

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 2040 & 2430
94TH GENERAL ASSEMBLY

Reported from the Special Committee on Student Achievement April 2, 2008 with recommendation that House Committee Substitute for House Bill Nos. 2040 & 2430 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

3926L.05C

AN ACT

To repeal sections 160.254, 160.261, 160.530, 160.660, 161.098, 161.650, 163.172, 165.111, 167.020, 167.022, 167.023, 167.029, 167.115, 167.161, 167.164, 167.621, 167.624, 167.627, 167.630, 168.110, 168.126, 168.133, 169.070, 169.670, 170.132, and 210.102, RSMo, and to enact in lieu thereof forty-one new sections relating to education, with penalty provisions.

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

Section A. Sections 160.254, 160.261, 160.530, 160.660, 161.098, 161.650, 163.172, 165.111, 167.020, 167.022, 167.023, 167.029, 167.115, 167.161, 167.164, 167.621, 167.624, 167.627, 167.630, 168.110, 168.126, 168.133, 169.070, 169.670, 170.132, and 210.102, RSMo, are repealed and forty-one new sections enacted in lieu thereof, to be known as sections 135.1200, 135.1202, 135.1204, 135.1206, 135.1208, 135.1210, 160.254, 160.261, 160.530, 160.660, 161.098, 161.650, 162.215, 162.1168, 163.172, 165.111, 167.020, 167.022, 167.023, 167.029, 167.115, 167.161, 167.164, 167.621, 167.624, 167.627, 167.630, 168.110, 168.126, 168.133, 168.295, 168.710, 168.712, 168.714, 168.716, 168.720, 169.070, 169.670, 170.132, 210.102, and 1, to read as follows:

135.1200. Sections 135.1200 to 135.1210 shall be known and may be cited as "Bryce's Law".

135.1202. 1. As used in sections 135.1200 to 135.1210, the following terms mean:

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

(1) "Autism spectrum disorder", pervasive developmental disorder; Asperger syndrome; childhood disintegrative disorder; Rett syndrome; and autism;

(2) "Contribution", a donation of cash, stock, bonds, or other marketable securities, or real property;

(3) "Department", the department of economic development;

(4) "Director", the director of the department of economic development;

(5) "Educational scholarships", grants to students to cover all or part of the costs at either a qualified nonpublic school or a qualified public school, including transportation;

(6) "Eligible student", any elementary or secondary student who attended public school in Missouri the preceding semester, or who will be attending school in Missouri for the first time, with an individualized education program, including but not limited to students who are mentally handicapped, speech and language impaired, deaf or hard of hearing, visually impaired, dual sensory impaired, physically impaired, emotionally handicapped, specific learning disabled, diagnosed with an autism spectrum disorder, or hospitalized or homebound due to illness or disability;

(7) "Parent", includes a guardian, custodian, or other person with authority to act on behalf of the child;

(8) "Program", the program established in sections 135.1200 to 135.1210;

(9) "Qualified school", either a public elementary or secondary school outside of the district in which a student resides or a nonpublic elementary or secondary school in Missouri that complies with all of the requirements of the program and complies with all state laws that apply to nonpublic schools regarding criminal background checks for employees and exclude from employment any person not permitted by state law to work in a nonpublic school;

(10) "Scholarship granting organization", a charitable organization which is exempt from federal income tax that complies with the requirements of this program and provides education scholarships to students attending qualified schools of their parents' choice;

(11) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer under chapters 143, 147, 148, and 153, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer under chapter 143, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions;

(12) "Taxpayer", a person, firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income

38 tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual
39 corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance
40 company paying an annual tax on its gross premium receipts in this state, or other
41 financial institution paying taxes to the state of Missouri or any political subdivision of this
42 state under the provisions of chapter 148, RSMo, or an express company which pays an
43 annual tax on its gross receipts in this state under chapter 153, RSMo, or an individual
44 subject to the state income tax imposed by the provisions of chapter 143, RSMo, or any
45 charitable organization which is exempt from federal income tax and whose Missouri
46 unrelated business taxable income, if any, would be subject to the state income tax imposed
47 under chapter 143, RSMo.

48 2. For all tax years beginning on or after January 1, 2008, a taxpayer shall be
49 allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal
50 to eighty percent of the amount such taxpayer contributed to a scholarship granting
51 organization. No taxpayer shall be issued more than eight hundred thousand dollars in tax
52 credits authorized under this section per tax year.

53 3. The amount of the tax credit claimed shall not exceed fifty percent of a
54 taxpayer's state tax liability for the taxable year for which the credit is claimed. However,
55 any tax credit that cannot be claimed in the taxable year the contribution was made may
56 be carried over to the next four succeeding taxable years until the full credit has been
57 claimed.

58 4. The director shall determine, at least annually, which organizations in this state
59 may be classified as scholarship granting organizations. The director may require of an
60 organization seeking to be classified as a scholarship granting organization whatever
61 information which is reasonably necessary to make such a determination. The director
62 shall classify an organization as a scholarship granting organization if such organization
63 meets the definition set forth in subsection 1 of this section.

64 5. The director shall establish a procedure by which a taxpayer can determine if
65 an organization has been classified as a scholarship granting organization. Scholarship
66 granting organizations shall be permitted to decline a contribution from a taxpayer.

67 6. Each scholarship granting organization shall provide information to the director
68 concerning the identity of each taxpayer making a contribution to the scholarship granting
69 organization who is claiming a tax credit under this section and the amount of the
70 contribution. The director shall provide the information to the director of revenue. The
71 director shall be subject to the confidentiality and penalty provisions of section 32.057,
72 RSMo, relating to the disclosure of tax information.

7. The director shall annually make a determination on the number of students in Missouri with an individualized education program. Up to ten percent of these students may receive a scholarship from a scholarship granting organization in that year. The director shall publicly announce the number of special needs scholarship opportunities available each year. Once a scholarship granting organization has decided to provide a student with a scholarship, it shall promptly notify the director. The director shall keep a running tally of the number of scholarships granted in the order in which they were reported including, if available, whether the scholarship recipient is a resident of a district using any incentive under section 168.710, 168.714, 168.716, or 168.720, RSMo. Once the tally reaches the annual limit of eligible students, the director shall notify all of the participating scholarship granting organizations that they may not issue any more scholarships and any more receipts for contributions. If the scholarship granting organizations have not expended all of their available scholarship funds in that year at the time when the limit is reached, the available scholarship funds may be carried over into the next year. These unexpended funds shall not be counted as part of the requirement in subdivision (3) of subsection 1 of section 135.1204 for that year. Any receipt for a scholarship contribution issued by a scholarship granting organization before the director has publicly announced the student limit has been reached shall be valid for a taxpayer claiming a credit.

8. Notwithstanding any other law to the contrary, any tax credits granted under this section may be assigned, transferred, sold, or otherwise conveyed without consent or approval. Such taxpayer, hereinafter the assignor for purposes of this section, may sell, assign, exchange, or otherwise transfer earned tax credits:

(1) For no less than seventy-five percent of the par value of such credits; and

(2) In an amount not to exceed one hundred percent of annual earned credits.

135.1204. 1. Each scholarship granting organization participating in the program under sections 135.1200 to 135.1210 shall:

(1) Notify the department of its intent to provide educational scholarships to students attending qualified schools;

(2) Provide a department-approved receipt to taxpayers for contributions made to the organization;

(3) Ensure that at least ninety percent of its revenue from donations is spent on educational scholarships, including a portion to be determined by rule of the department on children who attended a preschool funded under section 162.1168, RSMo, and that all revenue from interest or investments is spent on educational scholarships;

11 **(4) Distribute periodic scholarship payments as checks made out to a student's**
12 **parent and mailed to the qualified school where the student is enrolled. The parent or**
13 **guardian must endorse the check before it can be deposited;**

14 **(5) Cooperate with the department to conduct criminal background checks on all**
15 **of its employees and board members and exclude from employment or governance any**
16 **individual who might reasonably pose a risk to the appropriate use of contributed funds;**

17 **(6) Ensure that scholarships are portable during the school year and can be used**
18 **at any qualified school that accepts the eligible student according to a parent's wishes. If**
19 **a student moves to a new qualified school during a school year, the scholarship amount**
20 **may be prorated;**

21 **(7) Demonstrate its financial accountability by:**

22 **(a) Submitting a financial information report for the organization that complies**
23 **with uniform financial accounting standards established by the department and conducted**
24 **by a certified public accountant; and**

25 **(b) Having the auditor certify that the report is free of material misstatements;**

26 **(8) Demonstrate its financial viability, if the organization is to receive donations of**
27 **fifty thousand dollars or more during the school year, by filing with the department prior**
28 **to the start of the school year:**

29 **(a) A surety bond payable to the state in an amount equal to the aggregate amount**
30 **of contributions expected to be received during the school year; or**

31 **(b) Financial information that demonstrates the financial viability of the**
32 **scholarship granting organization.**

33 **2. Each scholarship granting organization shall ensure participating schools that**
34 **accept its scholarship students shall:**

35 **(1) Comply with all health and safety laws or codes that apply to nonpublic schools;**

36 **(2) Hold a valid occupancy permit if required by its municipality;**

37 **(3) Certify that it will comply with 42 U.S.C. 1981;**

38 **(4) If a public school, make available a stipend under section 168.712; and**

39 **(5) Provide academic accountability to parents of the students in the program by**
40 **regularly reporting to the parent on the student's progress.**

41 **3. Scholarship granting organizations shall not provide educational scholarships**
42 **for students to attend any school with paid staff or board members who are relatives**
43 **within the first degree of consanguinity or affinity.**

44 **4. A scholarship granting organization shall publicly report to the department, by**
45 **June first of each year, the following information prepared by a certified public accountant**
46 **regarding its grants in the previous calendar year:**

- 47 (1) The name and address of the scholarship granting organization;
48 (2) The total number and total dollar amount of contributions received during the
49 previous calendar year; and
50 (3) The total number and total dollar amount of educational scholarships awarded
51 during the previous calendar year, and the total number and total dollar amount of
52 educational scholarships awarded during the previous year to students eligible for free and
53 reduced lunch.

 135.1206. 1. The department shall adopt rules and regulations consistent with
2 sections 135.1200 to 135.1210 as necessary to implement the program.

3 2. The department shall provide a standardized format for a receipt to be issued
4 by a scholarship granting organization to a taxpayer to indicate the value of a contribution
5 received. The department shall require a taxpayer to provide a copy of this receipt when
6 claiming the Missouri special needs scholarship tax credit.

7 3. The department shall provide a standardized format for scholarship granting
8 organizations to report the information in section 135.1204.

9 4. The department may conduct either a financial review or audit of a scholarship
10 granting organization.

11 5. If the department believes that a scholarship granting organization has
12 intentionally and substantially failed to comply with the requirements of section 163.407,
13 the department may hold a hearing before the director, or his or her designee, to bar a
14 scholarship granting organization from participating in the program. The director, or his
15 or her designee, shall issue a decision within thirty days. A scholarship granting
16 organization may appeal the director's decision to the administrative hearing commission
17 for a hearing in accordance with the provisions of chapter 621, RSMo.

18 6. If the scholarship granting organization is barred from participating in the
19 program, the department shall notify affected scholarship students and their parents of
20 this decision within fifteen days.

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

135.1208. 1. The department shall conduct a study of the program with funds other than state funds. The department may contract with one or more qualified researchers who have previous experience evaluating similar programs. The department may accept grants to assist in funding this study.

2. The study shall assess:

(1) The level of participating students' satisfaction with the program;

(2) The level of parental satisfaction with the program;

(3) The percentage of participating students who were bullied or harassed because of their special needs status at their resident school district compared to the percentage so bullied or harassed at their qualified school;

(4) The percentage of participating students who exhibited behavioral problems at their resident school district compared to the percentage exhibiting behavioral problems at their qualified school;

(5) The class size experienced by participating students at their resident school district and at their qualified school; and

(6) The fiscal impact to the state and resident school districts of the program.

3. The study shall be completed using appropriate analytical and behavioral sciences methodologies to ensure public confidence in the study.

4. The department shall provide the general assembly with a final copy of the evaluation of the program by December 31, 2013.

5. The public and nonpublic participating schools from which students transfer to participate in the program shall cooperate with the research effort by providing student assessment instrument scores and any other data necessary to complete this study.

6. The general assembly may require periodic updates on the status of the study from the department. The individuals completing the study shall make their data and methodology available for public review while complying with the requirements of the Family Educational Rights and Privacy Act, as amended.

135.1210. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under sections 135.1200 to 135.1210 shall sunset automatically on December thirty-first six years after the effective date of sections 135.1200 to 135.1210 unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under sections 135.1200 to 135.1210 shall sunset automatically on December thirty-first twelve years after the effective date of the reauthorization of sections 135.1200 to 135.1210; and

9 **(3) Sections 135.1200 to 135.1210 shall terminate on September first of the calendar**
10 **year immediately following the calendar year in which the program authorized under**
11 **sections 135.1200 to 135.1210 is sunset.**

160.254. 1. There is hereby established a joint committee of the general assembly, which
2 shall be known as the "Joint Committee on Education", which shall be composed of seven
3 members of the senate and seven members of the house of representatives. The senate members
4 of the committee shall be appointed by the president pro tem of the senate and the house
5 members by the speaker of the house.

6 2. The committee shall meet at least twice a year. In the event of three consecutive
7 absences on the part of any member, such member may be removed from the committee.

8 3. The committee shall select either a chairman or cochairmen, one of whom shall be a
9 member of the senate and one a member of the house. A majority of the members shall
10 constitute a quorum. Meetings of the committee may be called at such time and place as the
11 chairman or chairmen designate.

12 4. The committee shall:

13 (1) Review and monitor the progress of education in the state's public schools and
14 institutions of higher education;

15 (2) Receive reports from the commissioner of education concerning the public schools
16 and from the commissioner of higher education concerning institutions of higher education;

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

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

19 (5) Conduct an in-depth study concerning all issues relating to the equity and adequacy
20 of the distribution of state school aid, teachers' salaries, funding for school buildings, and overall
21 funding levels for schools and any other education funding-related issues the committee deems
22 relevant **including the program in section 168.710, RSMo;**

23 (6) Monitor the establishment of performance measures as required by section 173.1006,
24 RSMo, and report on their establishment to the governor and the general assembly;

25 (7) Conduct studies and analysis regarding:

26 (a) The higher education system, including financing public higher education and the
27 provision of financial aid for higher education; and

28 (b) The feasibility of including students enrolled in proprietary schools, as that term is
29 defined in section 173.600, RSMo, in all state-based financial aid programs;

30 (8) Annually review the collection of information under section 173.093, RSMo, to
31 facilitate a more accurate comparison of the actual costs at public and private higher education
32 institutions;

33 (9) Within three years of August 28, 2007, review a new model for the funding of public
34 higher education institutions upon submission of such model by the coordinating board for
35 higher education;

36 (10) Within three years of August 28, 2007, review the impact of the higher education
37 student funding act established in sections 173.1000 to 173.1006;

38 **(11) Beginning August 28, 2008, upon review, approve or deny any expenditures**
39 **made by the commissioner of education pursuant to section 160.530, as provided in**
40 **subsection 5 of section 160.530.**

41 5. The committee may make reasonable requests for staff assistance from the research
42 and appropriations staffs of the house and senate and the committee on legislative research, as
43 well as the department of elementary and secondary education, the department of higher
44 education, the coordinating board for higher education, the state tax commission, the department
45 of economic development, all school districts and other political subdivisions of this state,
46 teachers and teacher groups, business and other commercial interests and any other interested
47 persons.

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

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

13 2. The policy shall require school administrators to report acts of school violence to **all**
14 **teachers at the attendance center and in addition, to** other school district employees with a
15 need to know. For the purposes of this chapter or chapter 167, RSMo, "need to know" is defined
16 as school personnel who are directly responsible for the student's education or who otherwise
17 interact with the student on a professional basis while acting within the scope of their assigned
18 duties. As used in this section, the phrase "act of school violence" or "violent behavior" means
19 the exertion of physical force by a student with the intent to do serious physical injury as defined

20 in subdivision (6) of section 565.002, RSMo, to another person while on school property,
21 including a school bus in service on behalf of the district, or while involved in school activities.
22 The policy shall at a minimum require school administrators to report, as soon as reasonably
23 practical, to the appropriate law enforcement agency any of the following felonies, or any act
24 which if committed by an adult would be one of the following felonies:

- 25 (1) First degree murder under section 565.020, RSMo;
- 26 (2) Second degree murder under section 565.021, RSMo;
- 27 (3) Kidnapping under section 565.110, RSMo;
- 28 (4) First degree assault under section 565.050, RSMo;
- 29 (5) Forcible rape under section 566.030, RSMo;
- 30 (6) Forcible sodomy under section 566.060, RSMo;
- 31 (7) Burglary in the first degree under section 569.160, RSMo;
- 32 (8) Burglary in the second degree under section 569.170, RSMo;
- 33 (9) Robbery in the first degree under section 569.020, RSMo;
- 34 (10) Distribution of drugs under section 195.211, RSMo;
- 35 (11) Distribution of drugs to a minor under section 195.212, RSMo;
- 36 (12) Arson in the first degree under section 569.040, RSMo;
- 37 (13) Voluntary manslaughter under section 565.023, RSMo;
- 38 (14) Involuntary manslaughter under section 565.024, RSMo;
- 39 (15) Second degree assault under section 565.060, RSMo;
- 40 (16) Sexual assault under section 566.040, RSMo;
- 41 (17) Felonious restraint under section 565.120, RSMo;
- 42 (18) Property damage in the first degree under section 569.100, RSMo;
- 43 (19) The possession of a weapon under chapter 571, RSMo;
- 44 (20) Child molestation in the first degree pursuant to section 566.067, RSMo;
- 45 (21) Deviate sexual assault pursuant to section 566.070, RSMo;
- 46 (22) Sexual misconduct involving a child pursuant to section 566.083, RSMo; or
- 47 (23) Sexual abuse pursuant to section 566.100, RSMo;

48

49 committed on school property, including but not limited to actions on any school bus in service
50 on behalf of the district or while involved in school activities. The policy shall require that any
51 portion of a student's individualized education program that is related to demonstrated or
52 potentially violent behavior shall be provided to any teacher and other school district employees
53 who are directly responsible for the student's education or who otherwise interact with the
54 student on an educational basis while acting within the scope of their assigned duties. The policy
55 shall also contain the consequences of failure to obey standards of conduct set by the local board

56 of education, and the importance of the standards to the maintenance of an atmosphere where
57 orderly learning is possible and encouraged.

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

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

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

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

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

78 4. Any student who violates the condition of suspension required pursuant to subsection
79 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of
80 sections 167.161, 167.164, and 167.171, RSMo. In making this determination consideration
81 shall be given to whether the student poses a threat to the safety of any child or school employee
82 and whether such student's unsupervised presence within one thousand feet of the school is
83 disruptive to the educational process or undermines the effectiveness of the school's disciplinary
84 policy. Removal of any pupil who is a student with a disability is subject to state and federal
85 procedural rights. **This section shall not limit a school district's ability to:**

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

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

90 5. The policy shall provide for a suspension for a period of not less than one year, or
91 expulsion, for a student who is determined to have brought a weapon to school, including but

92 not limited to the school playground or the school parking lot, brought a weapon on a school bus
93 or brought a weapon to a school activity whether on or off of the school property in violation of
94 district policy, except that:

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

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

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

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

112 8. Teachers and other authorized district personnel in public schools responsible for the
113 care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable
114 care by the school district, shall not be civilly liable when acting in conformity with the
115 established [policy of discipline] **policies** developed by each board [under this section],
116 **including but not limited to policies of student discipline** or when reporting to his or her
117 supervisor or other person as mandated by state law acts of school violence or threatened acts
118 of school violence, within the course and scope of the duties of the teacher, authorized district
119 personnel or volunteer, when such individual is acting in conformity with the established policies
120 developed by the board. Nothing in this section shall be construed to create a new cause of
121 action against such school district, or to relieve the school district from liability for the negligent
122 acts of such persons.

123 9. Each school board shall define in its discipline policy acts of violence and any other
124 acts that constitute a serious violation of that policy. Acts of violence as defined by school
125 boards shall include but not be limited to exertion of physical force by a student with the intent
126 to do serious bodily harm to another person while on school property, including a school bus in
127 service on behalf of the district, or while involved in school activities. School districts shall for

128 each student enrolled in the school district compile and maintain records of any serious violation
129 of the district's discipline policy. Such records shall be made available to teachers and other
130 school district employees with a need to know while acting within the scope of their assigned
131 duties, and shall be provided as required in section 167.020, RSMo, to any school district in
132 which the student subsequently attempts to enroll.

133 10. Spanking **or the use of force to protect persons or property**, when administered
134 by [certificated] personnel of a school district in a reasonable manner in accordance with the
135 local board of education's written policy of discipline, is not abuse within the meaning of chapter
136 210, RSMo, **as long as no allegation of sexual misconduct arises from the incident, and in**
137 **addition, in the case of spanking, as long as another employee of the school is present as a**
138 **witness.** The provisions of sections 210.110 to 210.165, RSMo, notwithstanding, the **children's**
139 division [of family services] shall not have jurisdiction over or investigate any report of alleged
140 child abuse arising out of or related to any spanking administered in a reasonable manner by any
141 [certificated] school personnel pursuant to a written policy of discipline established by the board
142 of education of the school district. Upon receipt of any reports of child abuse by the division of
143 family services pursuant to sections 210.110 to 210.165, RSMo, which allegedly involves
144 personnel of a school district, the division of family services shall notify the superintendent of
145 schools of the district or, if the person named in the alleged incident is the superintendent of
146 schools, the president of the school board of the school district where the alleged incident
147 occurred. If, after an initial investigation, the superintendent of schools or the president of the
148 school board finds that the report involves an alleged incident of child abuse other than the
149 administration of a spanking **or the use of force to protect persons or property** by
150 [certificated] school personnel pursuant to a written policy of discipline or [a] **that the report**
151 **was** made for the sole purpose of harassing a public school employee, the superintendent of
152 schools or the president of the school board shall immediately refer the matter back to the
153 **children's** division [of family services] and take no further action. In all matters referred back
154 to the **children's** division [of family services], the division [of family services] shall treat the
155 report in the same manner as other reports of alleged child abuse received by the division. If the
156 report pertains to an alleged incident which arose out of or is related to a spanking **or the use of**
157 **force to protect persons or property** administered by [certificated] personnel of a school
158 district pursuant to a written policy of discipline or a report made for the sole purpose of
159 harassing a public school employee, a notification of the reported child abuse shall be sent by
160 the superintendent of schools or the president of the school board to the juvenile officer of the
161 county in which the alleged incident occurred. The report shall be jointly investigated by the
162 juvenile officer or a law enforcement officer designated by the juvenile officer and the
163 superintendent of schools or, if the subject of the report is the superintendent of schools, by the

164 juvenile officer or a law enforcement officer designated by the juvenile officer and the president
165 of the school board or such president's designee. The investigation shall begin no later than
166 forty-eight hours after notification from the **children's** division [of family services] is received,
167 and shall consist of, but need not be limited to, interviewing and recording statements of the
168 child and the child's parents or guardian within two working days after the start of the
169 investigation, of the school district personnel allegedly involved in the report, and of any
170 witnesses to the alleged incident. The juvenile officer or a law enforcement officer designated
171 by the juvenile officer and the investigating school district personnel shall issue separate reports
172 of their findings and recommendations after the conclusion of the investigation to the school
173 board of the school district within seven days after receiving notice from the **children's** division
174 [of family services]. The reports shall contain a statement of conclusion as to whether the report
175 of alleged child abuse is substantiated or is unsubstantiated. The school board shall consider the
176 separate reports and shall issue its findings and conclusions and the action to be taken, if any,
177 within seven days after receiving the last of the two reports. The findings and conclusions shall
178 be made in substantially the following form:

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

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

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

189 11. The findings and conclusions of the school board shall be sent to the **children's**
190 division [of family services]. If the findings and conclusions of the school board are that the
191 report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case
192 closed, and no record shall be entered in the **children's** division [of family services'] central
193 registry. If the findings and conclusions of the school board are that the report of the alleged
194 child abuse is substantiated, the **children's** division [of family services] shall report the incident
195 to the prosecuting attorney of the appropriate county along with the findings and conclusions of
196 the school district and shall include the information in the division's central registry. If the
197 findings and conclusions of the school board are that the issue involved in the alleged incident
198 of child abuse is unresolved, the **children's** division [of family services] shall report the incident
199 to the prosecuting attorney of the appropriate county along with the findings and conclusions of

200 the school board, however, the incident and the names of the parties allegedly involved shall not
201 be entered into the central registry of the **children's** division [of family services] unless and until
202 the alleged child abuse is substantiated by a court of competent jurisdiction.

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

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

160.530. 1. Beginning with fiscal year 1994 and for all fiscal years thereafter, in order
2 to be eligible for state aid distributed pursuant to section 163.031, RSMo, a school district shall
3 allocate one percent of moneys received pursuant to section 163.031, RSMo, exclusive of
4 categorical add-ons, to the professional development committee of the district as established in
5 subdivision (1) of subsection 4 of section 168.400, RSMo. Of the moneys allocated to the
6 professional development committee in any fiscal year as specified by this subsection,
7 seventy-five percent of such funds shall be spent in the same fiscal year for purposes determined
8 by the professional development committee after consultation with the administrators of the
9 school district and approved by the local board of education as meeting the objectives of a school
10 improvement plan of the district that has been developed by the local board. Moneys expended
11 for staff training pursuant to any provisions of this act shall not be considered in determining the
12 requirements for school districts imposed by this subsection.

13 2. Beginning with fiscal year 1994 and for all fiscal years thereafter, [eighteen] **five**
14 million dollars [of the moneys appropriated to the department of elementary and secondary
15 education otherwise distributed to the public schools of the state pursuant to the provisions of
16 section 163.031, RSMo, exclusive of categorical add-ons,] shall be distributed by the
17 commissioner of education to address statewide areas of critical need for learning and
18 development, **provided that such disbursements are approved by the joint committee on**
19 **education as provided in subsection 5 of this section, and** as determined by rule and
20 regulation of the state board of education with the advice of the commission established by
21 section 160.510 and the advisory council provided by subsection 1 of section 168.015, RSMo.
22 The moneys described in this subsection may be distributed by the commissioner of education
23 to colleges, universities, private associations, professional education associations, statewide
24 associations organized for the benefit of members of boards of education, public elementary and

25 secondary schools, and other associations and organizations that provide professional
26 development opportunities for teachers, administrators, family literacy personnel and boards of
27 education for the purpose of addressing statewide areas of critical need, provided that
28 subdivisions (1), (2) and (3) of this subsection shall constitute priority uses for such moneys.
29 "Statewide areas of critical need for learning and development" shall include:

30 (1) Funding the operation of state management teams in districts with academically
31 deficient schools and providing resources specified by the management team as needed in such
32 districts **and determining the extent to which teacher incentives under section 168.720,**
33 **RSMo, play a part in reestablishing accreditation;**

34 (2) Funding for grants to districts, upon application to the department of elementary and
35 secondary education, for resources identified as necessary by the district, for those districts which
36 are failing to achieve assessment standards;

37 (3) Funding for family literacy programs;

38 (4) Ensuring that all children, especially children at risk, children with special needs, and
39 gifted students are successful in school;

40 (5) Increasing parental involvement in the education of their children;

41 (6) Providing information which will assist public school administrators and teachers
42 in understanding the process of site-based decision making;

43 (7) Implementing recommended curriculum frameworks as outlined in section 160.514;

44 (8) Training in new assessment techniques for students;

45 (9) Cooperating with law enforcement authorities to expand successful antidrug
46 programs for students;

47 (10) Strengthening existing curricula of local school districts to stress drug and alcohol
48 prevention;

49 (11) Implementing and promoting programs to combat gang activity in urban areas of
50 the state;

51 (12) Establishing family schools, whereby such schools adopt proven models of one-stop
52 state services for children and families;

53 (13) Expanding adult literacy services; and

54 (14) Training of members of boards of education in the areas deemed important for the
55 training of effective board members as determined by the state board of education.

56 3. Beginning with fiscal year 1994 and for all fiscal years thereafter, two million dollars
57 of the moneys appropriated to the department of elementary and secondary education otherwise
58 distributed to the public schools of the state pursuant to the provisions of section 163.031,
59 RSMo, exclusive of categorical add-ons, shall be distributed in grant awards by the state board
60 of education, by rule and regulation, for the "Success Leads to Success" grant program, which

61 is hereby created. The purpose of the success leads to success grant program shall be to
62 recognize, disseminate and exchange information about the best professional teaching practices
63 and programs in the state that address student needs, and to encourage the staffs of schools with
64 these practices and programs to develop school-to-school networks to share these practices and
65 programs.

66 4. The department shall include a listing of all expenditures under this section in the
67 annual budget documentation presented to the governor and general assembly.

68 **5. Prior to distributing any funds under subsection 2 of this section, the**
69 **commissioner of education shall appear before the joint committee on education and**
70 **present a proposed delineation of the programs to be funded under the provisions of**
71 **subsection 2 of this section. The joint committee shall review all proposed spending under**
72 **subsection 2 of this section and shall affirm, by a majority vote of all members serving on**
73 **the committee, the spending proposal of the commissioner prior to any disbursement of**
74 **funds under subsection 2 of this section.**

75 **6. If any provision of subdivision (11) of subsection 4 of section 160.254 or any**
76 **provision of subsections 2 or 5 of this section regarding approval of disbursements by the**
77 **joint committee on education are held to be invalid for any reason, then such decision shall**
78 **invalidate subsection 2 of this section in its entirety.**

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

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

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

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

15 **3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that**
16 **is created under the authority delegated in this section shall become effective only if it complies**
17 **with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section**
18 **536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers**

19 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
20 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
21 grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be
22 invalid and void.

161.098. Beginning December 15, 1999, and annually by that date in each following
2 year, the state board of education shall report to the general assembly on the retention and
3 recruitment of teachers in the state's schools. The report shall include, but not be limited to,
4 information on the numbers of teachers entering and leaving employment in the public schools
5 of the state, analysis of the issues affecting teacher recruitment, including the need for identifying
6 African-American and other minority students, including males, who show potential or interest
7 in becoming a teacher, recruiting such students as prospective teachers, and methods for
8 providing financial aid to such students, and suggestions for meeting predicted needs of numbers
9 of teachers and in areas of certification. **The state board shall include information relative**
10 **to the effect of sections 168.714, 168.716, and 168.720, RSMo, upon recruitment and**
11 **retention.**

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

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

20 3. Any district adopting and providing a program of instruction pursuant to this section
21 shall be entitled to receive state aid pursuant to section 163.031, RSMo. If such aid is

22 determined by the department to be insufficient to implement any program or programs adopted
23 by a district pursuant to this section:

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

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

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

**162.215. 1. District school boards may authorize and commission school officers
2 to enforce laws relating to crimes committed on school premises, at school activities, and
3 on school buses. School officers shall be certified law enforcement officers, as defined in
4 section 556.061, RSMo, and shall comply with the provisions of chapter 590, RSMo. The
5 powers and duties of a law enforcement officer shall continue throughout the employee's
6 tenure as a school officer. The school officer shall be required to get the consent of the
7 head of law enforcement of the law enforcement jurisdiction in which the school building
8 is located before the officer begins duties.**

9 **2. School officers shall abide by district school board policies and shall consult with
10 and coordinate activities through the school superintendent or the superintendent's
11 designee. School officers' authority shall be limited to crimes committed on school
12 premises, at school activities, and on school buses. All crimes involving any sexual offense
13 or any felony involving the threat or use of force shall remain under the authority of the
14 local jurisdiction where the crime occurred. School officers may conduct any justified stop
15 on school property and enforce any local violation that occurs on school grounds. School
16 officers shall have the authority to stop, detain, and arrest for crimes committed on school
17 property, at school activities, and on school buses.**

**162.1168. 1. There is hereby established a pilot program within the Missouri
2 preschool project to be known as the "Missouri Preschool Plus Grant Program", which
3 shall serve up to one thousand two hundred fifty students with high quality early childhood
4 educational services in order to improve school readiness outcomes. The program shall be
5 administered by the department of elementary and secondary education in collaboration
6 with the coordinating board for early childhood. Grants shall be awarded in this section
7 for three years and shall be renewable. The program shall be funded through
8 appropriations to the Missouri preschool plus grant program fund. Funds from the
9 gaming commission fund shall not be used to fund the program.**

10 **2. For purposes of this section, the following terms shall mean:**

11 (1) "Department", the department of elementary and secondary education;

12 (2) "Program", the Missouri preschool plus grant program.

13 **3. Grantees shall include the following:**

14 (1) School districts classified as unaccredited by the state board of education;

15 (2) Community-based organizations located within a school district classified as
16 unaccredited by the state board of education; or

17 (3) Any urban school district that is provisionally accredited.

18

19 Grantees under subdivisions (1) and (3) of this subsection shall be required to participate
20 in the teacher incentives described in section 168.714, RSMo.

21 **4. If a school district becomes classified as provisionally accredited or accredited**
22 **by the state board of education, the school district may complete the length of an existing**
23 **grant and shall be eligible for one additional renewal for three years.**

24 **5. To receive a preschool placement under this section, a child shall be one or two**
25 **years away from kindergarten entry.**

26 **6. Families with incomes less than one hundred thirty percent of the federal poverty**
27 **guidelines shall receive free services through eligible grantees. Families with incomes at**
28 **or above one hundred thirty percent of the federal poverty guidelines may be charged a**
29 **co-pay on a sliding scale, as established by the department.**

30 **7. At least fifty percent of the preschool placements funded by the program shall**
31 **be offered through community-based organizations.**

32 **8. Grantees participating in the program shall give admission preference to**
33 **dependents of active duty military personnel and to children with a diagnosis of autism,**
34 **as defined in section 135.1202, RSMo.**

35 **9. School districts and community-based organizations in which such pilot**
36 **programs exist shall collect data about short-term and long-term student performance,**
37 **where feasible, so that the program may be evaluated on quantitative measurements**
38 **developed by the department. The department shall make a good faith effort to collect**
39 **long-term student performance data required under this subsection for students who**
40 **attend non-public schools. For purposes of this subsection, "long-term" shall mean from**
41 **point of entry to graduation from high school.**

42 **10. Grantees shall coordinate preschool programs with the nearest parents as**
43 **teachers site to ensure a continuum of care.**

44 **11. The department shall accept applications in a competitive bid process to begin**
45 **implementation of the program for the 2009-2010 school year.**

46 **12. The department shall promulgate rules and regulations necessary to implement**
47 **this section by January 1, 2009. Any rule or portion of a rule, as that term is defined in**
48 **section 536.010, RSMo, that is created under the authority delegated in this section shall**
49 **become effective only if it complies with and is subject to all of the provisions of chapter**
50 **536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,**
51 **RSMo, are nonseverable and if any of the powers vested with the general assembly**
52 **pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and**
53 **annul a rule are subsequently held unconstitutional, then the grant of rulemaking**
54 **authority and any rule proposed or adopted after August 28, 2008, shall be invalid and**
55 **void.**

56 **13. The general assembly shall appropriate an amount sufficient to adequately fund**
57 **the provisions of this section, which shall be five million dollars in any fiscal year.**

58 **14. There is hereby created in the state treasury the "Missouri Preschool Plus**
59 **Grant Program Fund" which shall consist of general revenue appropriated to the program,**
60 **funds received from the federal government, and voluntary contributions to support or**
61 **match program activities. The state treasurer shall be custodian of the fund and may**
62 **approve disbursements from the fund in accordance with sections 30.170 and 30.180,**
63 **RSMo. Upon appropriation, money in the fund shall be used solely for the administration**
64 **of this section. Any moneys remaining in the fund at the end of the biennium shall revert**
65 **to the credit of the general revenue fund. The state treasurer shall invest moneys in the**
66 **fund in the same manner as other funds are invested. Any interest and moneys earned on**
67 **such investments shall be credited to the fund.**

68 **15. Pursuant to section 23.253, RSMo, of the Missouri sunset act:**

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

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

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

163.172. 1. [In school year 1994-95 and thereafter until school year 2006-07, the
2 minimum teacher's salary shall be eighteen thousand dollars.] Beginning in school year
3 [2006-07, the minimum teacher's salary shall be twenty-two thousand dollars; in school year
4 2007-08, the minimum teacher's salary shall be twenty-three thousand dollars; in school year]
5 2008-09, the minimum teacher's salary shall be twenty-four thousand dollars; in school year

6 2009-10 and thereafter, the minimum teacher's salary shall be twenty-five thousand dollars.
7 [Beginning in the school year 1996-97 until school year 2006-07, for any full-time teacher with
8 a master's degree and at least ten years' teaching experience in a public school or combination
9 of public schools, the minimum salary shall be twenty-four thousand dollars. Beginning in the
10 school year 2006-07,] For any full-time teacher with a master's degree [in an academic teaching
11 field] and at least ten years' teaching experience in a public school or combination of public
12 schools, the minimum salary [shall be thirty thousand dollars; in the 2007-08 school year such
13 minimum salary shall be thirty-one thousand dollars;] in the 2008-09 school year [such minimum
14 salary] shall be thirty-two thousand dollars; and in the 2009-10 school year such minimum salary
15 shall be thirty-three thousand dollars.

16 2. Beginning with the budget requests for fiscal year 1991, the commissioner of
17 education shall present to the appropriate committees of the general assembly information on the
18 average Missouri teacher's salary, regional average salary data, and national average salary data.

19 3. All school salary information shall be public information.

20 4. As used in this section, the term "salary" shall be defined as the salary figure which
21 appears on the teacher's contract and as determined by the local school district's basic salary
22 schedule and does not include supplements for extra duties.

23 5. The minimum salary for any fully certificated teacher employed on a less than
24 full-time basis by a school district, state school for the severely handicapped, the Missouri
25 School for the Deaf, or the Missouri School for the Blind shall be prorated to reflect the amounts
26 provided in subsection 1 of this section.

165.111. 1. The school board of each district, for any year for which it does not cause
2 an audit to be performed by October thirty-first after the close of the school year, shall make and
3 publish, not later than September first, in some newspaper as described in section 493.050,
4 RSMo, published in the school district, and if there is none then in some newspaper of general
5 circulation within the district, a statement of all receipts of school moneys, when and from what
6 source derived, and all expenditures, and on what account; also, the present indebtedness of the
7 district and its nature, and the rate of taxation for all purposes for the year, **including the**
8 **property tax rate**. The statement shall be duly attested by the president and secretary of the
9 board, and the secretary shall forward a copy to the state board of education on forms prescribed
10 by the board.

11 2. **The school board of each district for any given year shall provide a full detailed**
12 **financial statement that will include the names and total compensation packages of, and**
13 **any expenses made by or on behalf of, the district's superintendent, and all assistant**
14 **superintendents. If consultants are hired for administrative duties, the district shall**
15 **publish the total compensation package of each consultant, and the disclosure shall be**

16 made separate for each individual administrator. The disclosure shall include whether
17 incentives under sections 168.710, 168.714, 168.716, and 168.720, RSMo, are available or
18 used. The statement shall be forwarded to the department of elementary and secondary
19 education, and all the information included in the statement required under this subsection
20 shall be published on the department's Internet web site.

21 3. For purposes of subsection 2 of this section, "total compensation package"
22 includes, but is not limited to, base salary, retirement benefits, dues and club memberships,
23 housing and auto allowances, entertainment allowances, cell phone or personal digital
24 assistant and service contract, deferred compensation, buy-out clause, pay-for-
25 performance goals, donations from school foundations, and any other valuable
26 consideration provided as cash, credit, or services as a result of employment, expressed in
27 dollars.

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

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

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

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

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

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

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

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

24 (2) Proof that the person registering the student has requested a waiver under subsection
25 3 of this section within the last forty-five days. In instances where there is reason to suspect that
26 admission of the pupil will create an immediate danger to the safety of other pupils and
27 employees of the district, the superintendent or the superintendent's designee may convene a
28 hearing within five working days of the request to register and determine whether or not the pupil
29 may register.

30 3. Any person subject to the requirements of subsection 2 of this section may request a
31 waiver from the district board of any of those requirements on the basis of hardship or good
32 cause. Under no circumstances shall athletic ability be a valid basis of hardship or good cause
33 for the issuance of a waiver of the requirements of subsection 2 of this section. The district
34 board or committee of the board appointed by the president and which shall have full authority
35 to act in lieu of the board shall convene a hearing as soon as possible, but no later than forty-five
36 days after receipt of the waiver request made under this subsection or the waiver request shall
37 be granted. The district board or committee of the board may grant the request for a waiver of
38 any requirement of subsection 2 of this section. The district board or committee of the board
39 may also reject the request for a waiver in which case the pupil shall not be allowed to register.
40 Any person aggrieved by a decision of a district board or committee of the board on a request
41 for a waiver under this subsection may appeal such decision to the circuit court in the county
42 where the school district is located.

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

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

50 6. Subsection 2 of this section shall not apply to a pupil who is a homeless child or
51 youth, or a pupil attending a school not in the pupil's district of residence as a participant in an
52 interdistrict transfer program established under a court-ordered desegregation program, a pupil

53 who is a ward of the state and has been placed in a residential care facility by state officials, a
54 pupil who has been placed in a residential care facility due to a mental illness or developmental
55 disability, a pupil attending a school pursuant to sections 167.121 and 167.151, a pupil placed
56 in a residential facility by a juvenile court, a pupil with a disability identified under state
57 eligibility criteria if the student is in the district for reasons other than accessing the district's
58 educational program, or a pupil attending a regional or cooperative alternative education program
59 or an alternative education program on a contractual basis.

60 7. Within two business days of enrolling a pupil, the school official enrolling a pupil,
61 including any special education pupil, shall request **all education records deemed necessary**
62 **by the school official for enrollment, including but not limited to** those records required by
63 district policy for student transfer, **individual education plans, health records**, and those
64 discipline records required by subsection 9 of section 160.261, RSMo, from all schools
65 previously attended by the pupil within the last twelve months. Any school district that receives
66 a request for such records from another school district enrolling a pupil that had previously
67 attended a school in such district shall respond to such request within five business days of
68 receiving the request. School districts may report or disclose education records to law
69 enforcement [and] , juvenile justice authorities, **or other state or local officials** if the disclosure
70 concerns law enforcement's or juvenile justice authorities' ability to effectively serve, prior to
71 adjudication, the student whose records are released. The officials and authorities to whom such
72 information is disclosed must comply with applicable restrictions set forth in 20 U.S.C. Section
73 1232g (b)(1)(E).

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

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

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

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

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

- 7 (1) First degree murder under section 565.020, RSMo;
- 8 (2) Second degree murder under section 565.021, RSMo;
- 9 (3) Kidnapping under section 565.110, RSMo;
- 10 (4) First degree assault under section 565.050, RSMo;
- 11 (5) Forcible rape under section 566.030, RSMo;
- 12 (6) Forcible sodomy under section 566.060, RSMo;
- 13 (7) Burglary in the first degree under section 569.160, RSMo;
- 14 (8) Robbery in the first degree under section 569.020, RSMo;
- 15 (9) Distribution of drugs under section 195.211, RSMo;
- 16 (10) Distribution of drugs to a minor under section 195.212, RSMo;
- 17 (11) Arson in the first degree under section 569.040, RSMo;
- 18 (12) Voluntary manslaughter under section 565.023, RSMo;
- 19 (13) Involuntary manslaughter under section 565.024, RSMo;
- 20 (14) Second degree assault under section 565.060, RSMo;
- 21 (15) Sexual assault under section 566.040, RSMo;
- 22 (16) Felonious restraint under section 565.120, RSMo;
- 23 (17) Property damage in the first degree under section 569.100, RSMo;

- 24 (18) The possession of a weapon under chapter 571, RSMo;
25 (19) Child molestation in the first degree pursuant to section 566.067, RSMo;
26 (20) Deviate sexual assault pursuant to section 566.070, RSMo;
27 (21) Sexual misconduct involving a child pursuant to section 566.083, RSMo; or
28 (22) Sexual abuse pursuant to section 566.100, RSMo.

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

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

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

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

50 6. Upon the transfer of any pupil described in this section to any other school district in
51 this state, the superintendent or the superintendent's designee shall forward the written
52 notification given to the superintendent pursuant to subsection 2 of this section to the
53 superintendent of the new school district in which the pupil has enrolled. Such written
54 notification shall be required again in the event of any subsequent transfer by the pupil.

55 7. As used in this section, the terms "school" and "school district" shall include any
56 charter, private or parochial school or school district, and the term "superintendent" shall include
57 the principal or equivalent chief school officer in the cases of charter, private or parochial
58 schools.

59 8. The superintendent or the designee of the superintendent or other school employee
60 who, in good faith, reports information in accordance with the terms of this section and section
61 160.261, RSMo, shall not be civilly liable for providing such information.

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

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

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

167.164. 1. Any suspension **or expulsion** issued [pursuant to] **by a public school**
2 **district under** section 167.161[,] or this section[, or expulsion pursuant to section 167.161,]
3 shall not relieve the state or the suspended student's parents or guardians of their responsibilities

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

25 2. A school district may contract with other political subdivisions, public agencies,
26 not-for-profit organizations, or private agencies for the provision of alternative education
27 services for students whose demonstrated disruptive behavior indicates that they cannot be
28 adequately served in the traditional classroom setting. Such contracting may be included as part
29 of a grant application pursuant to section 167.335 or conducted independent of the provisions
30 of section 167.335.

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

4 2. No employee of any school district may be required to administer medication or
5 medical services for which the employee is not qualified according to standard medical practices.
6 No **unqualified** employee who refuses to [violate this provision] **administer medication or**
7 **medical services** shall be subject to any disciplinary action for such refusal. Nothing herein
8 shall be construed to prevent any employee from providing routine first aid, provided that any

9 employee shall be held harmless **and immune** from any liability if such employee is following
10 a proper procedure adopted by the local school board.

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

167.624. Each school board in the state, if the school district does not presently have a
2 program as described below, may develop and implement a program to train the students **and**
3 **employees** of the district in the administration of cardiopulmonary resuscitation and other
4 lifesaving methods, as they determine best, and may consult the department of public safety, the
5 state fire marshal's office, the local fire protection authorities, and others as the board sees fit.
6 The board may make completion of the program a requirement for graduation. **Any trained**
7 **employee shall be held harmless and immune from any civil liability for administering**
8 **cardiopulmonary resuscitation and other lifesaving methods in good faith and according**
9 **to standard 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 the treatment
3 of asthma or anaphylaxis, including without limitation inhaled bronchodilators and
4 auto-injectible epinephrine;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (2) Fixing the amount of annual compensation for the following school year as provided
5 by the salary schedule adopted by the board of education applicable to all teachers **who are**

6 similar in relevant experience and credentials, not limited to years of teaching experience
7 and academic credentials. A salary schedule may include other qualifications in addition
8 to experience and credentials, such as measurable classroom performance, as long as the
9 schedule applies equitably to all teachers who are similar in such qualifications.

10 **2. Districts may provide a salary that includes hiring incentives or salary schedule**
11 **modifications, which may include but are not limited to credit for all prior years of service**
12 **in another district, to attract and retain teachers based upon demonstrated need for**
13 **teachers certified in shortage areas. Districts may also provide such incentives or schedule**
14 **modifications to attract and retain teachers with experience or credentials that are**
15 **exceptionally well-suited to a district's needs for academic improvement. In exchange for**
16 **such incentives, teachers may be required to teach in the district offering the incentive for**
17 **a period of up to three school years. Districts shall have the decision-making authority on**
18 **whether to provide such incentives and modifications within the limits of this section.**

19 **3.** The modifications shall be effective at the beginning of the next school year. All
20 teachers affected by the modification shall be furnished written copies of the modifications
21 within thirty days after their adoption by the board of education.

168.126. 1. A board of education at a regular or special meeting may contract with and
2 employ by a majority vote legally qualified probationary teachers for the school district. The
3 contract shall be made by order of the board; shall specify the number of months school is to be
4 taught and the wages per month to be paid; shall be signed by the probationary teacher and the
5 president of the board, or a facsimile signature of the president may be affixed at his discretion;
6 and the contract shall be attested by the secretary of the board by signature or facsimile.
7 **Contracts may be modified as described in section 168.110.**

8 **2.** The board shall not employ one of its members as a teacher; nor shall any person be
9 employed as a teacher who is related within the fourth degree to any board member, either by
10 consanguinity or affinity, where the vote of the board member is necessary to the selection of the
11 person.

12 **[2.] 3.** If in the opinion of the board of education any probationary teacher has been
13 doing unsatisfactory work, the board of education, through its authorized administrative
14 representative, shall provide the teacher with a written statement definitely setting forth his
15 alleged incompetency and specifying the nature thereof, in order to furnish the teacher an
16 opportunity to correct his fault and overcome his incompetency. If improvement satisfactory to
17 the board of education has not been made within ninety days of the receipt of the notification,
18 the board of education may terminate the employment of the probationary teacher immediately
19 or at the end of the school year. Any motion to terminate the employment of a probationary
20 teacher shall include only one person and must be approved by a majority of the members of the

21 board of education. A tie vote thereon constitutes termination. On or before the fifteenth day
22 of April in each school year, the board of education shall notify in writing a probationary teacher
23 who will not be retained by the school district of the termination of his employment. Upon
24 request, the notice shall contain a concise statement of the reason or reasons the employment of
25 the probationary teacher is being terminated. If the reason for the termination is due to a
26 decrease in pupil enrollment, school district reorganization, or the financial condition of the
27 school district, then the district shall in all cases issue notice to the teacher expressly declaring
28 such as the reason for such termination. Nothing contained in this section shall give rise to a
29 cause of action not currently cognizant at law by a probationary teacher for any reason given in
30 said writing so long as the board issues the letter in good faith without malice, but an action for
31 actual damages may be maintained by any person for the deprivation of a right conferred by this
32 act.

33 [3.] 4. Any probationary teacher who is not notified of the termination of his employment
34 shall be deemed to have been appointed for the next school year, under the terms of the contract
35 for the preceding year. A probationary teacher who is informed of reemployment by written
36 notice shall be tendered a contract on or before the fifteenth day of May, and shall within fifteen
37 days thereafter present to the employing board of education a written acceptance or rejection of
38 the employment tendered, and failure of such teachers to present the acceptance within such time
39 constitutes a rejection of the board's offer. A contract between a probationary teacher and a
40 board of education may be terminated or modified at any time by the mutual consent of the
41 parties thereto.

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

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

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

22 4. The school district may adopt a policy to provide for reimbursement of expenses
23 incurred by an employee for state and federal criminal history information pursuant to section
24 43.530, RSMo.

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

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

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

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

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

45 [9.] 10. The state board of education may promulgate rules for criminal history
46 background checks made pursuant to this section. Any rule or portion of a rule, as that term is
47 defined in section 536.010, RSMo, that is created under the authority delegated in this section
48 shall become effective only if it complies with and is subject to all of the provisions of chapter
49 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo,
50 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter
51 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are

52 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed
53 or adopted after January 1, 2005, shall be invalid and void.

2 **168.295. 1. This section shall be known and may be cited as the "Teacher Bill of Rights Act".**

3 **2. No Missouri teacher association within or operating within this state shall use**
4 **or obtain any portion of dues or any other fees paid by a member of the association or**
5 **individuals who are not members through payroll deduction or directly for disbursement**
6 **to a committee, as defined in section 130.011, RSMo, except upon the written consent of the**
7 **member or an individual who is not a member received within the previous twelve months**
8 **on a form described in subsection 4 of this section which is signed by the member or**
9 **nonmember and official of the association.**

10 **3. Subsection 2 of this section shall not apply to any dues or fees collected from**
11 **members of the association or individuals who are not members for the benefit of**
12 **charitable organizations organized under 26 U.S.C. Section 501(c)(3) or for health care**
13 **insurance or similar purposes intended to directly benefit the specific member of the**
14 **association or individual who is not a member.**

15 **4. The authorization form referred to in subsection 2 of this section shall contain**
16 **in no smaller than twenty-four-point type the statement "Consent for political use of dues**
17 **or fees or request to make political contributions.", and in no smaller than fourteen-point**
18 **type the following information:**

19 **(1) Authorization to use the member's or nonmember's dues or other fees during**
20 **the next twelve months as a political contribution or expenditure;**

21 **(2) A specified amount by the member or nonmember to contribute;**

22 **(3) The committee the member or nonmember wishes to contribute the dues or fees;**

23 **(4) Name and signature of the employee; and**

24 **(5) Name and signature of the association.**

25 **5. Any teacher association that uses a portion of the dues or other fees to make**
26 **contributions or expenditures under subsection 2 of this section shall maintain records that**
27 **include a copy of each authorization obtained under subsection 4 of this section, the**
28 **amounts and dates funds were actually withheld, the amounts and dates funds were**
29 **transferred to a committee, and the committee to which the funds were transferred.**
30 **Records maintained under this subsection shall not include the employee's home address**
31 **or telephone number.**

32 **6. Copies of all records maintained under subsection 5 of this section shall not be**
33 **subject to chapter 610, RSMo.**

34 **7. Individuals who do not authorize contributions or expenditures under subsection**
35 **2 of this section shall not have their dues or other fees raised in lieu of the contribution or**
36 **expenditure.**

37 **8. If the dues or other fees referred to in subsections 2 and 4 of this section included**
38 **an amount for a contribution or expenditure, the dues or other fees shall be reduced by**
39 **that amount for any individual who does not sign an authorization as described in**
40 **subsection 2 of this section.**

41 **9. The requirement of this section shall not be waived by the member or individual,**
42 **and waiver of these requirements shall not be made a condition of employment or**
43 **continued employment.**

168.710. 1. Upon an annual appropriation of twenty million dollars to be
2 **distributed to school districts for a pilot project to recognize excellence in performance by**
3 **instructional personnel and school-based administrators in participating districts under**
4 **subsection 2 of this section, the program described in this section shall be in operation,**
5 **beginning in fiscal year 2010.**

6 **2. No more than twenty million dollars per fiscal year shall be used to fund the pilot**
7 **projects described in this subsection.**

8 **(1) In order to be eligible for funding under this subsection, a school district board**
9 **shall adopt an excellence award program plan that provides for assessment and an award**
10 **based on the performance of teachers and students assigned to schools in participating**
11 **districts under subsection 3 of this section. All instructional personnel, as defined by the**
12 **department through rule, are eligible to receive excellence awards, with the exception of**
13 **substitute teachers. In order to receive an excellence award under this subsection,**
14 **instructional personnel shall be assessed on the performance of students assigned to their**
15 **classrooms or within their academic sphere of responsibility. The district school board**
16 **may not require instructional personnel to apply for an award, or make any presentation,**
17 **in order to be assessed for or receive an excellence award. The department of elementary**
18 **and secondary education may not distribute any portion of prorated funding to a district,**
19 **if the district chooses not to adopt an excellence award program plan under this section.**
20 **Undistributed funds shall revert to the fund from which the appropriation was made.**

21 **(2) The assessments used shall be determined by rule of the state board of**
22 **education, which shall promulgate rules to provide a variety of methods of objective**
23 **assessment of student learning gains, expertise in subject matter and teaching practice, and**
24 **professionalism and leadership. Districts shall select from these methods to assemble an**
25 **assessment plan.**

26 (3) Each district school board shall inform its employees of the criteria and
27 procedures associated with the school district's excellence award program plan. Upon
28 request, the department shall provide technical assistance to school districts for the
29 purpose of aiding the development of excellence award program plans.

30 (4) Award plans shall be structured to provide an award of no less than five percent
31 and no more than ten percent of the individual teacher's salary to the district's top ranking
32 twenty percent of instructional personnel who meet the plan requirements in each
33 participating district's schools at the elementary, middle or junior high school, and high
34 school grade ranges. Each person who qualifies for an award is required to be an
35 employee of the school district in the fiscal year during which award funds are distributed.

36 3. Review of award plans shall adhere to the following criteria:

37 (1) Each participating district school board shall submit its excellence award
38 program plan to the commissioner of education for review by October first of each year.
39 The plan shall include the district-adopted plan intended for use in the following year. The
40 commissioner shall complete a review of each plan submitted and determine compliance
41 with the requirements of this section by November fifteenth of each year. If a submitted
42 plan fails to meet the requirements of this section, the commissioner shall identify in
43 writing the specific revisions that are required. Revised plans shall be finalized and
44 resubmitted by a school district for the commissioner's review by January thirty-first of
45 each year. The commissioner shall certify qualifying plans to the governor, the president
46 of the senate, and the speaker of the house of representatives by February fifteenth of each
47 year;

48 (2) Each district school board shall establish a procedure to review both the
49 assessment and award components of its plan annually in order to determine compliance
50 with this section. After this review and by October first of each year, the district school
51 board shall submit a report to the commissioner of education, along with supporting
52 documentation that will enable the commissioner to verify the district's compliance with
53 this section during the prior school year. The commissioner shall submit a report to the
54 governor, the president of the senate, and the speaker of the house of representatives
55 certifying those school district plans that do not comply with this section or whose plans
56 were not implemented in accordance with this section by December first of each year.

57 4. Any revision to an approved excellence award program plan shall be approved
58 by the district school board and reviewed by the commissioner to determine compliance
59 with this section.

60 5. Nothing in this section shall be construed to be an element of any school district
61 salary schedule as referred to in subdivision (2) of subsection 1 of section 168.110, nor shall

62 any award program be construed as a bonus or used in the calculation of final average
63 salary for retirement.

64 6. The joint committee on education shall review the impact of the excellence award
65 program during fiscal year 2012 and again in fiscal year 2014 and shall make
66 recommendations about the continuation of the program for legislative action prior to the
67 scheduled end of the program under subsection 7 of this section. In its review, the joint
68 committee shall consider information from all stakeholders and may issue a request for
69 proposals from any organization without an interest in the matter to conduct research that
70 it deems necessary.

71 7. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:

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

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

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

80 8. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
81 that is created under the authority delegated in this section shall become effective only if
82 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
83 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
84 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
85 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
86 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
87 adopted after August 28, 2008, shall be invalid and void.

168.712. 1. Each certificated teacher with a base salary of fifty thousand dollars
2 or less who is employed on August 28, 2008, who has at least twenty full years of experience
3 as a teacher in a Missouri school, including private and charter school experience, as of
4 August 28, 2008, shall be designated as a special consultant and shall receive, upon
5 appropriation by the general assembly of an amount designated for this purpose, a stipend
6 of two thousand five hundred dollars.

7 2. The stipend granted under this section shall not be used in the calculation of final
8 average salary for retirement.

168.714. 1. Any certificated teacher who is hired after August 28, 2008, by a school
2 district that meets the requirements of subsection 2 of this section may apply for and be

3 awarded a recruitment stipend of two thousand five hundred dollars, or, in the case of
4 teachers certificated in mathematics or science or in any area needed to teach a child with
5 a diagnosis of autism, as defined in section 135.1202, RSMo, as determined by rule of the
6 department of elementary and secondary education, a stipend of five thousand dollars.

7 2. For its teachers to be eligible for a stipend under subsection 1 of this section, a
8 district shall have a minimum salary of at least twenty-six thousand dollars and either of
9 the following requirements:

10 (1) It shall be unaccredited, provisionally accredited, or interim accredited in its
11 current Missouri school improvement program cycle status; or

12 (2) It shall have an assessed valuation in the second preceding year of seventy
13 thousand dollars or less per student as determined by the district's membership enrollment
14 for the preceding year.

15 3. No teacher who has accepted a recruitment stipend shall be eligible for another
16 such stipend unless ten full academic years have elapsed from the granting of the previous
17 stipend.

18 4. The stipend granted under this section shall not be used in the calculation of final
19 average salary for retirement. The provisions of this section are subject to appropriations.

20 5. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:

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

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

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

168.716. 1. Each certificated teacher with a base salary of fifty thousand dollars
2 or less who is employed by a school district that meets the requirements of subsection 3 of
3 this section who attains at least five full years of experience as a teacher in a Missouri
4 school, including private and charter school experience, as of August 28, 2009, or later, and
5 who is still employed by the same school district as of August 28, 2008, shall be designated
6 as a special consultant and shall receive, upon appropriation by the general assembly of
7 an amount designated for this purpose, a stipend of two thousand five hundred dollars
8 during the school year in which the teacher reaches his or her fifth year of service.

9 2. Each certificated teacher with a base salary of fifty thousand dollars or less who
10 is employed by a school district that meets the requirements of subsection 3 of this section

11 who attains at least ten full years of experience as a teacher in a Missouri school, including
12 private and charter school experience, as of August 28, 2009, or later, and who is still
13 employed by the same school district as of August 28, 2008, shall be designated as a special
14 consultant and shall receive, upon appropriation by the general assembly of an amount
15 designated for this purpose, a stipend of two thousand five hundred dollars during the
16 school year in which the teacher reaches his or her tenth year of service.

17 3. For its teachers to be eligible for a stipend under subsections 1 and 2 of this
18 section, a district shall meet the following requirements:

19 (1) It shall be neither unaccredited, provisionally accredited, nor interim accredited
20 in its current Missouri school improvement program cycle status during the year of the
21 award; and

22 (2) It shall have an assessed valuation in the second preceding year of seventy
23 thousand dollars or less per student as determined by the district's membership enrollment
24 for the preceding year.

25 4. The stipend granted under this section shall not be used in the calculation of final
26 average salary for retirement. The provisions of this section are subject to appropriations.

27 5. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:

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

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

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

168.720. 1. When any school district that is unaccredited, interim accredited, or
2 provisionally accredited in its Missouri school improvement program cycle status as of
3 April 30, 2008, achieves accreditation without provisions, any certificated teacher with a
4 base pay of fifty thousand dollars or less who is employed by the district on the date of the
5 state board decision to award full accreditation shall receive an accreditation stipend of
6 two thousand five hundred dollars.

7 2. The stipend granted under this section shall not be used in the calculation of final
8 average salary for retirement. No district shall be eligible for the stipend more than once.
9 The provisions of this section are subject to appropriations.

10 3. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:

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

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

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

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

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

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

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

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

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

22 (5) Between July 1, 1998, and July 1, 2013, two and three-tenths percent of the member's
23 final average salary for each year of membership service, if the member's creditable service is
24 twenty-seven years or more but less than twenty-eight years, and the member has not attained
25 age fifty-five;

26 (6) Between July 1, 1998, and July 1, 2013, two and twenty-five-hundredths percent of
27 the member's final average salary for each year of membership service, if the member's creditable

28 service is twenty-six years or more but less than twenty-seven years, and the member has not
29 attained age fifty-five;

30 (7) Between July 1, 1998, and July 1, 2013, two and two-tenths percent of the member's
31 final average salary for each year of membership service, if the member's creditable service is
32 twenty-five years or more but less than twenty-six years, and the member has not attained age
33 fifty-five;

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

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

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

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

44 (3) Three-fourths of one percent of the sum of subdivisions (1) and (2) of this subsection
45 for each month of attained age in excess of sixty years but not in excess of age sixty-five.

46 3. (1) In lieu of the retirement allowance provided either in subsection 1 or 2 of this
47 section, collectively called "option 1", a member whose creditable service is twenty-five years
48 or more or who has attained the age of fifty-five with five or more years of creditable service may
49 elect in the member's application for retirement to receive the actuarial equivalent of the
50 member's retirement allowance in reduced monthly payments for life during retirement with the
51 provision that:

52 Option 2. Upon the member's death the reduced retirement allowance shall be continued
53 throughout the life of and paid to such person as has an insurable interest in the life of the
54 member as the member shall have nominated in the member's election of the option, and
55 provided further that if the person so nominated dies before the retired member, the retirement
56 allowance will be increased to the amount the retired member would be receiving had the retired
57 member elected option 1;

58 OR

59 Option 3. Upon the death of the member three-fourths of the reduced retirement
60 allowance shall be continued throughout the life of and paid to such person as has an insurable
61 interest in the life of the member and as the member shall have nominated in an election of the
62 option, and provided further that if the person so nominated dies before the retired member, the

63 retirement allowance will be increased to the amount the retired member would be receiving had
64 the member elected option 1;

65 OR

66 Option 4. Upon the death of the member one-half of the reduced retirement allowance
67 shall be continued throughout the life of, and paid to, such person as has an insurable interest in
68 the life of the member and as the member shall have nominated in an election of the option, and
69 provided further that if the person so nominated dies before the retired member, the retirement
70 allowance shall be increased to the amount the retired member would be receiving had the
71 member elected option 1;

72 OR

73 Option 5. Upon the death of the member prior to the member having received one
74 hundred twenty monthly payments of the member's reduced allowance, the remainder of the one
75 hundred twenty monthly payments of the reduced allowance shall be paid to such beneficiary as
76 the member shall have nominated in the member's election of the option or in a subsequent
77 nomination. If there is no beneficiary so nominated who survives the member for the remainder
78 of the one hundred twenty monthly payments, the total of the remainder of such one hundred
79 twenty monthly payments shall be paid to the estate of the last person to receive a monthly
80 allowance. If the total of the one hundred twenty payments paid to the retired individual and the
81 beneficiary of the retired individual is less than the total of the member's accumulated
82 contributions, the difference shall be paid to the beneficiary in a lump sum;

83 OR

84 Option 6. Upon the death of the member prior to the member having received sixty
85 monthly payments of the member's reduced allowance, the remainder of the sixty monthly
86 payments of the reduced allowance shall be paid to such beneficiary as the member shall have
87 nominated in the member's election of the option or in a subsequent nomination. If there is no
88 beneficiary so nominated who survives the member for the remainder of the sixty monthly
89 payments, the total of the remainder of such sixty monthly payments shall be paid to the estate
90 of the last person to receive a monthly allowance. If the total of the sixty payments paid to the
91 retired individual and the beneficiary of the retired individual is less than the total of the
92 member's accumulated contributions, the difference shall be paid to the beneficiary in a lump
93 sum.

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

98 (a) If the member or a person retired on disability retirement dies after acquiring
99 twenty-five or more years of creditable service or after attaining the age of fifty-five years and
100 acquiring five or more years of creditable service and before retirement, except retirement with
101 disability benefits, and the person named by the member as the member's beneficiary has an
102 insurable interest in the life of the deceased member, the designated beneficiary may elect to
103 receive either survivorship benefits under option 2 or a payment of the accumulated contributions
104 of the member. If survivorship benefits under option 2 are elected and the member at the time
105 of death would have been eligible to receive an actuarial equivalent of the member's retirement
106 allowance, the designated beneficiary may further elect to defer the option 2 payments until the
107 date the member would have been eligible to receive the retirement allowance provided in
108 subsection 1 or 2 of this section;

109 (b) If the member or a person retired on disability retirement dies before attaining age
110 fifty-five but after acquiring five but fewer than twenty-five years of creditable service, and the
111 person named as the member's beneficiary has an insurable interest in the life of the deceased
112 member, the designated beneficiary may elect to receive either a payment of the member's
113 accumulated contributions, or survivorship benefits under option 2 to begin on the date the
114 member would first have been eligible to receive an actuarial equivalent of the member's
115 retirement allowance, or to begin on the date the member would first have been eligible to
116 receive the retirement allowance provided in subsection 1 or 2 of this section.

117 4. If the total of the retirement or disability allowance paid to an individual before the
118 death of the individual is less than the accumulated contributions at the time of retirement, the
119 difference shall be paid to the beneficiary of the individual, or to the (1) surviving spouse, (2)
120 surviving children in equal shares, (3) surviving parents in equal shares, or (4) estate of the
121 individual in that order of precedence. If an optional benefit as provided in option 2, 3 or 4 in
122 subsection 3 of this section had been elected, and the beneficiary dies after receiving the optional
123 benefit, and if the total retirement allowance paid to the retired individual and the beneficiary of
124 the retired individual is less than the total of the contributions, the difference shall be paid to the
125 (1) surviving spouse, (2) surviving children in equal shares, (3) surviving parents in equal shares,
126 or (4) estate of the beneficiary, in that order of precedence, unless the retired individual
127 designates a different recipient with the board at or after retirement.

128 5. If a member dies before receiving a retirement allowance, the member's accumulated
129 contributions at the time of the death of the member shall be paid to the beneficiary of the
130 member or, if there is no beneficiary, to the (1) surviving spouse, (2) surviving children in equal
131 shares, (3) surviving parents in equal shares, or (4) to the estate of the member in that order of
132 precedence; except that, no such payment shall be made if the beneficiary elects option 2 in
133 subsection 3 of this section, unless the beneficiary dies before having received benefits pursuant

to that subsection equal to the accumulated contributions of the member, in which case the amount of accumulated contributions in excess of the total benefits paid pursuant to that subsection shall be paid to the (1) surviving spouse, (2) surviving children in equal shares, (3) surviving parents in equal shares, or (4) estate of the beneficiary, in that order of precedence.

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

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

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

9. Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, from October 13, 1961, the contribution rate pursuant to sections 169.010 to 169.141 shall be multiplied by the factor of two-thirds for any member of the system for whom federal Old Age and Survivors Insurance tax is paid from state or local tax funds on account of the member's employment entitling the person to membership in the system. The monetary benefits for a member who elected not to exercise an option to pay into the system a retroactive contribution of four percent on that part of the member's annual salary rate which was in excess of four thousand eight hundred dollars but not in excess of eight thousand four hundred dollars for each year of employment in a position covered by this system between July 1, 1957, and July 1, 1961, as provided in subsection 10 of this section as it appears in RSMo, 1969, shall be the sum of:

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

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

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

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

179 10. The monetary benefits for each other member for whom federal Old Age and
180 Survivors Insurance tax is or was paid at any time from state or local funds on account of the
181 member's employment entitling the member to membership in the system shall be the sum of:

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

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

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

189 11. Any retired member of the system who was retired prior to September 1, 1972, or
190 beneficiary receiving payments under option 1 or option 2 of subsection 3 of this section, as such
191 option existed prior to September 1, 1972, will be eligible to receive an increase in the retirement
192 allowance of the member of two percent for each year, or major fraction of more than one-half
193 of a year, which the retired member has been retired prior to July 1, 1975. This increased amount
194 shall be payable commencing with January, 1976, and shall thereafter be referred to as the
195 member's retirement allowance. The increase provided for in this subsection shall not affect the
196 retired member's eligibility for compensation provided for in section 169.580 or 169.585, nor
197 shall the amount being paid pursuant to these sections be reduced because of any increases
198 provided for in this section.

199 12. If the board of trustees determines that the cost of living, as measured by generally
200 accepted standards, increases two percent or more in the preceding fiscal year, the board shall
201 increase the retirement allowances which the retired members or beneficiaries are receiving by
202 two percent of the amount being received by the retired member or the beneficiary at the time
203 the annual increase is granted by the board with the provision that the increases provided for in
204 this subsection shall not become effective until the fourth January first following the member's
205 retirement or January 1, 1977, whichever later occurs, or in the case of any member retiring on

206 or after July 1, 2000, the increase provided for in this subsection shall not become effective until
207 the third January first following the member's retirement, or in the case of any member retiring
208 on or after July 1, 2001, the increase provided for in this subsection shall not become effective
209 until the second January first following the member's retirement. Commencing with January 1,
210 1992, if the board of trustees determines that the cost of living has increased five percent or more
211 in the preceding fiscal year, the board shall increase the retirement allowances by five percent.
212 The total of the increases granted to a retired member or the beneficiary after December 31,
213 1976, may not exceed eighty percent of the retirement allowance established at retirement or as
214 previously adjusted by other subsections. If the cost of living increases less than five percent,
215 the board of trustees may determine the percentage of increase to be made in retirement
216 allowances, but at no time can the increase exceed five percent per year. If the cost of living
217 decreases in a fiscal year, there will be no increase in allowances for retired members on the
218 following January first.

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

224 14. Any application for retirement shall include a sworn statement by the member
225 certifying that the spouse of the member at the time the application was completed was aware
226 of the application and the plan of retirement elected in the application.

227 15. Notwithstanding any other provision of law, any person retired prior to September
228 28, 1983, who is receiving a reduced retirement allowance under option 1 or option 2 of
229 subsection 3 of this section, as such option existed prior to September 28, 1983, and whose
230 beneficiary nominated to receive continued retirement allowance payments under the elected
231 option dies or has died, shall upon application to the board of trustees have his or her retirement
232 allowance increased to the amount he or she would have been receiving had the option not been
233 elected, actuarially adjusted to recognize any excessive benefits which would have been paid to
234 him or her up to the time of application.

235 16. Benefits paid pursuant to the provisions of the public school retirement system of
236 Missouri shall not exceed the limitations of Section 415 of Title 26 of the United States Code
237 except as provided pursuant to this subsection. Notwithstanding any other law to the contrary,
238 the board of trustees may establish a benefit plan pursuant to Section 415(m) of Title 26 of the
239 United States Code. Such plan shall be created solely for the purpose described in Section
240 415(m)(3)(A) of Title 26 of the United States Code. The board of trustees may promulgate

241 regulations necessary to implement the provisions of this subsection and to create and administer
242 such benefit plan.

243 17. Notwithstanding any other provision of law to the contrary, any person retired before,
244 on, or after May 26, 1994, shall be made, constituted, appointed and employed by the board as
245 a special consultant on the matters of education, retirement and aging, and upon request shall
246 give written or oral opinions to the board in response to such requests. As compensation for such
247 duties the person shall receive an amount based on the person's years of service so that the total
248 amount received pursuant to sections 169.010 to 169.141 shall be at least the minimum amounts
249 specified in subdivisions (1) to (4) of this subsection. In determining the minimum amount to
250 be received, the amounts in subdivisions (3) and (4) of this subsection shall be adjusted in
251 accordance with the actuarial adjustment, if any, that was applied to the person's retirement
252 allowance. In determining the minimum amount to be received, beginning September 1, 1996,
253 the amounts in subdivisions (1) and (2) of this subsection shall be adjusted in accordance with
254 the actuarial adjustment, if any, that was applied to the person's retirement allowance due to
255 election of an optional form of retirement having a continued monthly payment after the person's
256 death. Notwithstanding any other provision of law to the contrary, no person retired before, on,
257 or after May 26, 1994, and no beneficiary of such a person, shall receive a retirement benefit
258 pursuant to sections 169.010 to 169.141 based on the person's years of service less than the
259 following amounts:

- 260 (1) Thirty or more years of service, one thousand two hundred dollars;
261 (2) At least twenty-five years but less than thirty years, one thousand dollars;
262 (3) At least twenty years but less than twenty-five years, eight hundred dollars;
263 (4) At least fifteen years but less than twenty years, six hundred dollars.

264 18. Notwithstanding any other provisions of law to the contrary, any person retired prior
265 to May 26, 1994, and any designated beneficiary of such a retired member who was deceased
266 prior to July 1, 1999, shall be made, constituted, appointed and employed by the board as a
267 special consultant on the matters of education, retirement or aging and upon request shall give
268 written or oral opinions to the board in response to such requests. Beginning September 1, 1996,
269 as compensation for such service, the member shall have added, pursuant to this subsection, to
270 the member's monthly annuity as provided by this section a dollar amount equal to the lesser of
271 sixty dollars or the product of two dollars multiplied by the member's number of years of
272 creditable service. Beginning September 1, 1999, the designated beneficiary of the deceased
273 member shall as compensation for such service have added, pursuant to this subsection, to the
274 monthly annuity as provided by this section a dollar amount equal to the lesser of sixty dollars
275 or the product of two dollars multiplied by the member's number of years of creditable service.
276 The total compensation provided by this section including the compensation provided by this

277 subsection shall be used in calculating any future cost-of-living adjustments provided by
278 subsection 12 of this section.

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

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

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

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

309 23. Any member who has retired prior to July 1, 2001, and the designated beneficiary
310 of a deceased retired member shall be made, constituted, appointed and employed by the board
311 as a special consultant on the matters of education, retirement and aging, and upon request shall
312 give written or oral opinions to the board in response to such requests. As compensation for such

313 duties, the person shall receive a dollar amount equal to three dollars times the member's number
314 of years of creditable service, which shall be added to the member's or beneficiary's monthly
315 annuity and which shall not be subject to the provisions of subsections 12 and 13 of this section
316 for the purposes of the limit on the total amount of increases which may be received.

317 **24. Notwithstanding the provisions of subsection 6 of section 169.030 to the**
318 **contrary, any member who has retired and attained the age of seventy-five and above, and**
319 **received cost-of-living increases totaling eighty percent as provided in subsection 12 of this**
320 **section prior to January 1, 2009, shall be made, constituted, and employed by the board**
321 **as a special consultant on the matters of education, retirement, and aging, and upon**
322 **request shall give written or oral opinions to the board in response to such requests. As**
323 **compensation for such duties, beginning January 1, 2009, and through January 1, 2014,**
324 **the member shall receive an amount equal to five dollars per month multiplied by years**
325 **of service which shall be added to the member's monthly annuity.**

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

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

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

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

15 (4) In lieu of the retirement allowance otherwise provided by subdivisions (1) to (3) of
16 this subsection, between July 1, 2001, and July 1, 2013, a member may elect to receive a
17 retirement allowance of:

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

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

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

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

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

33 (5) In addition to the retirement allowance provided in subdivisions (1) to (3) of this
34 subsection, a member retiring on or after July 1, 2001, whose creditable service is thirty years
35 or more or whose sum of age and creditable service is eighty years or more, shall receive a
36 temporary retirement allowance equivalent to eight-tenths of one percent of the member's final
37 average salary multiplied by the member's years of service until such time as the member reaches
38 the minimum age for Social Security retirement benefits.

39 2. If the board of trustees determines that the cost of living, as measured by generally
40 accepted standards, increases five percent or more in the preceding fiscal year, the board shall
41 increase the retirement allowances which the retired members or beneficiaries are receiving by
42 five percent of the amount being received by the retired member or the beneficiary at the time
43 the annual increase is granted by the board; provided that, the increase provided in this
44 subsection shall not become effective until the fourth January first following a member's
45 retirement or January 1, 1982, whichever occurs later, and the total of the increases granted to
46 a retired member or the beneficiary after December 31, 1981, may not exceed eighty percent of
47 the retirement allowance established at retirement or as previously adjusted by other provisions
48 of law. If the cost of living increases less than five percent, the board of trustees may determine
49 the percentage of increase to be made in retirement allowances, but at no time can the increase
50 exceed five percent per year. If the cost of living decreases in a fiscal year, there will be no
51 increase in allowances for retired members on the following January first.

52 3. The board of trustees may reduce the amounts which have been granted as increases
53 to a member pursuant to subsection 2 of this section if the cost of living, as determined by the
54 board and as measured by generally accepted standards, is less than the cost of living was at the
55 time of the first increase granted to the member; provided that, the reductions shall not exceed
56 the amount of increases which have been made to the member's allowance after December 31,
57 1981.

58 4. (1) In lieu of the retirement allowance provided in subsection 1 of this section, called
59 "option 1", a member whose creditable service is twenty-five years or more or who has attained

60 age fifty-five with five or more years of creditable service may elect, in the application for
61 retirement, to receive the actuarial equivalent of the member's retirement allowance in reduced
62 monthly payments for life during retirement with the provision that:

69 OR

76 OR

83 OR

94 OR

105 OR

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

(b) If the member or a person retired on disability retirement dies before attaining age fifty-five but after acquiring five but fewer than twenty-five years of creditable service, and the person named as the beneficiary has an insurable interest in the life of the deceased member or disability retiree, the designated beneficiary may elect to receive either a payment of the person's

131 accumulated contributions or survivorship benefits under option 2 to begin on the date the
132 member would first have been eligible to receive an actuarial equivalent of the person's
133 retirement allowance, or to begin on the date the member would first have been eligible to
134 receive the retirement allowance provided in subsection 1 of this section.

135 5. If the total of the retirement or disability allowances paid to an individual before the
136 person's death is less than the person's accumulated contributions at the time of the person's
137 retirement, the difference shall be paid to the person's beneficiary or, if there is no beneficiary,
138 to the (1) surviving spouse, (2) surviving children in equal shares, (3) surviving parents in equal
139 shares, or (4) person's estate in that order of precedence; provided, however, that if an optional
140 benefit, as provided in option 2, 3 or 4 in subsection 4, had been elected and the beneficiary dies
141 after receiving the optional benefit, then, if the total retirement allowances paid to the retired
142 individual and the individual's beneficiary are less than the total of the contributions, the
143 difference shall be paid to the (1) surviving spouse, (2) surviving children in equal shares, (3)
144 surviving parents in equal shares, or (4) estate of the beneficiary, in that order of precedence,
145 unless the retired individual designates a different recipient with the board at or after retirement.

146 6. If a member dies before receiving a retirement allowance, the member's accumulated
147 contributions at the time of the member's death shall be paid to the member's beneficiary or, if
148 there is no beneficiary, to the (1) surviving spouse, (2) surviving children in equal shares, (3)
149 surviving parents in equal shares, or (4) to the member's estate; provided, however, that no such
150 payment shall be made if the beneficiary elects option 2 in subsection 4 of this section, unless
151 the beneficiary dies before having received benefits pursuant to that subsection equal to the
152 accumulated contributions of the member, in which case the amount of accumulated
153 contributions in excess of the total benefits paid pursuant to that subsection shall be paid to the
154 (1) surviving spouse, (2) surviving children in equal shares, (3) surviving parents in equal shares,
155 or (4) estate of the beneficiary, in that order of precedence.

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

159 8. Notwithstanding any provisions of sections 169.600 to 169.715 to the contrary, if a
160 member ceases to be an employee as defined in section 169.600 after acquiring five or more
161 years of creditable service, the member may, at the option of the member, leave the member's
162 contributions with the retirement system and claim a retirement allowance any time after the
163 member reaches the minimum age for voluntary retirement. When the member's claim is
164 presented to the board, the member shall be granted an allowance as provided in sections
165 169.600 to 169.715 on the basis of the member's age and years of service.

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

169 10. Notwithstanding any provisions of sections 169.600 to 169.715 to the contrary, any
170 member who is a member prior to October 13, 1969, may elect to have the member's retirement
171 allowance computed in accordance with sections 169.600 to 169.715 as they existed prior to
172 October 13, 1969.

173 11. Any application for retirement shall include a sworn statement by the member
174 certifying that the spouse of the member at the time the application was completed was aware
175 of the application and the plan of retirement elected in the application.

176 12. Notwithstanding any other provision of law, any person retired prior to August 14,
177 1984, who is receiving a reduced retirement allowance under option 1 or 2 of subsection 4 of this
178 section, as the option existed prior to August 14, 1984, and whose beneficiary nominated to
179 receive continued retirement allowance payments under the elected option dies or has died, shall
180 upon application to the board of trustees have the person's retirement allowance increased to the
181 amount the person would have been receiving had the person not elected the option actuarially
182 adjusted to recognize any excessive benefits which would have been paid to the person up to the
183 time of the application.

184 13. Benefits paid pursuant to the provisions of the public education employee retirement
185 system of Missouri shall not exceed the limitations of Section 415 of Title 26 of the United
186 States Code, except as provided under this subsection. Notwithstanding any other law, the board
187 of trustees may establish a benefit plan under Section 415(m) of Title 26 of the United States
188 Code. Such plan shall be credited solely for the purpose described in Section 415(m)(3)(A) of
189 Title 26 of the United States Code. The board of trustees may promulgate regulations necessary
190 to implement the provisions of this subsection and to create and administer such benefit plan.

191 14. Any member who has retired prior to July 1, 1999, and the designated beneficiary
192 of a deceased retired member upon request shall be made, constituted, appointed and employed
193 by the board as a special consultant on the matters of education, retirement and aging. As
194 compensation for such duties the person shall receive a payment equivalent to seven and
195 four-tenths percent of the previous month's benefit, which shall be added to the member's or
196 beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 2
197 and 3 of this section for the purposes of the limit on the total amount of increases which may be
198 received.

199 15. Any member who has retired prior to July 1, 2000, and the designated beneficiary
200 of a deceased retired member upon request shall be made, constituted, appointed and employed
201 by the board as a special consultant on the matters of education, retirement and aging. As

202 compensation for such duties the person shall receive a payment equivalent to three and
203 four-tenths percent of the previous month's benefit, which shall be added to the member's or
204 beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 2
205 and 3 of this section for the purposes of the limit on the total amount of increases which may be
206 received.

207 16. Any member who has retired prior to July 1, 2001, and the designated beneficiary
208 of a deceased retired member upon request shall be made, constituted, appointed and employed
209 by the board as a special consultant on the matters of education, retirement and aging. As
210 compensation for such duties the person shall receive a payment equivalent to seven and
211 one-tenth percent of the previous month's benefit, which shall be added to the member's or
212 beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 2
213 and 3 of this section for the purposes of the limit on the total amount of increases which may be
214 received.

215 **17. Notwithstanding the provisions of subsection 7 of section 169.620 to the**
216 **contrary, any member who has retired and attained the age of seventy-five and above, and**
217 **received cost-of-living increases totaling eighty percent as provided in subsection 2 of this**
218 **section prior to January 1, 2009, shall be made, constituted, and employed by the board**
219 **as a special consultant on the matters of education, retirement, and aging, and upon**
220 **request shall give written or oral opinions to the board in response to such requests. As**
221 **compensation for such duties, beginning January 1, 2009, and through January 1, 2014,**
222 **the member shall receive an amount equal to three dollars per month multiplied by years**
223 **of service which shall be added to the member's monthly annuity.**

2 170.132. [All public elementary, secondary and postsecondary schools shall
3 preferentially procure educational materials, including textbooks and collateral materials, from
4 vendors who make the materials available in either Braille format or electronic format which is
5 computer-readable in a form approved by the department of elementary and secondary education,
6 or both, at no greater cost than for regular materials.] **1. As used in this section, the following**
7 **terms mean:**

8 **(1) "Electronic files", electronic files that conform to the national instructional**
9 **materials accessibility standard established by the United States Secretary of Education**
10 **under the Individuals with Disabilities Education Act (IDEA), Sections 612(a)(23)(A) and**
11 **674(e)(4), or other standard approved by the department of elementary and secondary**
12 **education;**

13 **(2) "Missouri assistive technology council" or "council", the body which directs the**
14 **Missouri assistive technology program under sections 191.850 to 191.867, RSMo;**

14 (3) "Print instructional materials", printed textbooks and related printed core
15 materials that are written and published primarily for use in elementary or secondary
16 instruction and are required by the purchasing elementary or secondary school as a
17 principal instructional material for use by students in the classroom to meet the curriculum
18 requirements for the intended course. Related core materials must be directly related to
19 the textbook and do not include materials that are not written and published primarily for
20 use by students in the classroom, such as newspapers, reference works, and trade books,
21 or other ancillary or supplemental materials;

22 (4) "Schools", elementary or secondary schools in Missouri;

23 (5) "Specialized formats", braille, large print, digital audio, and electronic text
24 when used by students with disabilities who are unable to use standard print;

25 (6) "Students with print disabilities", students with disabilities who receive
26 educational services under the Individuals with Disabilities Education Act or Section 504
27 of the Rehabilitation Act (20 U.S.C. 794) who qualify in accordance with 2 U.S.C. 135a, 46
28 Stat. 1487 to receive materials in specialized formats.

29 2. Beginning January 1, 2009, every publisher or vendor of print instructional
30 materials:

31 (1) Shall make electronic files of the materials available at no cost to schools
32 purchasing such materials along with the right to transcribe, reproduce, modify, and
33 distribute the material in specialized formats solely for use by students with print
34 disabilities;

35 (2) Shall deliver the electronic files to the national instructional materials access
36 center established under the Individuals with Disabilities Education Act, Section 674(e),
37 to allow access by students with print disabilities eligible under Section 674(e)(3)(A) of the
38 Individuals with Disabilities Education Act;

39 (3) Shall deliver the electronic files to the purchasing school within thirty days of
40 a written request by the school if needed for students with print disabilities who are eligible
41 for special education under Section 504 of the Rehabilitation Act of 1973 or under the
42 Individuals with Disabilities Education Act but who are not eligible to access electronic
43 files from the national instructional materials access center;

44 (4) May request the school certify that the instructional material has been
45 purchased for use by a student with a print disability attending the school in connection
46 with a course or class in which he or she is enrolled.

47 3. If a publisher or vendor fails to comply with the requirements of this section, a
48 liability claim may be made on behalf of the purchasing school by the purchasing school

49 or individual purchaser; the school district that employs the purchaser; or the Missouri
50 department of elementary and secondary education.

51 **4. Subject to appropriations, the Missouri assistive technology council shall**
52 **establish a system to track specialized format instructional materials utilized by Missouri**
53 **schools to prevent duplication of effort in production of specialized formats for students**
54 **with print disabilities. The council may promulgate rules necessary to implement this**
55 **section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
56 **that is created under the authority delegated in this section shall become effective only if**
57 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
58 **applicable, 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 536, RSMo,**
60 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
61 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
62 **adopted after August 28, 2008, shall be invalid and void.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (3) A representative of the judiciary;

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

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

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

41

42 The coordinating board may make all rules it deems necessary to enable it to conduct its
43 meetings, elect its officers, and set the terms and duties of its officers. The coordinating board
44 shall elect from amongst its members a chairperson, vice chairperson, a secretary-reporter, and
45 such other officers as it deems necessary. Members of the board shall serve without
46 compensation but may be reimbursed for actual expenses necessary to the performance of their
47 official duties for the board.

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

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

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

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

55 (4) Promote coordination of existing services and programs across public and private
56 entities;

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

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

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

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

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

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

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

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

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

81 (14) Adopt and use an official seal;

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

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

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

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

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

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

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

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

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

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

98

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

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

✓