital or electronic format shall follow all guidelines, suggestions,**
6 **or recommendations set forth by the manufacturer of the digital or**
7 **electronic storage media. A school district shall not use or maintain**
8 **digital or electronic storage media beyond the manufacturer suggested**
9 **or recommended period of time.**

162.215. 1. District school boards may authorize and commission
2 **school officers to enforce laws relating to crimes committed on school**
3 **premises, at school activities, and on school buses operating within the**
4 **school district only upon the execution of a memorandum of**
5 **understanding with each municipal law enforcement agency and county**
6 **sheriff's office which has law enforcement jurisdiction over the school**
7 **district's premises and location of school activities. This memorandum**
8 **shall not grant statewide arrest authority. School officers shall be**
9 **licensed law enforcement officers, as defined in section 556.061, RSMo,**
10 **and shall comply with the provisions of chapter 590, RSMo. The powers**
11 **and duties of a law enforcement officer shall continue throughout the**
12 **employee's tenure as a school officer.**

13 **2. School officers shall abide by district school board policies, all**
14 **terms and conditions defined within the executed memorandum of**
15 **understanding with each municipal law enforcement agency and county**
16 **sheriff's office which has law enforcement jurisdiction over the school**
17 **premises and location of the school activities, and shall consult with**
18 **and coordinate activities through the school superintendent or the**
19 **superintendent's designee. School officers' authority shall be limited**
20 **to crimes committed on school premises, at school activities, and on**
21 **school buses operating within the jurisdiction of the executed**
22 **memorandum of understanding. All crimes involving any sexual offense**
23 **or any felony involving the threat or use of force shall remain under**
24 **the authority of the local jurisdiction where the crime**
25 **occurred. School officers may conduct any justified stop on school**
26 **property and enforce any local violation that occurs on school**
27 **grounds. School officers shall have the authority to stop, detain, and**
28 **arrest for crimes committed on school property, at school activities,**
29 **and on school buses.**

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

3 (1) "Children with disabilities" or "handicapped children", children under
4 the age of twenty-one years who have not completed an approved high school
5 program and who, because of mental, physical, emotional or learning problems,
6 require special educational services;

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

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

16 (4) "Special educational services", programs designed to meet the needs
17 of children with disabilities or handicapped or severely handicapped children and
18 which include, but are not limited to, the provision of diagnostic and evaluation
19 services, student and parent counseling, itinerant, homebound and referral

20 assistance, organized instructional and therapeutic programs, transportation, and
21 corrective and supporting services.

162.730. 1. The state board of education shall establish schools or
2 programs in this state sufficient to provide special educational services for all
3 severely handicapped children not residing in special school districts or in other
4 school districts providing approved special educational services for severely
5 handicapped children which schools or programs shall be referred to herein as
6 ["state schools for severely handicapped children"] **"Missouri Schools for the**
7 **Severely Disabled"**.

8 2. The Missouri School for the Blind at St. Louis and the Missouri School
9 for the Deaf at Fulton are within the division of special [services] **education** of
10 the department of elementary and secondary education. The state board of
11 education shall govern these schools.

12 3. The state board of education:

13 (1) Shall determine the type and kind of instruction to be offered and the
14 number and qualifications of instructors and other necessary personnel in the
15 [state] **Missouri** schools for **the** severely [handicapped children] **disabled**, the
16 school for the blind and the school for the deaf; provided, however, that the course
17 of study of these schools shall be of a character to develop the mental, physical,
18 vocational and social abilities of the pupils and to prepare those students capable
19 of advancing for admission to postsecondary programs;

20 (2) Shall promulgate all rules and regulations governing enrollment,
21 including that of assigning children to the most appropriate school or programs;
22 and

23 (3) Shall determine and approve all policies for the operation of said
24 schools or programs.

25 4. Notwithstanding any other provision of this section, each school district
26 which is not a part of a special school district and each special school district
27 shall provide special educational services for deaf children and youth within the
28 ages of five through thirteen years residing in the district in accordance with
29 rules, regulations and standards promulgated by the state board of
30 education. Such services shall be provided within the district of residence or by
31 contract with a nearby district or districts or nearby public agency or agencies
32 pursuant to the provisions of sections 162.670 to 162.995, provided, however, that
33 nothing herein shall be construed to affect the funding or operation of the
34 Missouri School for the Deaf at Fulton nor to deny to any deaf child or youth

35 within the age range prescribed above the right to enrollment therein.

36 5. No rule or portion of a rule promulgated under the authority of this
37 chapter shall become effective unless it has been promulgated pursuant to the
38 provisions of section 536.024, RSMo.

162.740. The district of residence of each child attending a [state school
2 for severely handicapped children] **Missouri school for the severely disabled**
3 or an educational program for a full-time patient or resident at a facility operated
4 by the department of mental health, except school districts which are a part of a
5 special district and except special school districts, shall pay toward the cost of the
6 education of the child an amount equal to the average sum produced per child by
7 the local tax effort of the district. The district of residence shall be notified each
8 year, not later than December fifteenth, of the names and addresses of pupils
9 enrolled in such schools. In the case of a special district, said special district
10 shall be responsible for an amount per child not to exceed the average sum
11 produced per child by the local tax efforts of the component districts. The district
12 of residence of the child's parents or guardians shall be the district responsible
13 for local tax contributions required by this section.

162.755. 1. The state board of education shall provide reasonable
2 transportation for children who attend day schools or programs operated by the
3 state board of education or who attend programs operated through contract by the
4 state board of education as provided in section 162.735.

5 2. Sheltered workshops holding a certificate of approval from the
6 department of elementary and secondary education under section 178.920, RSMo,
7 and clients of other facilities operated under the provisions of sections 205.968
8 to 205.973, RSMo, and [state schools for the severely handicapped] **Missouri**
9 **schools for the severely disabled** may cooperate in the provision of employee,
10 client and student transportation. Employees of sheltered workshops and clients
11 of other facilities operated under the provisions of sections 205.968 to 205.973,
12 RSMo, may be transported to sheltered workshops and other facilities in vehicles
13 owned and operated by the department of elementary and secondary education
14 or hired by the department for student transportation or students may be
15 transported in vehicles owned and operated or hired by sheltered workshops or
16 other facilities operated under the provisions of sections 205.968 to 205.973,
17 RSMo, to [state schools for the severely handicapped] **Missouri schools for the**
18 **severely disabled.**

19 3. The provision of sheltered workshop employee or other client

20 transportation in vehicles owned and operated or hired by the department of
21 elementary and secondary education shall not unduly interfere with the routes
22 and schedules of the [state schools for the severely handicapped] **Missouri**
23 **schools for the severely disabled** and reasonable compensation may be paid
24 by the sheltered workshop or other facility for the developmentally disabled to the
25 department of elementary and secondary education.

26 4. The department of elementary and secondary education may secure
27 transportation for students in [state schools for the severely handicapped] **the**
28 **Missouri schools for the severely disabled** in vehicles owned and operated
29 or hired by sheltered workshops or other facilities operated under the provisions
30 of sections 205.968 to 205.973, RSMo, and make reasonable compensation for the
31 service to the sheltered workshop or other facility for the developmentally
32 disabled.

162.780. The state board of education shall have the care and control of
2 all property, real and personal, necessary for the operation of [the state schools
3 for severely handicapped children] **the Missouri schools for the severely**
4 **disabled**, the school for the blind and the school for the deaf. The state board
5 of education shall not sell or in any manner dispose of any real estate purchased
6 by tax moneys belonging to the schools without an act of the general assembly
7 authorizing the sale or other disposition. The state board of education may sell,
8 convey, exchange or convert into money property of any nature, real, personal or
9 mixed, acquired from individuals or corporations by grant, gift, bequest, devise
10 or donation to these schools or any of them.

162.785. 1. The state board of education may acquire by purchase, lease,
2 gift, bequest, eminent domain, or otherwise, all necessary lands, buildings or
3 equipment, including transportation facilities, for the use and benefit of the
4 Missouri School for the Blind, the Missouri School for the Deaf and the [state
5 schools for severely handicapped children] **Missouri schools for the severely**
6 **disabled**. Whenever the board selects property or additional property for school
7 purposes and cannot agree with the owner thereof as to the price to be paid, or
8 for any other cause cannot secure a title thereto, the board may proceed to
9 condemn the property in the manner provided in chapter 523, RSMo, and on such
10 condemnation and payment of the appraisal as provided, the title to the
11 property shall vest in the state board of education for the use and benefit of the
12 school or schools for which it was required.

13 2. The state board of education may receive and administer any grants,

14 gifts, devises, bequests or donations by any individual or corporation to the [state
15 schools for severely handicapped children] **Missouri schools for the severely**
16 **disabled**, or any of them, the Missouri School for the Blind or the Missouri
17 School for the Deaf. Grants, gifts, devises, bequests or donations made for a
18 specified use shall not be applied either wholly or in part to any other use.

162.810. No employee of [the state schools for severely handicapped
2 children] **Missouri schools for the severely disabled**, the Missouri School for
3 the Blind or the Missouri School for the Deaf shall keep for sale or be interested,
4 directly or indirectly, in the sale or exchange of any school furniture or apparatus,
5 books, maps, charts, stationery, or other property or food used in the
6 schools. Any employee found to be so interested, upon conviction, shall be
7 adjudged guilty of a misdemeanor.

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

25 and shall serve as the chairperson of the panel. The chairperson shall be an
26 attorney licensed to practice law in this state. During the pendency of any
27 three-member panel hearing, or prior to the empowerment of the panel, the
28 parties may, by mutual agreement, submit their dispute to a mediator pursuant
29 to section 162.959.

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

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

44 4. An expedited due process hearing by the state board of education may
45 be requested by a parent to challenge a disciplinary change of placement or to
46 challenge a manifestation determination in connection with a disciplinary change
47 of placement or by a responsible educational agency to seek a forty-five school day
48 alternative educational placement for a dangerous or violent student. The board
49 or its delegated representative shall appoint a hearing officer to hear the case and
50 render a decision within the time line required by federal law and state
51 regulations implementing federal law. The hearing officer shall be an attorney
52 licensed to practice law in this state. The hearing officer shall have some
53 knowledge or training involving children with disabilities, shall not have a
54 personal or professional interest which would conflict with his or her objectivity
55 in the hearing, and shall meet the department of elementary and secondary
56 education's training and assessment requirements pursuant to state regulations
57 and federal law and regulation requirements of the Individuals With Disabilities
58 Education Act. A specific extension of the time line is only permissible to the
59 extent consistent with federal law and pursuant to state regulations.

60 5. If the responsible public agency requests a due process hearing to seek

61 a forty-five school day alternative educational placement for a dangerous or
62 violent student, the agency shall show by substantial evidence that there is a
63 substantial likelihood the student will injure himself or others and that the
64 agency made reasonable efforts to minimize that risk, and shall show that the
65 forty-five school day alternative educational placement will provide a free
66 appropriate public education which includes services and modifications to address
67 the behavior so that it does not reoccur, and continue to allow progress in the
68 general education curriculum.

69 6. Any due process hearing request and responses to the request shall
70 conform to the requirements of the Individuals With Disabilities Education Act
71 (IDEA). Determination of the sufficiency shall be made by the chairperson of the
72 three-member hearing panel, or in the case of an expedited due process hearing,
73 by the hearing officer. The chairperson or hearing officer shall implement the
74 process and procedures, including time lines, required by the IDEA, related to
75 sufficiency of notice, response to notice, determination of sufficiency dispute, and
76 amendments of the notice.

77 7. A preliminary meeting, known as a resolution session, shall be
78 convened by the responsible public agency, under the requirements of the
79 IDEA. The process and procedures required by the IDEA in connection to the
80 resolution session and any resulting written settlement agreement shall be
81 implemented. **The responsible public agency or its designee shall sign**
82 **the agreement. The designee identified by the responsible public**
83 **agency shall have the authority to bind the agency. A local board of**
84 **education, as a responsible public agency, shall identify a designee with**
85 **authority to bind the school district.**

162.963. 1. At any hearing held pursuant to the provisions of section
2 162.961, except as otherwise provided in this section, either party or a
3 representative shall be entitled to:

4 (1) Be accompanied and advised by counsel and by individuals with
5 special knowledge or training with respect to the problems of children with
6 disabilities;

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

9 (3) Prohibit the introduction of any evidence, including all evaluations and
10 recommendations based on the offering party's evaluation, at the hearing that has
11 not been disclosed to that party at least five business days before the hearing[,

12 except this shall not be applicable in the case of an expedited hearing where no
13 discovery shall take place];

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

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

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

20 3. Prior to the resolution conference or hearing, the parent or guardian
21 or a representative of the parent or guardian shall have access to any reports,
22 records, clinical evaluations or other materials upon which the action to be
23 reviewed was wholly or partially based which could reasonably have a bearing on
24 the correctness of the determination.

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

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

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

5 (2) "Average daily attendance", the quotient or the sum of the quotients
6 obtained by dividing the total number of hours attended in a term by resident
7 pupils between the ages of five and twenty-one by the actual number of hours
8 school was in session in that term. To the average daily attendance of the
9 following school term shall be added the full-time equivalent average daily
10 attendance of summer school students. "Full-time equivalent average daily
11 attendance of summer school students" shall be computed by dividing the total
12 number of hours, except for physical education hours that do not count as credit
13 toward graduation for students in grades nine, ten, eleven, and twelve, attended
14 by all summer school pupils by the number of hours required in section 160.011,
15 RSMo, in the school term. For purposes of determining average daily attendance
16 under this subdivision, the term "resident pupil" shall include all children
17 between the ages of five and twenty-one who are residents of the school district

18 and who are attending kindergarten through grade twelve in such district. If a
19 child is attending school in a district other than the district of residence and the
20 child's parent is teaching in the school district or is a regular employee of the
21 school district which the child is attending, then such child shall be considered
22 a resident pupil of the school district which the child is attending for such period
23 of time when the district of residence is not otherwise liable for tuition. Average
24 daily attendance for students below the age of five years for which a school
25 district may receive state aid based on such attendance shall be computed as
26 regular school term attendance unless otherwise provided by law;

27 (3) "Current operating expenditures":

28 (a) For the fiscal year 2007 calculation, "current operating expenditures"
29 shall be calculated using data from fiscal year 2004 and shall be calculated as all
30 expenditures for instruction and support services except capital outlay and debt
31 service expenditures minus the revenue from federal categorical sources; food
32 service; student activities; categorical payments for transportation costs pursuant
33 to section 163.161; state reimbursements for early childhood special education;
34 the career ladder entitlement for the district, as provided for in sections 168.500
35 to 168.515, RSMo; the vocational education entitlement for the district, as
36 provided for in section 167.332, RSMo; and payments from other districts;

37 (b) In every fiscal year subsequent to fiscal year 2007, current operating
38 expenditures shall be the amount in paragraph (a) plus any increases in state
39 funding pursuant to sections 163.031 and 163.043 subsequent to fiscal year 2005,
40 not to exceed five percent, per recalculation, of the state revenue received by a
41 district in the 2004-05 school year from the foundation formula, line 14, gifted,
42 remedial reading, exceptional pupil aid, fair share, and free textbook payments
43 for any district from the first preceding calculation of the state adequacy target;

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

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

51 (a) "County wage per job", the total county wage and salary disbursements
52 divided by the total county wage and salary employment for each county and the
53 city of St. Louis as reported by the Bureau of Economic Analysis of the United

54 States Department of Commerce for the fourth year preceding the payment year;
55 (b) "Regional wage per job":
56 a. The total Missouri wage and salary disbursements of the metropolitan
57 area as defined by the Office of Management and Budget divided by the total
58 Missouri metropolitan wage and salary employment for the metropolitan area for
59 the county signified in the school district number or the city of St. Louis, as
60 reported by the Bureau of Economic Analysis of the United States Department
61 of Commerce for the fourth year preceding the payment year and recalculated
62 upon every decennial census to incorporate counties that are newly added to the
63 description of metropolitan areas; or if no such metropolitan area is established,
64 then:
65 b. The total Missouri wage and salary disbursements of the micropolitan
66 area as defined by the Office of Management and Budget divided by the total
67 Missouri micropolitan wage and salary employment for the micropolitan area for
68 the county signified in the school district number, as reported by the Bureau of
69 Economic Analysis of the United States Department of Commerce for the fourth
70 year preceding the payment year, if a micropolitan area for such county has been
71 established and recalculated upon every decennial census to incorporate counties
72 that are newly added to the description of micropolitan areas; or
73 c. If a county is not part of a metropolitan or micropolitan area as
74 established by the Office of Management and Budget, then the county wage per
75 job, as defined in paragraph (a) of this subdivision, shall be used for the school
76 district, as signified by the school district number;
77 (c) "Regional wage ratio", the ratio of the regional wage per job divided by
78 the state median wage per job;
79 (d) "State median wage per job", the fifty-eighth highest county wage per
80 job;
81 (6) "Free and reduced lunch pupil count", the number of pupils eligible for
82 free and reduced lunch on the last Wednesday in January for the preceding school
83 year who were enrolled as students of the district, as approved by the department
84 in accordance with applicable federal regulations;
85 (7) "Free and reduced lunch threshold" shall be calculated by dividing the
86 total free and reduced lunch pupil count of every performance district that falls
87 entirely above the bottom five percent and entirely below the top five percent of
88 average daily attendance, when such districts are rank-ordered based on their
89 current operating expenditures per average daily attendance, by the total average

90 daily attendance of all included performance districts;

91 (8) "Limited English proficiency pupil count", the number in the preceding
92 school year of pupils aged three through twenty-one enrolled or preparing to
93 enroll in an elementary school or secondary school who were not born in the
94 United States or whose native language is a language other than English or are
95 Native American or Alaskan native, or a native resident of the outlying areas,
96 and come from an environment where a language other than English has had a
97 significant impact on such individuals' level of English language proficiency, or
98 are migratory, whose native language is a language other than English, and who
99 come from an environment where a language other than English is dominant; and
100 have difficulties in speaking, reading, writing, or understanding the English
101 language sufficient to deny such individuals the ability to meet the state's
102 proficient level of achievement on state assessments described in Public Law
103 107-10, the ability to achieve successfully in classrooms where the language of
104 instruction is English, or the opportunity to participate fully in society;

105 (9) "Limited English proficiency threshold" shall be calculated by dividing
106 the total limited English proficiency pupil count of every performance district that
107 falls entirely above the bottom five percent and entirely below the top five percent
108 of average daily attendance, when such districts are rank-ordered based on their
109 current operating expenditures per average daily attendance, by the total average
110 daily attendance of all included performance districts;

111 (10) "Local effort":

112 (a) For the fiscal year 2007 calculation, "local effort" shall be computed as
113 the equalized assessed valuation of the property of a school district in calendar
114 year 2004 divided by one hundred and multiplied by the performance levy less the
115 percentage retained by the county assessor and collector plus one hundred
116 percent of the amount received in fiscal year 2005 for school purposes from
117 intangible taxes, fines, escheats, payments in lieu of taxes and receipts from
118 state-assessed railroad and utility tax, one hundred percent of the amount
119 received for school purposes pursuant to the merchants' and manufacturers' taxes
120 under sections 150.010 to 150.370, RSMo, one hundred percent of the amounts
121 received for school purposes from federal properties under sections 12.070 and
122 12.080, RSMo, except when such amounts are used in the calculation of federal
123 impact aid pursuant to P.L. 81-874, fifty percent of Proposition C revenues
124 received for school purposes from the school district trust fund under section
125 163.087, and one hundred percent of any local earnings or income taxes received

126 by the district for school purposes. Under this paragraph, for a special district
127 established under sections 162.815 to 162.940, RSMo, in a county with a charter
128 form of government and with more than one million inhabitants, a tax levy of zero
129 shall be utilized in lieu of the performance levy for the special school district;

130 (b) In every year subsequent to fiscal year 2007, "local effort" shall be the
131 amount calculated under paragraph (a) of this subdivision plus any increase in
132 the amount received for school purposes from fines. If a district's assessed
133 valuation has decreased subsequent to the calculation outlined in paragraph (a)
134 of this subdivision, the district's local effort shall be calculated using the district's
135 current assessed valuation in lieu of the assessed valuation utilized in calculation
136 outlined in paragraph (a) of this subdivision;

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

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

142 (b) The number of resident full-time students and the full-time equivalent
143 number of part-time students who were enrolled in the public schools of the
144 district on the last Wednesday in January of the previous year and who were in
145 attendance one day or more during the preceding ten school days, plus the
146 full-time equivalent number of summer school pupils. "Full-time equivalent
147 number of part-time students" is determined by dividing the total number of
148 hours for which all part-time students are enrolled by the number of hours in the
149 school term. "Full-time equivalent number of summer school pupils" is
150 determined by dividing the total number of hours for which all summer school
151 pupils were enrolled by the number of hours required pursuant to section
152 160.011, RSMo, in the school term. Only students eligible to be counted for
153 average daily attendance shall be counted for membership;

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

160 (13) "Performance district", any district that has met all performance
161 standards and indicators as established by the department of elementary and

162 secondary education for purposes of accreditation under section 161.092, RSMo,
163 and as reported on the final annual performance report for that district each year;
164 (14) "Performance levy", three dollars and forty-three cents;
165 (15) "School purposes" pertains to teachers' and incidental funds;
166 (16) "Special education pupil count", the number of public school students
167 with a current individualized education program and receiving services from the
168 resident district as of December first of the preceding school year, **and**
169 **nonpublic students served through the federal Individuals with**
170 **Disabilities Education Act by the district in which the nonpublic school**
171 **is located**, except for special education services provided through a school
172 district established under sections 162.815 to 162.940, RSMo, in a county with a
173 charter form of government and with more than one million inhabitants, in which
174 case the sum of the students in each district within the county exceeding the
175 special education threshold of each respective district within the county shall be
176 counted within the special district and not in the district of residence for
177 purposes of distributing the state aid derived from the special education pupil
178 count;
179 (17) "Special education threshold" shall be calculated by dividing the total
180 special education pupil count of every performance district that falls entirely
181 above the bottom five percent and entirely below the top five percent of average
182 daily attendance, when such districts are rank-ordered based on their current
183 operating expenditures per average daily attendance, by the total average daily
184 attendance of all included performance districts;
185 (18) "State adequacy target", the sum of the current operating
186 expenditures of every performance district that falls entirely above the bottom
187 five percent and entirely below the top five percent of average daily attendance,
188 when such districts are rank-ordered based on their current operating
189 expenditures per average daily attendance, divided by the total average daily
190 attendance of all included performance districts. The department of elementary
191 and secondary education shall first calculate the state adequacy target for fiscal
192 year 2007 and recalculate the state adequacy target every two years using the
193 most current available data. The recalculation shall never result in a decrease
194 from the previous state adequacy target amount. Should a recalculation result
195 in an increase in the state adequacy target amount, fifty percent of that increase
196 shall be included in the state adequacy target amount in the year of recalculation,
197 and fifty percent of that increase shall be included in the state adequacy target

198 amount in the subsequent year. The state adequacy target may be adjusted to
199 accommodate available appropriations;

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

206 (20) "Weighted average daily attendance", the average daily attendance
207 plus the product of twenty-five hundredths multiplied by the free and reduced
208 lunch pupil count that exceeds the free and reduced lunch threshold, plus the
209 product of seventy-five hundredths multiplied by the number of special education
210 pupil count that exceeds the special education threshold, and plus the product of
211 six-tenths multiplied by the number of limited English proficiency pupil count
212 that exceeds the limited English proficiency threshold. For special districts
213 established under sections 162.815 to 162.940, RSMo, in a county with a charter
214 form of government and with more than one million inhabitants, weighted
215 average daily attendance shall be the average daily attendance plus the product
216 of twenty-five hundredths multiplied by the free and reduced lunch pupil count
217 that exceeds the free and reduced lunch threshold, plus the product of
218 seventy-five hundredths multiplied by the sum of the special education pupil
219 count that exceeds the threshold for each county district, plus the product of
220 six-tenths multiplied by the limited English proficiency pupil count that exceeds
221 the limited English proficiency threshold. None of the districts comprising a
222 special district established under sections 162.815 to 162.940, RSMo, in a county
223 with a charter form of government and with more than one million inhabitants,
224 shall use any special education pupil count in calculating their weighted average
225 daily attendance.

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

5 (1) Is sharing the housing of other persons due to loss of housing,
6 economic hardship, or a similar reason; is living in motels, hotels, or camping
7 grounds due to lack of alternative adequate accommodations; is living in
8 emergency or transitional shelters; is abandoned in hospitals; or is awaiting

9 foster care placement;

10 (2) Has a primary nighttime residence that is a public or private place not
11 designed for or ordinarily used as a regular sleeping accommodation for human
12 beings;

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

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

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

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

30 (2) Proof that the person registering the student has requested a waiver
31 under subsection 3 of this section within the last forty-five days. In instances
32 where there is reason to suspect that admission of the pupil will create an
33 immediate danger to the safety of other pupils and employees of the district, the
34 superintendent or the superintendent's designee may convene a hearing within
35 five working days of the request to register and determine whether or not the
36 pupil may register.

37 3. Any person subject to the requirements of subsection 2 of this section
38 may request a waiver from the district board of any of those requirements on the
39 basis of hardship or good cause. Under no circumstances shall athletic ability be
40 a valid basis of hardship or good cause for the issuance of a waiver of the
41 requirements of subsection 2 of this section. The district board or committee of
42 the board appointed by the president and which shall have full authority to act
43 in lieu of the board shall convene a hearing as soon as possible, but no later than
44 forty-five days after receipt of the waiver request made under this subsection or

45 the waiver request shall be granted. The district board or committee of the board
46 may grant the request for a waiver of any requirement of subsection 2 of this
47 section. The district board or committee of the board may also reject the request
48 for a waiver in which case the pupil shall not be allowed to register. Any person
49 aggrieved by a decision of a district board or committee of the board on a request
50 for a waiver under this subsection may appeal such decision to the circuit court
51 in the county where the school district is located.

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

54 5. In addition to any other penalties authorized by law, a district board
55 may file a civil action to recover, from the parent, military guardian or legal
56 guardian of the pupil, the costs of school attendance for any pupil who was
57 enrolled at a school in the district and whose parent, military guardian or legal
58 guardian filed false information to satisfy any requirement of subsection 2 of this
59 section.

60 6. Subsection 2 of this section shall not apply to a pupil who is a homeless
61 child or youth, or a pupil attending a school not in the pupil's district of residence
62 as a participant in an interdistrict transfer program established under a
63 court-ordered desegregation program, a pupil who is a ward of the state and has
64 been placed in a residential care facility by state officials, a pupil who has been
65 placed in a residential care facility due to a mental illness or developmental
66 disability, a pupil attending a school pursuant to sections 167.121 and 167.151,
67 a pupil placed in a residential facility by a juvenile court, a pupil with a disability
68 identified under state eligibility criteria if the student is in the district for
69 reasons other than accessing the district's educational program, or a pupil
70 attending a regional or cooperative alternative education program or an
71 alternative education program on a contractual basis.

72 7. Within two business days of enrolling a pupil, the school official
73 enrolling a pupil, including any special education pupil, shall request **all**
74 **education records deemed necessary by the school official for**
75 **enrollment, including but not limited to** those records required by district
76 policy for student transfer, **individual education plans, health records,** and
77 those discipline records required by subsection 9 of section 160.261, RSMo, from
78 all schools previously attended by the pupil within the last twelve months. Any
79 school district that receives a request for such records from another school district
80 enrolling a pupil that had previously attended a school in such district shall

81 respond to such request within five business days of receiving the request. School
82 districts may report or disclose education records to law enforcement [and],
83 juvenile justice authorities, **or other state or local officials** if the disclosure
84 concerns law enforcement's or juvenile justice authorities' ability to effectively
85 serve, prior to adjudication, the student whose records are released. The officials
86 and authorities to whom such information is disclosed must comply with
87 applicable restrictions set forth in 20 U.S.C. Section 1232g (b)(1)(E).

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

167.023. **1. When a student is found to have committed a**
2 **reportable offense under subdivisions (1) to (23) of subsection 2 of**
3 **section 160.261, RSMo, the school district shall attach notice of the**
4 **commission of the reportable offense to the student's permanent record**
5 **and to the student's academic transcript.**

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

167.029. A public school district [in any city not within a county shall
2 determine whether a dress code policy requiring pupils] **may require students**
3 to wear a school uniform [is appropriate at any school or schools within such
4 district, and if it is so determined, shall adopt such a policy] **or restrict student**
5 **dress to a particular style in accordance with the law.** The school district
6 may determine the style and color of the school uniform.

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

- 8 (1) First degree murder under section 565.020, RSMo;
- 9 (2) Second degree murder under section 565.021, RSMo;
- 10 (3) Kidnapping under section 565.110, RSMo;
- 11 (4) First degree assault under section 565.050, RSMo;
- 12 (5) Forcible rape under section 566.030, RSMo;
- 13 (6) Forcible sodomy under section 566.060, RSMo;
- 14 (7) Burglary in the first degree under section 569.160, RSMo;
- 15 (8) Robbery in the first degree under section 569.020, RSMo;
- 16 (9) Distribution of drugs under section 195.211, RSMo;
- 17 (10) Distribution of drugs to a minor under section 195.212, RSMo;
- 18 (11) Arson in the first degree under section 569.040, RSMo;
- 19 (12) Voluntary manslaughter under section 565.023, RSMo;
- 20 (13) Involuntary manslaughter under section 565.024, RSMo;
- 21 (14) Second degree assault under section 565.060, RSMo;
- 22 (15) Sexual assault under section 566.040, RSMo;
- 23 (16) Felonious restraint under section 565.120, RSMo;
- 24 (17) Property damage in the first degree under section 569.100, RSMo;
- 25 (18) The possession of a weapon under chapter 571, RSMo;
- 26 (19) Child molestation in the first degree pursuant to section 566.067,
27 RSMo;
- 28 (20) Deviate sexual assault pursuant to section 566.070, RSMo;
- 29 (21) Sexual misconduct involving a child pursuant to section 566.083,
30 RSMo; or

31 (22) Sexual abuse pursuant to section 566.100, RSMo.

32 2. The notification shall be made orally or in writing, in a timely manner,
33 no later than five days following the filing of the petition. If the report is made
34 orally, written notice shall follow in a timely manner. The notification shall
35 include a complete description of the conduct the pupil is alleged to have
36 committed and the dates the conduct occurred but shall not include the name of
37 any victim. Upon the disposition of any such case, the juvenile office or
38 prosecuting attorney or their designee shall send a second notification to the
39 superintendent providing the disposition of the case, including a brief summary
40 of the relevant finding of facts, no later than five days following the disposition
41 of the case.

42 3. The superintendent or the designee of the superintendent shall report
43 such information to **all teachers at the student's attendance center** and to
44 **any** other school district employees with a need to know while acting within the
45 scope of their assigned duties. Any information received by school district
46 officials pursuant to this section shall be received in confidence and used for the
47 limited purpose of assuring that good order and discipline is maintained in the
48 school. This information shall not be used as the sole basis for not providing
49 educational services to a public school pupil.

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

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

57 6. Upon the transfer of any pupil described in this section to any other
58 school district in this state, the superintendent or the superintendent's designee
59 shall forward the written notification given to the superintendent pursuant to
60 subsection 2 of this section to the superintendent of the new school district in
61 which the pupil has enrolled. Such written notification shall be required again
62 in the event of any subsequent transfer by the pupil.

63 7. As used in this section, the terms "school" and "school district" shall
64 include any charter, private or parochial school or school district, and the term
65 "superintendent" shall include the principal or equivalent chief school officer in
66 the cases of charter, private or parochial schools.

67 8. The superintendent or the designee of the superintendent or other
68 school employee who, in good faith, reports information in accordance with the
69 terms of this section and section 160.261, RSMo, shall not be civilly liable for
70 providing such information.

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

21 2. The school board of any district, after notice to parents or others having
22 custodial care and a hearing upon the matter, may suspend **or expel** a pupil
23 upon a finding that the pupil has been charged, convicted or pled guilty in a court
24 of general jurisdiction for the commission of a felony criminal violation of state
25 or federal law. At a hearing required by this subsection, the board shall consider
26 statements that the parties present. The board may provide for the procedure
27 and conduct of such hearings.

28 3. The school board shall make a good-faith effort to have the parents or
29 others having custodial care present at any such hearing. Notwithstanding any
30 other provision of law to the contrary, student discipline hearings or proceedings
31 related to the rights of students to attend school or to receive academic credit
32 shall not be required to comply with the requirements applicable to contested

33 case hearings as provided in chapter 536, RSMo, provided that appropriate due
34 process procedures shall be observed which shall include the right for a trial de
35 novo by the circuit court.

167.164. 1. Any suspension **or expulsion** issued [pursuant to] **by a**
2 **public school district under** section 167.161[,] or this section[, or expulsion
3 pursuant to section 167.161,] shall not relieve the state or the suspended
4 student's parents or guardians of their responsibilities to educate the
5 student. School districts are encouraged to provide an in-school suspension
6 system and to search for other acceptable discipline alternatives prior to using
7 suspensions of more than ten days or expelling a student from the school. Each
8 school district or special school district constituting the domicile of any child for
9 whom alternative education programs are provided or procured under this section
10 shall pay toward the per pupil costs for alternative education programs for such
11 child. A school district which is not a special school district shall pay an amount
12 equal to the average sum produced per child by the local tax effort of the district
13 of domicile. A special school district shall pay an amount not to exceed the
14 average sum produced per child by the local tax efforts of the domiciliary
15 districts. When educational services have been provided by the school district or
16 special school district in which a child actually resides, other than the district of
17 domicile, the amounts as provided in subsection 2 of this section for which the
18 domiciliary school district or special school district is responsible shall be paid by
19 such district directly to the serving district. The school district, or special school
20 district, as the case may be, shall send a written voucher for payment to the
21 regular or special district constituting the domicile of the child served and the
22 domiciliary school district or special school district receiving such voucher shall
23 pay the district providing or procuring the services an amount not to exceed the
24 average sum produced per child by the local tax efforts of the domiciliary
25 districts. In the event the responsible district fails to pay the appropriate amount
26 to the district within ninety days after a voucher is submitted, the state
27 department of elementary and secondary education shall deduct the appropriate
28 amount due from the next payments of any state financial aid due that district
29 and shall pay the same to the appropriate district.

30 2. A school district may contract with other political subdivisions, public
31 agencies, not-for-profit organizations, or private agencies for the provision of
32 alternative education services for students whose demonstrated disruptive
33 behavior indicates that they cannot be adequately served in the traditional

34 classroom setting. Such contracting may be included as part of a grant
35 application pursuant to section 167.335 or conducted independent of the
36 provisions of section 167.335.

167.621. 1. Persons providing health services under sections 167.600 to
2 167.621 shall obtain authorization from a parent or guardian of the child before
3 providing services as provided by section 431.061, RSMo.

4 2. No employee of any school district may be required to administer
5 medication or medical services for which the employee is not qualified according
6 to standard medical practices. No **unqualified** employee who refuses to [violate
7 this provision] **administer medication or medical services** shall be subject
8 to any disciplinary action for such refusal. Nothing herein shall be construed to
9 prevent any employee from providing routine first aid, provided that any
10 employee shall be held harmless **and immune** from any liability if such
11 employee is following a proper procedure adopted by the local school board.

12 **3. Any qualified employee shall be held harmless and immune**
13 **from any civil liability for administering medication or medical**
14 **services in good faith and according to standard medical practices.**

167.624. Each school board in the state, if the school district does not
2 presently have a program as described below, may develop and implement a
3 program to train the students **and employees** of the district in the
4 administration of cardiopulmonary resuscitation and other lifesaving methods,
5 as they determine best, and may consult the department of public safety, the
6 state fire marshal's office, the local fire protection authorities, and others as the
7 board sees fit. The board may make completion of the program a requirement for
8 graduation. **Any trained employee shall be held harmless and immune**
9 **from any civil liability for administering cardiopulmonary resuscitation**
10 **and other lifesaving methods in good faith and according to standard**
11 **medical practices.**

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

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

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

7 2. Each board of education and its employees and agents in this state
8 shall grant any pupil in the school authorization for the possession and

9 self-administration of medication to treat such pupil's **chronic health**
10 **condition, including but not limited to** asthma or anaphylaxis if:

11 (1) A licensed physician prescribed or ordered such medication for use by
12 the pupil and instructed such pupil in the correct and responsible use of such
13 medication;

14 (2) The pupil has demonstrated to the pupil's licensed physician or the
15 licensed physician's designee, and the school nurse, if available, the skill level
16 necessary to use the medication and any device necessary to administer such
17 medication prescribed or ordered;

18 (3) The pupil's physician has approved and signed a written treatment
19 plan for managing **the pupil's chronic health condition, including** asthma
20 or anaphylaxis episodes [of the pupil] and for medication for use by the
21 pupil. Such plan shall include a statement that the pupil is capable of
22 self-administering the medication under the treatment plan;

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

27 (5) The pupil's parent or guardian has signed a statement acknowledging
28 that the school district and its employees or agents shall incur no liability as a
29 result of any injury arising from the self-administration of medication by the
30 pupil or the administration of such medication by school staff. Such statement
31 shall not be construed to release the school district and its employees or agents
32 from liability for negligence.

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

34 (1) Permit such pupil to possess and self-administer such pupil's
35 medication while in school, at a school-sponsored activity, and in transit to or
36 from school or school-sponsored activity; and

37 (2) Be effective only for the same school and school year for which it is
38 granted. Such authorization shall be renewed by the pupil's parent or guardian
39 each subsequent school year in accordance with this section.

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

44 5. The information described in subdivisions (3) and (4) of subsection 2 of

45 this section shall be kept on file at the pupil's school in a location easily
46 accessible in the event of an [asthma or anaphylaxis] emergency.

167.630. 1. Each school board may authorize a school nurse licensed
2 under chapter 335, RSMo, who is employed by the school district and for whom
3 the board is responsible for to maintain an adequate supply of prefilled auto
4 syringes of epinephrine with fifteen-hundredths milligram or three-tenths
5 milligram delivery at the school. The nurse shall recommend to the school board
6 the number of prefilled epinephrine auto syringes that the school should
7 maintain.

8 2. To obtain prefilled epinephrine auto syringes for a school district, a
9 prescription written by a licensed physician, a physician's assistant, or nurse
10 practitioner is required. For such prescriptions, the school district shall be
11 designated as the patient, the nurse's name shall be required, and the
12 prescription shall be filled at a licensed pharmacy.

13 3. A school nurse **or other school employee trained by and**
14 **supervised by the nurse** shall have the discretion to use an epinephrine auto
15 syringe on any student the school nurse **or trained employee** believes is having
16 a life-threatening anaphylactic reaction based on the [nurse's] training in
17 recognizing an acute episode of an anaphylactic reaction.

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

12 2. In order to facilitate the criminal history background check on any
13 person employed after January 1, 2005, the applicant shall submit two sets of
14 fingerprints collected pursuant to standards determined by the Missouri highway
15 patrol. One set of fingerprints shall be used by the highway patrol to search the
16 criminal history repository and the family care safety registry pursuant to
17 sections 210.900 to 210.936, RSMo, and the second set shall be forwarded to the

18 Federal Bureau of Investigation for searching the federal criminal history files.

19 3. The applicant shall pay the fee for the state criminal history record
20 information pursuant to section 43.530, RSMo, and sections 210.900 to 210.936,
21 RSMo, and pay the appropriate fee determined by the Federal Bureau of
22 Investigation for the federal criminal history record when he or she applies for
23 a position authorized to have contact with pupils pursuant to this section. The
24 department shall distribute the fees collected for the state and federal criminal
25 histories to the Missouri highway patrol.

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

29 5. If, as a result of the criminal history background check mandated by
30 this section, it is determined that the holder of a certificate issued pursuant to
31 section 168.021 has pled guilty or nolo contendere to, or been found guilty of a
32 crime or offense listed in section 168.071, or a similar crime or offense committed
33 in another state, the United States, or any other country, regardless of imposition
34 of sentence, such information shall be reported to the department of elementary
35 and secondary education.

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

39 7. For any teacher who is employed by a school district on a substitute or
40 part-time basis within one year of such teacher's retirement from a Missouri
41 school, the state of Missouri shall not require such teacher to be subject to any
42 additional background checks prior to having contact with pupils. Nothing in this
43 subsection shall be construed as prohibiting or otherwise restricting a school
44 district from requiring additional background checks for such teachers employed
45 by the school district.

46 8. **A criminal background check and fingerprint collection**
47 **conducted under subsections 1 and 2 of this section shall be valid for**
48 **at least a period of one year and transferrable from one school district**
49 **to another district. A teacher's change in type of certification shall**
50 **have no effect on the transferability of such records.**

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

53 [9.] 10. The state board of education may promulgate rules for criminal

54 history background checks made pursuant to this section. Any rule or portion of
55 a rule, as that term is defined in section 536.010, RSMo, that is created under the
56 authority delegated in this section shall become effective only if it complies with
57 and is subject to all of the provisions of chapter 536, RSMo, and, if applicable,
58 section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
59 and if any of the powers vested with the general assembly pursuant to chapter
60 536, RSMo, to review, to delay the effective date, or to disapprove and annul a
61 rule are subsequently held unconstitutional, then the grant of rulemaking
62 authority and any rule proposed or adopted after January 1, 2005, shall be
63 invalid and void.

**168.390. A school district shall not enter into any agreement with
2 any employee that prohibits the district from truthfully disclosing to
3 other school districts that the employee has been found guilty or pled
4 guilty to any of the offenses listed in subsection 6 of section 168.071, or
5 that a finding of probable cause of abuse or neglect concerning the
6 employee has been made by the division of family services pursuant to
7 section 210.152, RSMo. Any employee of the department of elementary
8 and secondary education, employee of a school district, or school
9 district that discloses that the employee has been found guilty or pled
10 guilty to any of the offenses listed in subsection 6 of section 168.071, or
11 that a finding of probable cause of abuse or neglect concerning the
12 employee has been made by the division of family services pursuant to
13 section 210.152, RSMo, shall not be subject to an action for civil
14 damages as a result thereof, and no cause of action shall arise against
15 such employee of the department of elementary and secondary
16 education, such employee of a school district, or such school district as
17 a result of conduct pursuant to this section. The defense of such person
18 in any such action or proceeding shall be covered by the legal expense
19 fund, as provided in section 105.711, RSMo.**

168.520. 1. For the purpose of providing career pay, which shall be a
2 salary supplement for teachers, librarians, guidance counselors and certificated
3 teachers who hold positions as school psychological examiners,
4 parents-as-teachers educators, school psychologists, special education
5 diagnosticians or speech pathologists in [the state schools for the severely
6 handicapped] **Missouri schools for the severely disabled**, the Missouri
7 School for the Blind and the Missouri School for the Deaf, there is hereby

8 established a career advancement program which shall become effective no later
9 than September 1, 1986. Participation in the career advancement program by
10 teachers shall be voluntary.

11 2. The department of elementary and secondary education with the
12 recommendation of teachers from the state schools, shall develop a career
13 plan. This state career plan shall include, but need not be limited to, the
14 provisions of state model career plans as contained in subsection 2 of section
15 168.500.

16 3. After a teacher who is duly employed by a state school qualifies and is
17 selected for participation in the state career plan established under this section,
18 such a teacher shall not be denied the career pay authorized by such plan except
19 as provided in subdivisions (1), (2), and (3) of section 168.510.

20 4. Each teacher selected to participate in the career plan established
21 under this section who meets the requirements of such plan, shall receive a salary
22 supplement as provided in subdivisions (1), (2), and (3) of subsection 1 of section
23 168.515.

24 5. The department of elementary and secondary education shall annually
25 include within its budget request to the general assembly sufficient funds for the
26 purpose of providing career pay as established under this section to those eligible
27 teachers employed in [state schools for the severely handicapped] **Missouri**
28 **schools for the severely disabled**, the Missouri School for the Deaf, and the
29 Missouri School for the Blind.

169.010. The following words and phrases, as used in sections 169.010 to
2 169.130, unless a different meaning is plainly required by the context, shall have
3 the following meanings:

4 (1) "Accumulated contributions" shall mean the sum of the annual
5 contributions a member has made to the retirement system through deductions
6 from the member's salary, plus interest compounded annually on each year's
7 contributions from the end of the school year during which such contributions
8 were made;

9 (2) "Board" shall mean the board of trustees provided for in sections
10 169.010 to 169.130;

11 (3) "Creditable service" shall mean prior service or membership service,
12 or the sum of the two, if the member has both to the member's credit;

13 (4) "District" shall mean public school, as herein defined;

14 (5) "Employ" shall have a meaning agreeable with that herein given to

15 employer and employee;

16 (6) "Employee" shall be synonymous with the term "teacher" as the same
17 is herein defined;

18 (7) "Employer" shall mean the district that makes payment directly to the
19 teacher or employee for such person's services;

20 (8) "Final average salary" shall mean the total compensation payable to
21 a member for any three consecutive years of creditable service, as elected by the
22 member, divided by thirty-six; with the proviso that any annual compensation
23 entering into the total compensation shall not exceed twelve thousand six
24 hundred dollars for any year prior to July 1, 1967; and with the proviso that the
25 board may set a maximum percentage of increase in annual compensation from
26 one year to the next in the final average salary period. In no instance shall the
27 maximum percentage of increase in annual compensation from one year to the
28 next in the final average salary period exceed ten percent **for the**
29 **superintendent of schools or other certified central office personnel of**
30 **a school district or twenty percent for any other member.** This limit will
31 not apply to increases due to bonafide changes in position or employer increases
32 required by state statute, or districtwide salary schedule adjustments for
33 previously unrecognized education-related services;

34 (9) "Member" shall mean a person who holds membership in the
35 retirement system;

36 (10) "Membership service" shall mean service rendered by a member of
37 the retirement system after the system becomes operative, and may include a
38 period of service in the armed forces of the United States as provided for in
39 section 169.055;

40 (11) "Prior service" shall mean service rendered by a member of the
41 retirement system before the system becomes operative, and may include service
42 rendered by a member of the armed forces if the member was a teacher at the
43 time the member was inducted, for which credit has been approved by the board
44 of trustees;

45 (12) "Public school" shall mean any school conducted within the state
46 under the authority and supervision of a duly elected district or city or town
47 board of directors or board of education and the board of regents of the several
48 state teachers' colleges, or state colleges, board of trustees of the public school
49 retirement system of Missouri, and also the state of Missouri and each county
50 thereof, to the extent that the state and the several counties are employers of

51 teachers as herein designated;

52 (13) "Retirement allowance" shall mean a monthly payment for life during
53 retirement;

54 (14) "Retirement system" or "system" shall mean the public school
55 retirement system of Missouri created by sections 169.010 to 169.130;

56 (15) "Salary", "salary rate" or "compensation" shall mean the regular
57 remuneration, including any payments made pursuant to sections 168.500 to
58 168.515, RSMo, which is earned by a member as an employee of a district, but not
59 including employer-paid fringe benefits except the value of employer-paid medical
60 benefits (including dental and vision) for members, and not including
61 employer-paid medical benefits (including dental and vision) for anyone other
62 than the member, employer contributions to any deferred compensation plan,
63 consideration for agreeing to terminate employment or other nonrecurring or
64 unusual payments that are not a part of regular remuneration. The board by its
65 rules may further define salary, salary rate and compensation in a manner
66 consistent with this definition and with sections 169.010 to 169.141;

67 (16) "School year" shall mean the year from July first of one year to June
68 thirtieth of next year, inclusive, which shall also be the fiscal year of the system;

69 (17) "Teacher" shall mean any person who shall be employed by any public
70 school on a full-time basis and who shall be duly certificated under the law
71 governing the certification of teachers; any person employed in the state
72 department of elementary and secondary education or by the state board of
73 education on a full-time basis who shall be duly certificated under the law
74 governing the certification of teachers and who did not become a member of the
75 Missouri state employees' retirement system pursuant to section 104.342, RSMo;
76 and persons employed by the board of trustees of the public school retirement
77 system of Missouri on a full-time basis who shall be duly certified under the law
78 governing the certification of teachers. The term "teacher" shall be synonymous
79 with the term "employee" as defined in this section.

170.011. 1. Regular courses of instruction in the Constitution of the
2 United States and of the state of Missouri and in American history and
3 institutions shall be given in all public and private schools in the state of
4 Missouri, except privately operated trade schools, and shall begin not later than
5 the seventh grade and continue in high school to an extent determined by the
6 state commissioner of education, and shall continue in college and university
7 courses to an extent determined by the state commissioner of higher education.

8 In the 1990-91 school year and each year thereafter, local school districts
9 maintaining high schools shall comply with the provisions of this section by
10 offering in grade nine, ten, eleven, or twelve a course of instruction in the
11 institutions, branches and functions of the government of the state of Missouri,
12 including local governments, and of the government of the United States, and in
13 the electoral process. A local school district maintaining such a high school shall
14 require that prior to the completion of the twelfth grade each pupil, who receives
15 a high school diploma or certificate of graduation on or after January 1, 1994,
16 shall satisfactorily complete such a course of study. Such course shall be of at
17 least one semester in length and may be two semesters in length. The
18 department of elementary and secondary education may provide assistance in
19 developing such a course if the district requests assistance. **A school district**
20 **may elect to waive the requirements of this subsection for any student**
21 **who transfers from outside the state to a Missouri high school if the**
22 **student can furnish documentation deemed acceptable by the school**
23 **district of the student's successful completion in any year from the**
24 **ninth through the twelfth grade of a course of instruction in the**
25 **institutions, branches, and functions of state government, including**
26 **local governments, and of the government of the United States, and in**
27 **the electoral process.**

28 2. American history courses at the elementary and secondary levels shall
29 include in their proper time-line sequence specific referrals to the details and
30 events of the racial equality movement that have caused major changes in United
31 States and Missouri laws and attitudes.

32 3. No pupil shall receive a certificate of graduation from any public or
33 private school other than private trade schools unless he has satisfactorily passed
34 an examination on the provisions and principles of the Constitution of the United
35 States and of the state of Missouri, and in American history and American
36 institutions. **A school district may elect to waive the requirements of**
37 **this subsection for any student who transfers from outside the state to**
38 **a Missouri high school if the student can furnish documentation**
39 **deemed acceptable by the school district of the student's successful**
40 **completion in any year from the ninth through the twelfth grade of a**
41 **course of instruction in the institutions, branches, and functions of**
42 **state government, including local governments, and of the government**
43 **of the United States, and in the electoral process.** A student of a college

44 or university, who, after having completed a course of instruction prescribed in
45 this section and successfully passed an examination on the United States
46 Constitution, and in American history and American institutions required hereby,
47 transfers to another college or university, is not required to complete another
48 such course or pass another such examination as a condition precedent to his
49 graduation from the college or university.

50 4. In the 1990-91 school year and each year thereafter, each school district
51 maintaining a high school may annually nominate to the state board of education
52 a student who has demonstrated knowledge of the principles of government and
53 citizenship through academic achievement, participation in extracurricular
54 activities, and service to the community. Annually, the state board of education
55 shall select fifteen students from those nominated by the local school districts and
56 shall recognize and award them for their academic achievement, participation and
57 service.

58 5. [The state commissioner of education and the state commissioner of
59 higher education shall make arrangements for carrying out the provisions of this
60 section and prescribe a list of suitable texts adapted to the needs of the school
61 grades and college courses, respectively.

62 6. The willful neglect of any superintendent, principal or teacher to
63 observe and carry out the requirements of this section is sufficient cause for
64 termination of his contract.

65 7.] The provisions of this section shall not apply to students from foreign
66 countries who are enrolled in public or private high schools in Missouri, if such
67 students are foreign exchange students sponsored by a national organization
68 recognized by the department of elementary and secondary education.

**170.256. 1. Each school district shall provide age-appropriate
2 instruction for all students in grades kindergarten through twelve
3 regarding appropriate Internet usage. The goal of such instruction
4 shall be to teach students to safely use the Internet and protect
5 themselves on the Internet. Such instruction shall include when age-
6 appropriate, but not be limited to:**

7 **(1) How to protect personal and private information from others,**
8 **including passwords;**

9 **(2) Provide guidance on the safe use of email and other**
10 **electronic communication methods, including but not limited to, text**
11 **messages and instant messaging;**

12 (3) The dangers of online predators and cyberharassment and
13 current best practices for protecting children who use electronic
14 communication methods, including but not limited to, the Internet, cell
15 phones, text messages, chat rooms, email, and instant messaging
16 programs;

17 (4) How to protect oneself from, and not participate in, cyber-
18 bullying, which, for purposes of this section, shall be defined to include,
19 but not be limited to, the use of computers, websites, the Internet,
20 cellphones, text messaging, chat rooms, and instant messages to
21 intimidate, humiliate, or otherwise bully a student or another person;

22 (5) How to behave responsibly on the Internet and the
23 importance of having open communication with responsible adults and
24 reporting any inappropriate situation, activity or abuse to a
25 responsible adult, and depending on intent and content, to local law
26 enforcement, the FBI, or the CyberTipLine.

27 2. The department of elementary and secondary education shall
28 propose model curriculum, including best practices, for educating
29 children regarding child online safety. Topics shall include, but not be
30 limited to, safe online communications, privacy protection, cyber-
31 bullying, viewing inappropriate material, file sharing, and the
32 importance of open communication with responsible adults.

33 3. The department of elementary and secondary education shall
34 make available on its website the following information in an easy to
35 access format:

36 (1) Educational materials for parents regarding Internet safety
37 for children; and

38 (2) Contact information and website addresses or links of
39 reputable organizations that seek to educate individuals on Internet
40 safety for children.

41 The department of elementary and secondary education may consult
42 with the department of public safety as needed to fulfill the
43 requirements of this subsection.

170.400. Any and all equipment and educational materials
2 necessary for successful participation in supplemental educational
3 services programming shall not be deemed an incentive for the
4 purposes of compliance with department of elementary and secondary
5 education rules and regulations for supplemental educational services

6 **provider certification. The department of elementary and secondary**
7 **education shall not prohibit providers of supplemental and educational**
8 **services from allowing students to retain equipment used by them upon**
9 **successful completion of supplemental and educational services.**

173.256. 1. The department of higher education shall collect and
2 distribute funds for the kids' chance scholarship pursuant to section 173.254,
3 however, the department shall not distribute the corpus provided by section
4 173.258. **The department may distribute any accrued interest in the**
5 **fund as scholarships after the second Monday in October of 2008.**

6 2. There is hereby created in the state treasury the "Kids' Chance
7 Scholarship Fund", which shall consist of all moneys deposited in the fund
8 pursuant to section 173.258 and all moneys which may be appropriated to it by
9 the general assembly, from federal or other sources, including private
10 donations. Upon termination of the fund, all moneys in the fund shall be
11 transferred for the use of the division of workers' compensation for deposit in the
12 fund created by virtue of section 287.690, RSMo.

13 3. The state treasurer shall administer the fund and credit all interest to
14 the fund and the moneys in the fund shall be used solely upon appropriation by
15 the department for the expenses of carrying out its duties pursuant to this
16 section.

17 4. Notwithstanding the provisions of section 33.080, RSMo, to the
18 contrary, moneys in the fund shall not revert to the credit of the general revenue
19 fund at the end of the biennium.

173.258. The director of the division of workers' compensation shall
2 deposit fifty thousand dollars from the premium tax collected pursuant to section
3 287.690, RSMo, on the second Monday in October of each year beginning in 1999
4 until [2008] **2018** into the kids' chance scholarship fund.

192.631. 1. Subject to appropriations, by July 1, 2009, the
2 **department of health and senior services shall establish a school-based**
3 **influenza vaccination pilot program. Participation in the program shall**
4 **be voluntary on the part of the school district and shall be**
5 **administered with the consent of the student's parents or legal**
6 **guardian. When creating the program, the department shall also take**
7 **into account:**

8 **(1) The costs and benefits of establishing a school-based**
9 **influenza vaccination pilot program;**

10 **(2) The barriers to implementing the proposed pilot program;**
11 **and**

12 **(3) The fiscal impact to the state of such program.**

13 **2. The department shall work to increase influenza vaccination**
14 **awareness and participation among parents of children aged six**
15 **months to five years in child care facilities. The official website of the**
16 **department shall have information on the benefits of annual**
17 **vaccination against influenza for children and its programs offered for**
18 **the children. The department shall cooperate with the department of**
19 **social services and department of elementary and secondary education**
20 **in order to distribute the information to the parents and child care**
21 **facilities effectively in August or September in every year.**

22 **3. The department shall promulgate rules for the implementation**
23 **of the pilot program created under this section. Any rule or portion of**
24 **a rule, as that term is defined in section 536.010, RSMo, that is created**
25 **under the authority delegated in this section shall become effective**
26 **only if it complies with and is subject to all of the provisions of chapter**
27 **536, RSMo, and, if applicable, section 536.028, RSMo. This section and**
28 **chapter 536, RSMo, are nonseverable and if any of the powers vested**
29 **with the general assembly pursuant to chapter 536, RSMo, to review, to**
30 **delay the effective date, or to disapprove and annul a rule are**
31 **subsequently held unconstitutional, then the grant of rulemaking**
32 **authority and any rule proposed or adopted after August 28, 2008, shall**
33 **be invalid and void.**

34 **4. Pursuant to section 23.253, RSMo, of the Missouri sunset act:**

35 **(1) Any new program authorized under this section shall**
36 **automatically sunset six years after the effective date of this section**
37 **unless reauthorized by an act of the general assembly; and**

38 **(2) If such program is reauthorized, the program authorized**
39 **under this section shall automatically sunset twelve years after the**
40 **effective date of the reauthorization of this section; and**

41 **(3) This section shall terminate on September first of the**
42 **calendar year immediately following the calendar year in which a**
43 **program authorized under this section is sunset.**

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

3 **(1) Make recommendations which will encourage greater interagency**

4 coordination, cooperation, more effective utilization of existing resources and less
5 duplication of effort in activities of state agencies which affect the legal rights
6 and well-being of children in Missouri;

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

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

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

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

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

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

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

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

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

26 (d) A report from the commission regarding the state of children in
27 Missouri;

28 **(6) On or before July 1, 2009, develop recommendations for best**
29 **practices in sharing relevant agency information relating to school-**
30 **aged children receiving state services in order to permit the best**
31 **degree of coordination in the delivery of such services while protecting**
32 **the privacy of the involved student and family.**

33 2. There is hereby established within the children's services commission
34 the "Coordinating Board for Early Childhood", which shall constitute a body
35 corporate and politic, and shall include but not be limited to the following
36 members:

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

38 (2) A representative from each of the following departments: health and
39 senior services, mental health, social services, and elementary and secondary

40 education;

41 (3) A representative of the judiciary;

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

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

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

48 The coordinating board may make all rules it deems necessary to enable it to
49 conduct its meetings, elect its officers, and set the terms and duties of its
50 officers. The coordinating board shall elect from amongst its members a
51 chairperson, vice chairperson, a secretary-reporter, and such other officers as it
52 deems necessary. Members of the board shall serve without compensation but
53 may be reimbursed for actual expenses necessary to the performance of their
54 official duties for the board.

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

56 (1) Develop a comprehensive statewide long-range strategic plan for a
57 cohesive early childhood system;

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

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

63 (4) Promote coordination of existing services and programs across public
64 and private entities;

65 (5) Promote research-based approaches to services and ongoing program
66 evaluation;

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

69 (7) Apply for and accept gifts, grants, appropriations, loans, or
70 contributions to the coordinating board for early childhood fund from any source,
71 public or private, and enter into contracts or other transactions with any federal
72 or state agency, any private organizations, or any other source in furtherance of
73 the purpose of subsections 2 and 3 of this section, and take any and all actions
74 necessary to avail itself of such aid and cooperation;

75 (8) Direct disbursements from the coordinating board for early childhood

76 fund as provided in this section;

77 (9) Administer the coordinating board for early childhood fund and invest
78 any portion of the moneys not required for immediate disbursement in obligations
79 of the United States or any agency or instrumentality of the United States, in
80 obligations of the state of Missouri and its political subdivisions, in certificates
81 of deposit and time deposits, or other obligations of banks and savings and loan
82 associations, or in such other obligations as may be prescribed by the board;

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

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

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

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

92 (14) Adopt and use an official seal;

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

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

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

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

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

103 (1) Any moneys appropriated by the general assembly for use by the board
104 in carrying out the powers set out in subsections 2 and 3 of this section;

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

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

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

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

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

**Section 1. Any public school or private school receiving state
2 funds shall certify to the secretary of state that it is in compliance with,
3 and eligible to receive funding under, the federal Children's Internet
4 Protection Act, 21 U.S.C. Section 1701, et seq., as amended, prior to
5 receiving such state funds.**

[160.730. 1. Not less than twice each calendar year, the
2 commissioner of higher education, the chair of the coordinating
3 board for higher education, the commissioner of education, the
4 president of the state board of education, and the director of the
5 department of economic development shall meet and discuss ways
6 in which their respective departments may collaborate to achieve
7 the policy goals as outlined in this section.

8 2. In order to create a more efficient and effective education
9 system that more adequately prepares students for the challenges
10 of entering the workforce, the persons and agencies outlined in
11 subsection 1 of this section shall be responsible for accomplishing
12 the following goals:

13 (1) Studying the potential for a state-coordinated
14 economic/educational policy that addresses all levels of education;

15 (2) Determining where obstacles make state support of
16 programs that cross institutional or jurisdictional boundaries
17 difficult and suggesting remedies;

18 (3) Creating programs that:

19 (a) Intervene at known critical transition points, such as
20 middle school to high school and the freshman year of college to
21 help assure student success at the next level;

22 (b) Foster higher education faculty spending time in
23 elementary and secondary classrooms and private workplaces, and
24 elementary and secondary faculty spending time in general
25 education-level higher education courses and private workplaces,
26 with particular emphasis on secondary school faculty working with
27 general education higher education faculty;

28 (c) Allow education stakeholders to collaborate with

29 members of business and industry to foster policy alignment,
30 professional interaction, and information systems across sectors;

31 (d) Regularly provide feedback to schools, colleges, and
32 employers concerning the number of students requiring
33 postsecondary remediation, whether in educational institutions or
34 the workplace;

35 (4) Exploring ways to better align academic content,
36 particularly between secondary school and first-year courses at
37 public colleges and universities, which may include alignment
38 between:

39 (a) Elementary and secondary assessments and public
40 college and university admission and placement standards; and

41 (b) Articulation agreements of programs across sectors and
42 educational levels.

43 3. No later than the first Wednesday after the first Monday
44 of January each year, the persons outlined in subsection 1 of this
45 section shall report jointly to the general assembly and to the
46 governor the actions taken by their agencies and their
47 recommendations for policy initiatives and legislative alterations
48 to achieve the policy goals as outlined in this section.]

Section B. Because of the importance of providing suitable and permanent
2 school facilities for students and to protect the financial security of Missouri
3 teachers who plan to retire in the upcoming year, the enactment of section
4 160.459 and the repeal and reenactment of section 169.010 of this act is deemed
5 necessary for the immediate preservation of the public health, welfare, peace and
6 safety, and is hereby declared to be an emergency act within the meaning of the
7 constitution, and the enactment of section 160.459 and the repeal and
8 reenactment of section 169.010 of this act shall be in full force and effect upon its
9 passage and approval.

✓