

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 291
95TH GENERAL ASSEMBLY

1475L.05C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 37.710, 115.121, 137.073, 137.106, 160.011, 160.041, 160.254, 160.261, 160.400, 160.405, 160.410, 160.534, 160.545, 160.730, 160.775, 161.072, 161.122, 162.431, 162.492, 163.011, 163.031, 163.043, 163.044, 163.172, 165.011, 166.300, 167.031, 167.126, 167.151, 167.275, 168.021, 168.071, 168.110, 168.133, 168.221, 168.251, 169.020, 169.040, 169.056, 169.070, 169.073, 169.075, 169.090, 169.130, 169.560, 169.630, 169.650, 169.655, 169.660, 169.670, 169.690, 171.031, 171.033, 172.360, 173.250, 174.130, 177.088, 178.635, 178.780, 208.009, 210.135, 210.145, 210.152, 210.915, 210.922, 313.775, 313.778, 313.822, and 556.037, RSMo, and to enact in lieu thereof one hundred forty-two new sections relating to education, with penalty provisions, an effective date for a certain section and an emergency clause for certain sections.

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

Section A. Sections 37.710, 115.121, 137.073, 137.106, 160.011, 160.041, 160.254,
2 160.261, 160.400, 160.405, 160.410, 160.534, 160.545, 160.730, 160.775, 161.072, 161.122,
3 162.431, 162.492, 163.011, 163.031, 163.043, 163.044, 163.172, 165.011, 166.300, 167.031,
4 167.126, 167.151, 167.275, 168.021, 168.071, 168.110, 168.133, 168.221, 168.251, 169.020,
5 169.040, 169.056, 169.070, 169.073, 169.075, 169.090, 169.130, 169.560, 169.630, 169.650,
6 169.655, 169.660, 169.670, 169.690, 171.031, 171.033, 172.360, 173.250, 174.130, 177.088,
7 178.635, 178.780, 208.009, 210.135, 210.145, 210.152, 210.915, 210.922, 313.775, 313.778,
8 313.822, and 556.037, RSMo, are repealed and one hundred forty-two new sections enacted in
9 lieu thereof, to be known as sections 30.1010, 30.1014, 37.530, 37.710, 115.121, 137.073,
10 137.106, 142.814, 160.011, 160.041, 160.085, 160.254, 160.261, 160.262, 160.263, 160.375,

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.

11 160.400, 160.405, 160.410, 160.534, 160.539, 160.545, 160.775, 160.800, 160.805, 160.810,
12 160.815, 160.820, 160.950, 160.1100, 160.1103, 160.1106, 160.1109, 160.1112, 160.1115,
13 160.1118, 160.1121, 160.1124, 160.1127, 160.1130, 160.1133, 160.1136, 160.1139, 160.1142,
14 160.1145, 160.1148, 161.072, 161.122, 161.390, 161.800, 161.850, 162.014, 162.068, 162.069,
15 162.083, 162.204, 162.215, 162.431, 162.492, 162.1168, 162.1250, 163.011, 163.031, 163.043,
16 163.044, 163.095, 163.172, 165.011, 166.300, 166.391, 166.392, 166.393, 166.394, 166.395,
17 166.396, 166.397, 167.018, 167.019, 167.031, 167.126, 167.151, 167.275, 167.720, 168.021,
18 168.071, 168.110, 168.133, 168.221, 168.251, 168.745, 168.747, 168.749, 168.750, 169.020,
19 169.040, 169.056, 169.070, 169.073, 169.075, 169.090, 169.130, 169.560, 169.630, 169.650,
20 169.655, 169.660, 169.670, 169.690, 169.750, 170.400, 171.029, 171.031, 171.033, 172.360,
21 173.250, 173.268, 173.754, 173.1110, 174.130, 175.025, 177.088, 177.301, 177.302, 177.303,
22 177.304, 177.305, 177.306, 178.635, 178.780, 178.785, 208.009, 210.135, 210.145, 210.152,
23 210.205, 210.915, 210.922, 210.1050, 301.4006, 313.822, 556.037, and 1, to read as follows:

30.1010. There is hereby created in the state treasury the "Federal Budget Stabilization Fund", which, notwithstanding any law to the contrary, shall consist of all moneys, except those specifically allocable to the funds established under sections 288.290 and 288.300, RSMo, received due to the American Recovery and Reinvestment Act of 2009 as enacted by the 111th United States Congress, which are intended to assist states in budget stabilization. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investment shall be credited to the fund.

30.1014. There is hereby created in the state treasury the "Federal Stimulus Fund", which, notwithstanding any law to the contrary, shall consist of all moneys received under the American Recovery and Reinvestment Act of 2009 as enacted by the 111th United States Congress, which are intended to assist states in budget stabilization. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investment shall be credited to the fund.

2 **37.530. The general assembly shall allocate fifty percent of the funds deposited into**
3 **the Federal Stimulus Fund created under section 30.1014, RSMo, to the school building**
4 **renovation fund, established under section 166.300, RSMo, to fund public school**
5 **renovation projects in accordance with the provisions of sections 166.300 to 166.387,**
6 **RSMo.**

7 37.710. 1. The office shall have access to the following information:

8 (1) The names and physical location of all children in protective services, treatment, or
9 other programs under the jurisdiction of the children's division, the department of mental health,
10 and the juvenile court;

11 (2) All written reports of child abuse and neglect; and

12 (3) All current records required to be maintained pursuant to chapters 210 and 211,
13 RSMo.

14 2. The office shall have the authority:

15 (1) To communicate privately by any means possible with any child under protective
16 services and anyone working with the child, including the family, relatives, courts, employees
17 of the department of social services and the department of mental health, and other persons or
18 entities providing treatment and services;

19 (2) To have access, including the right to inspect, copy and subpoena records held by the
20 clerk of the juvenile or family court, juvenile officers, law enforcement agencies, institutions,
21 public or private, and other agencies, or persons with whom a particular child has been either
22 voluntarily or otherwise placed for care, or has received treatment within this state or in another
23 state;

24 (3) To work in conjunction with juvenile officers and guardians ad litem;

25 (4) **To file any findings or reports of the child advocate regarding the parent or**
26 **child with the court, and issue recommendations regarding the disposition of an**
27 **investigation, which may be provided to the court and to the investigating agency;**

28 (5) To file amicus curiae briefs on behalf of the interests of the parent or child;

29 [(5)] (6) To initiate meetings with the department of social services, the department of
30 mental health, the juvenile court, and juvenile officers;

31 [(6)] (7) To take whatever steps are appropriate to see that persons are made aware of
the services of the child advocate's office, its purpose, and how it can be contacted;

 [(7)] (8) To apply for and accept grants, gifts, and bequests of funds from other states,
federal, and interstate agencies, and independent authorities, private firms, individuals, and
foundations to carry out his or her duties and responsibilities. The funds shall be deposited in
a dedicated account established within the office to permit moneys to be expended in accordance
with the provisions of the grant or bequest; and

32 [(8)] (9) Subject to appropriation, to establish as needed local panels on a regional or
33 county basis to adequately and efficiently carry out the functions and duties of the office, and
34 address complaints in a timely manner.

35 3. For any information obtained from a state agency or entity under sections 37.700 to
36 37.730, the office of child advocate shall be subject to the same disclosure restrictions and
37 confidentiality requirements that apply to the state agency or entity providing such information
38 to the office of child advocate. For information obtained directly by the office of child advocate
39 under sections 37.700 to 37.730, the office of child advocate shall be subject to the same
40 disclosure restrictions and confidentiality requirements that apply to the children's division
41 regarding information obtained during a child abuse and neglect investigation resulting in an
42 unsubstantiated report.

115.121. 1. The general election day shall be the first Tuesday after the first Monday in
2 November of even-numbered years.

3 2. The primary election day shall be the first Tuesday after the first Monday in August
4 of even-numbered years.

5 3. The election day for the election of political subdivision and special district officers
6 shall be the first Tuesday after the first Monday in April each year; and shall be known as the
7 "general municipal election day".

8 4. In addition to the primary election day provided for in subsection 2 of this section, for
9 the year 2003, the first Tuesday after the first Monday in August, 2003, also shall be a primary
10 election day for the purpose of permitting school districts and other political subdivisions of
11 Missouri to incur debt in accordance with the provisions of article VI, section 26(a) through
12 26(g) of the Missouri Constitution, with the approval of four-sevenths of the eligible voters of
13 such school district or other political subdivision voting thereon, to provide funds for the
14 acquisition, construction, equipping, improving, restoration, and furnishing of facilities to
15 replace, repair, reconstruct, reequip, restore, and refurnish facilities damaged, destroyed, or lost
16 due to severe weather, including, without limitation, windstorms, hail storms, flooding, tornadic
17 winds, rainstorms and the like which occurred during the month of April or May, 2003.

18 5. Notwithstanding the provisions of subsection 1 of section 115.125, the officer or
19 agency calling an election on the first Tuesday after the first Monday of August, 2003, shall
20 notify the election authorities responsible for conducting the election not later than 5:00 p.m. on
21 the sixth Tuesday prior to the election. For purposes of any such election, all references in
22 section 115.125 to the tenth Tuesday prior to such election shall be deemed to refer to the sixth
23 Tuesday prior to such election.

24 **6. In addition to the general election day provided for in subsection 1 of this section,**
25 **for the year 2009 the first Tuesday after the first Monday in November shall be a general**

26 election day for the purpose of permitting school districts to incur debt in accordance with
27 the provisions of article VI, section 26(a) through 26(g) of the Missouri Constitution, with
28 the approval of four-sevenths of the eligible voters of such school district, to provide funds
29 for school districts to acquire, construct, equip, improve, restore, and furnish public school
30 facilities in accordance with the provisions of Section 54F of the Internal Revenue Code of
31 1986, as amended, which provides for qualified school construction bonds and the
32 provisions of Section 54AA of the Internal Revenue Code of 1986, as amended, which
33 provides for build America bonds, as well as in accordance with the provisions of Section
34 103 of the Internal Revenue Code of 1986, as amended, which provides for traditional
35 government bonds.

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

- 2 (1) "General reassessment", changes in value, entered in the assessor's books, of a
3 substantial portion of the parcels of real property within a county resulting wholly or partly from
4 reappraisal of value or other actions of the assessor or county equalization body or ordered by
5 the state tax commission or any court;
- 6 (2) "Tax rate", "rate", or "rate of levy", singular or plural, includes the tax rate for each
7 purpose of taxation of property a taxing authority is authorized to levy without a vote and any
8 tax rate authorized by election, including bond interest and sinking fund;
- 9 (3) "Tax rate ceiling", a tax rate as revised by the taxing authority to comply with the
10 provisions of this section or when a court has determined the tax rate[; except that, other
11 provisions of law to the contrary notwithstanding, a school district may levy the operating levy
12 for school purposes required for the current year pursuant to subsection 2 of section 163.021,
13 RSMo, less all adjustments required pursuant to article X, section 22 of the Missouri
14 Constitution, if such tax rate does not exceed the highest tax rate in effect subsequent to the 1980
15 tax year]. This is the maximum tax rate that may be levied, unless a higher tax rate ceiling is
16 approved by voters of the political subdivision as provided in this section;
- 17 (4) "Tax revenue", when referring to the previous year, means the actual receipts from
18 ad valorem levies on all classes of property, including state-assessed property, in the immediately
19 preceding fiscal year of the political subdivision, plus an allowance for taxes billed but not
20 collected in the fiscal year and plus an additional allowance for the revenue which would have
21 been collected from property which was annexed by such political subdivision but which was
22 not previously used in determining tax revenue pursuant to this section. The term "tax revenue"
23 shall not include any receipts from ad valorem levies on any property of a railroad corporation
24 or a public utility, as these terms are defined in section 386.020, RSMo, which were assessed by
25 the assessor of a county or city in the previous year but are assessed by the state tax commission
26 in the current year. All school districts and those counties levying sales taxes pursuant to chapter

27 67, RSMo, shall include in the calculation of tax revenue an amount equivalent to that by which
28 they reduced property tax levies as a result of sales tax pursuant to section 67.505, RSMo, and
29 section 164.013, RSMo, or as excess home dock city or county fees as provided in subsection
30 4 of section 313.820, RSMo, in the immediately preceding fiscal year but not including any
31 amount calculated to adjust for prior years. For purposes of political subdivisions which were
32 authorized to levy a tax in the prior year but which did not levy such tax or levied a reduced rate,
33 the term "tax revenue", as used in relation to the revision of tax levies mandated by law, shall
34 mean the revenues equal to the amount that would have been available if the voluntary rate
35 reduction had not been made.

36 2. Whenever changes in assessed valuation are entered in the assessor's books for any
37 personal property, in the aggregate, or for any subclass of real property as such subclasses are
38 established in section 4(b) of article X of the Missouri Constitution and defined in section
39 137.016, the county clerk in all counties and the assessor of St. Louis City shall notify each
40 political subdivision wholly or partially within the county or St. Louis City of the change in
41 valuation of each subclass of real property, individually, and personal property, in the aggregate,
42 exclusive of new construction and improvements. All political subdivisions shall immediately
43 revise the applicable rates of levy for each purpose for each subclass of real property,
44 individually, and personal property, in the aggregate, for which taxes are levied to the extent
45 necessary to produce from all taxable property, exclusive of new construction and improvements,
46 substantially the same amount of tax revenue as was produced in the previous year for each
47 subclass of real property, individually, and personal property, in the aggregate, except that the
48 rate may not exceed **the greater of the rate in effect in the 1984 tax year or the most recent**
49 **voter-approved rate. For the 2009 tax year, any political subdivision may levy a rate**
50 **sufficient to generate substantially the same amount of tax revenue as was produced in the**
51 **2007 tax year from all taxable property, exclusive of any new construction or**
52 **improvements attributable to tax years 2008 and 2009, except that such rate shall not**
53 **exceed the greater of the rate in effect for the 1984 tax year or the most recent voter**
54 **approved tax rate. Any school district may levy the operating levy for school purposes**
55 **required for the current year under subsection 2 of section 163.021, RSMo, less all**
56 **adjustments required under article X, section 22 of the Missouri Constitution and under**
57 **subdivision (4) of subsection 5 of this section, if such tax rate does not exceed the highest**
58 **tax rate in effect subsequent to the 1980 tax year.** Such tax revenue shall not include any
59 receipts from ad valorem levies on any real property which was assessed by the assessor of a
60 county or city in such previous year but is assessed by the assessor of a county or city in the
61 current year in a different subclass of real property. Where the taxing authority is a school
62 district for the purposes of revising the applicable rates of levy for each subclass of real property,

63 the tax revenues from state-assessed railroad and utility property shall be apportioned and
64 attributed to each subclass of real property based on the percentage of the total assessed valuation
65 of the county that each subclass of real property represents in the current taxable year. As
66 provided in section 22 of article X of the constitution, a political subdivision may also revise
67 each levy to allow for inflationary assessment growth occurring within the political subdivision.
68 The inflationary growth factor for any such subclass of real property or personal property shall
69 be limited to the actual assessment growth in such subclass or class, exclusive of new
70 construction and improvements, and exclusive of the assessed value on any real property which
71 was assessed by the assessor of a county or city in the current year in a different subclass of real
72 property, but not to exceed the consumer price index or five percent, whichever is lower. Should
73 the tax revenue of a political subdivision from the various tax rates determined in this subsection
74 be different than the tax revenue that would have been determined from a single tax rate as
75 calculated pursuant to the method of calculation in this subsection prior to January 1, 2003, then
76 the political subdivision shall revise the tax rates of those subclasses of real property,
77 individually, and/or personal property, in the aggregate, in which there is a tax rate reduction,
78 pursuant to the provisions of this subsection. Such revision shall yield an amount equal to such
79 difference and shall be apportioned among such subclasses of real property, individually, and/or
80 personal property, in the aggregate, based on the relative assessed valuation of the class or
81 subclasses of property experiencing a tax rate reduction. Such revision in the tax rates of each
82 class or subclass shall be made by computing the percentage of current year adjusted assessed
83 valuation of each class or subclass with a tax rate reduction to the total current year adjusted
84 assessed valuation of the class or subclasses with a tax rate reduction, multiplying the resulting
85 percentages by the revenue difference between the single rate calculation and the calculations
86 pursuant to this subsection and dividing by the respective adjusted current year assessed
87 valuation of each class or subclass to determine the adjustment to the rate to be levied upon each
88 class or subclass of property. The adjustment computed herein shall be multiplied by one
89 hundred, rounded to four decimals in the manner provided in this subsection, and added to the
90 initial rate computed for each class or subclass of property. Notwithstanding any provision of
91 this subsection to the contrary, no revision to the rate of levy for personal property shall cause
92 such levy to increase over the levy for personal property from the prior year.

93 3. (1) Where the taxing authority is a school district, it shall be required to revise the
94 rates of levy to the extent necessary to produce from all taxable property, including state-assessed
95 railroad and utility property, which shall be separately estimated in addition to other data
96 required in complying with section 164.011, RSMo, substantially the amount of tax revenue
97 permitted in this section. In the year following tax rate reduction, the tax rate ceiling may be
98 adjusted to offset such district's reduction in the apportionment of state school moneys due to its

99 reduced tax rate. However, in the event any school district, in calculating a tax rate ceiling
100 pursuant to this section, requiring the estimating of effects of state-assessed railroad and utility
101 valuation or loss of state aid, discovers that the estimates used result in receipt of excess
102 revenues, which would have required a lower rate if the actual information had been known, the
103 school district shall reduce the tax rate ceiling in the following year to compensate for the excess
104 receipts, and the recalculated rate shall become the tax rate ceiling for purposes of this section.

105 (2) For any political subdivision which experiences a reduction in the amount of assessed
106 valuation relating to a prior year, due to decisions of the state tax commission or a court pursuant
107 to sections 138.430 to 138.433, RSMo, or due to clerical errors or corrections in the calculation
108 or recordation of any assessed valuation:

109 (a) Such political subdivision may revise the tax rate ceiling for each purpose it levies
110 taxes to compensate for the reduction in assessed value occurring after the political subdivision
111 calculated the tax rate ceiling for the particular subclass of real property or for personal property,
112 in the aggregate, in a prior year. Such revision by the political subdivision shall be made at the
113 time of the next calculation of the tax rate for the particular subclass of real property or for
114 personal property, in the aggregate, after the reduction in assessed valuation has been determined
115 and shall be calculated in a manner that results in the revised tax rate ceiling being the same as
116 it would have been had the corrected or finalized assessment been available at the time of the
117 prior calculation;

118 (b) In addition, for up to three years following the determination of the reduction in
119 assessed valuation as a result of circumstances defined in this subdivision, such political
120 subdivision may levy a tax rate for each purpose it levies taxes above the revised tax rate ceiling
121 provided in paragraph (a) of this subdivision to recoup any revenues it was entitled to receive had
122 the corrected or finalized assessment been available at the time of the prior calculation.

123 4. (1) In order to implement the provisions of this section and section 22 of article X of
124 the Constitution of Missouri, the term "improvements" shall apply to both real and personal
125 property. In order to determine the value of new construction and improvements, each county
126 assessor shall maintain a record of real property valuations in such a manner as to identify each
127 year the increase in valuation for each political subdivision in the county as a result of new
128 construction and improvements. The value of new construction and improvements shall include
129 the additional assessed value of all improvements or additions to real property which were begun
130 after and were not part of the prior year's assessment, except that the additional assessed value
131 of all improvements or additions to real property which had been totally or partially exempt from
132 ad valorem taxes pursuant to sections 99.800 to 99.865, RSMo, sections 135.200 to 135.255,
133 RSMo, and section 353.110, RSMo, shall be included in the value of new construction and
134 improvements when the property becomes totally or partially subject to assessment and payment

135 of all ad valorem taxes. The aggregate increase in valuation of personal property for the current
136 year over that of the previous year is the equivalent of the new construction and improvements
137 factor for personal property. Notwithstanding any opt-out implemented pursuant to subsection
138 15 of section 137.115, the assessor shall certify the amount of new construction and
139 improvements and the amount of assessed value on any real property which was assessed by the
140 assessor of a county or city in such previous year but is assessed by the assessor of a county or
141 city in the current year in a different subclass of real property separately for each of the three
142 subclasses of real property for each political subdivision to the county clerk in order that political
143 subdivisions shall have this information for the purpose of calculating tax rates pursuant to this
144 section and section 22, article X, Constitution of Missouri. In addition, the state tax commission
145 shall certify each year to each county clerk the increase in the general price level as measured by
146 the Consumer Price Index for All Urban Consumers for the United States, or its successor
147 publications, as defined and officially reported by the United States Department of Labor, or its
148 successor agency. The state tax commission shall certify the increase in such index on the latest
149 twelve-month basis available on February first of each year over the immediately preceding prior
150 twelve-month period in order that political subdivisions shall have this information available in
151 setting their tax rates according to law and section 22 of article X of the Constitution of Missouri.
152 For purposes of implementing the provisions of this section and section 22 of article X of the
153 Missouri Constitution, the term "property" means all taxable property, including state-assessed
154 property.

155 (2) Each political subdivision required to revise rates of levy pursuant to this section or
156 section 22 of article X of the Constitution of Missouri shall calculate each tax rate it is authorized
157 to levy and, in establishing each tax rate, shall consider each provision for tax rate revision
158 provided in this section and section 22 of article X of the Constitution of Missouri, separately
159 and without regard to annual tax rate reductions provided in section 67.505, RSMo, and section
160 164.013, RSMo. Each political subdivision shall set each tax rate it is authorized to levy using
161 the calculation that produces the lowest tax rate ceiling. It is further the intent of the general
162 assembly, pursuant to the authority of section 10(c) of article X of the Constitution of Missouri,
163 that the provisions of such section be applicable to tax rate revisions mandated pursuant to
164 section 22 of article X of the Constitution of Missouri as to reestablishing tax rates as revised in
165 subsequent years, enforcement provisions, and other provisions not in conflict with section 22
166 of article X of the Constitution of Missouri. Annual tax rate reductions provided in section
167 67.505, RSMo, and section 164.013, RSMo, shall be applied to the tax rate as established
168 pursuant to this section and section 22 of article X of the Constitution of Missouri, unless
169 otherwise provided by law.

170 5. (1) In all political subdivisions, the tax rate ceiling established pursuant to this section
171 shall not be increased unless approved by a vote of the people. Approval of the higher tax rate
172 shall be by at least a majority of votes cast. When a proposed higher tax rate requires approval
173 by more than a simple majority pursuant to any provision of law or the constitution, the tax rate
174 increase must receive approval by at least the majority required.

175 (2) When voters approve an increase in the tax rate, the amount of the increase shall be
176 added to the tax rate ceiling as calculated pursuant to this section to the extent the total rate does
177 not exceed any maximum rate prescribed by law. If a ballot question presents a stated tax rate
178 for approval rather than describing the amount of increase in the question, the stated tax rate
179 approved shall be adjusted as provided in this section and, so adjusted, shall be the current tax
180 rate ceiling. The increased tax rate ceiling as approved shall be adjusted such that when applied
181 to the current total assessed valuation of the political subdivision, excluding new construction
182 and improvements since the date of the election approving such increase, the revenue derived
183 from the adjusted tax rate ceiling is equal to the sum of: the amount of revenue which would
184 have been derived by applying the voter-approved increased tax rate ceiling to total assessed
185 valuation of the political subdivision, as most recently certified by the city or county clerk on or
186 before the date of the election in which such increase is approved, increased by the percentage
187 increase in the consumer price index, as provided by law. Such adjusted tax rate ceiling may be
188 applied to the total assessed valuation of the political subdivision at the setting of the next tax
189 rate. If a ballot question presents a phased-in tax rate increase, upon voter approval, each tax rate
190 increase shall be adjusted in the manner prescribed in this section to yield the sum of: the
191 amount of revenue that would be derived by applying such voter-approved increased rate to the
192 total assessed valuation, as most recently certified by the city or county clerk on or before the
193 date of the election in which such increase was approved, increased by the percentage increase
194 in the consumer price index, as provided by law, from the date of the election to the time of such
195 increase and, so adjusted, shall be the current tax rate ceiling.

196 (3) The governing body of any political subdivision may levy a tax rate lower than its
197 tax rate ceiling and may, in a nonreassessment year, increase that lowered tax rate to a level not
198 exceeding the tax rate ceiling without voter approval in the manner provided under subdivision
199 (4) of this subsection. Nothing in this section shall be construed as prohibiting a political
200 subdivision from voluntarily levying a tax rate lower than that which is required under the
201 provisions of this section or from seeking voter approval of a reduction to such political
202 subdivision's tax rate ceiling.

203 (4) In a year of general reassessment, a governing body whose tax rate is lower than its
204 tax rate ceiling shall revise its tax rate pursuant to the provisions of subsection 4 of this section
205 as if its tax rate was at the tax rate ceiling. In a year following general reassessment, if such

governing body intends to increase its tax rate, the governing body shall conduct a public hearing, and in a public meeting it shall adopt an ordinance, resolution, or policy statement justifying its action prior to setting and certifying its tax rate. The provisions of this subdivision shall not apply to any political subdivision which levies a tax rate lower than its tax rate ceiling solely due to a reduction required by law resulting from sales tax collections. The provisions of this subdivision shall not apply to any political subdivision which has received voter approval for an increase to its tax rate ceiling subsequent to setting its most recent tax rate.

6. (1) For the purposes of calculating state aid for public schools pursuant to section 163.031, RSMo, each taxing authority which is a school district shall determine its proposed tax rate as a blended rate of the classes or subclasses of property. Such blended rate shall be calculated by first determining the total tax revenue of the property within the jurisdiction of the taxing authority, which amount shall be equal to the sum of the products of multiplying the assessed valuation of each class and subclass of property by the corresponding tax rate for such class or subclass, then dividing the total tax revenue by the total assessed valuation of the same jurisdiction, and then multiplying the resulting quotient by a factor of one hundred. Where the taxing authority is a school district, such blended rate shall also be used by such school district for calculating revenue from state-assessed railroad and utility property as defined in chapter 151, RSMo, and for apportioning the tax rate by purpose.

(2) Each taxing authority proposing to levy a tax rate in any year shall notify the clerk of the county commission in the county or counties where the tax rate applies of its tax rate ceiling and its proposed tax rate. Each taxing authority shall express its proposed tax rate in a fraction equal to the nearest one-tenth of a cent, unless its proposed tax rate is in excess of one dollar, then one/one-hundredth of a cent. If a taxing authority shall round to one/one-hundredth of a cent, it shall round up a fraction greater than or equal to five/one-thousandth of one cent to the next higher one/one-hundredth of a cent; if a taxing authority shall round to one-tenth of a cent, it shall round up a fraction greater than or equal to five/one-hundredths of a cent to the next higher one-tenth of a cent. Any taxing authority levying a property tax rate shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating such tax rate complies with Missouri law. All forms for the calculation of rates pursuant to this section shall be promulgated as a rule and shall not be incorporated by reference. The state auditor shall promulgate rules for any and all forms for the calculation of rates pursuant to this section which do not currently exist in rule form or that have been incorporated by reference. In addition, each taxing authority proposing to levy a tax rate for debt service shall provide data, in such form as shall be prescribed by the state auditor by rule, substantiating the tax rate for debt service complies with Missouri law. A tax rate proposed for annual debt service requirements will be prima facie valid if, after making the payment for which the tax was levied, bonds remain

outstanding and the debt fund reserves do not exceed the following year's payments. The county clerk shall keep on file and available for public inspection all such information for a period of three years. The clerk shall, within three days of receipt, forward a copy of the notice of a taxing authority's tax rate ceiling and proposed tax rate and any substantiating data to the state auditor. The state auditor shall, within fifteen days of the date of receipt, examine such information and return to the county clerk his or her findings as to compliance of the tax rate ceiling with this section and as to compliance of any proposed tax rate for debt service with Missouri law. If the state auditor believes that a taxing authority's proposed tax rate does not comply with Missouri law, then the state auditor's findings shall include a recalculated tax rate, and the state auditor may request a taxing authority to submit documentation supporting such taxing authority's proposed tax rate. The county clerk shall immediately forward a copy of the auditor's findings to the taxing authority and shall file a copy of the findings with the information received from the taxing authority. The taxing authority shall have fifteen days from the date of receipt from the county clerk of the state auditor's findings and any request for supporting documentation to accept or reject in writing the rate change certified by the state auditor and to submit all requested information to the state auditor. A copy of the taxing authority's acceptance or rejection and any information submitted to the state auditor shall also be mailed to the county clerk. If a taxing authority rejects a rate change certified by the state auditor and the state auditor does not receive supporting information which justifies the taxing authority's original or any subsequent proposed tax rate, then the state auditor shall refer the perceived violations of such taxing authority to the attorney general's office and the attorney general is authorized to obtain injunctive relief to prevent the taxing authority from levying a violative tax rate.

7. No tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

8. Whenever a taxpayer has cause to believe that a taxing authority has not complied with the provisions of this section, the taxpayer may make a formal complaint with the prosecuting attorney of the county. Where the prosecuting attorney fails to bring an action within ten days of the filing of the complaint, the taxpayer may bring a civil action pursuant to this section and institute an action as representative of a class of all taxpayers within a taxing authority if the class is so numerous that joinder of all members is impracticable, if there are questions of law or fact common to the class, if the claims or defenses of the representative parties are typical of the claims or defenses of the class, and if the representative parties will fairly and adequately protect the interests of the class. In any class action maintained pursuant to this section, the court may direct to the members of the class a notice to be published at least once each week for four consecutive weeks in a newspaper of general circulation published in the county where the civil action is commenced and in other counties within the jurisdiction of

278 a taxing authority. The notice shall advise each member that the court will exclude him or her
279 from the class if he or she so requests by a specified date, that the judgment, whether favorable
280 or not, will include all members who do not request exclusion, and that any member who does
281 not request exclusion may, if he or she desires, enter an appearance. In any class action brought
282 pursuant to this section, the court, in addition to the relief requested, shall assess against the
283 taxing authority found to be in violation of this section the reasonable costs of bringing the
284 action, including reasonable attorney's fees, provided no attorney's fees shall be awarded any
285 attorney or association of attorneys who receive public funds from any source for their services.
286 Any action brought pursuant to this section shall be set for hearing as soon as practicable after
287 the cause is at issue.

288 9. If in any action, including a class action, the court issues an order requiring a taxing
289 authority to revise the tax rates as provided in this section or enjoins a taxing authority from the
290 collection of a tax because of its failure to revise the rate of levy as provided in this section, any
291 taxpayer paying his or her taxes when an improper rate is applied has erroneously paid his or her
292 taxes in part, whether or not the taxes are paid under protest as provided in section 139.031,
293 RSMo, or otherwise contested. The part of the taxes paid erroneously is the difference in the
294 amount produced by the original levy and the amount produced by the revised levy. The
295 township or county collector of taxes or the collector of taxes in any city shall refund the amount
296 of the tax erroneously paid. The taxing authority refusing to revise the rate of levy as provided
297 in this section shall make available to the collector all funds necessary to make refunds pursuant
298 to this subsection. No taxpayer shall receive any interest on any money erroneously paid by him
299 or her pursuant to this subsection. Effective in the 1994 tax year, nothing in this section shall
300 be construed to require a taxing authority to refund any tax erroneously paid prior to or during
301 the third tax year preceding the current tax year.

302 10. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
303 is created under the authority delegated in this section shall become effective only if it complies
304 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
305 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
306 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
307 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
308 grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be
309 invalid and void.

137.106. 1. This section may be known and may be cited as "The Missouri Homestead
2 Preservation Act".

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

4 (1) "Department", the department of revenue;

5 (2) "Director", the director of revenue;

6 (3) "Disabled", as such term is defined in section 135.010, RSMo;

7 (4) "Eligible owner", any individual owner of property who is sixty-five years old or
8 older as of January first of the tax year in which the individual is claiming the credit or who is
9 disabled, and who had an income of equal to or less than the maximum upper limit in the year
10 prior to completing an application pursuant to this section; or

11 (a) In the case of a married couple owning property either jointly or as tenants by the
12 entirety, or where only one spouse owns the property, such couple shall be considered an eligible
13 taxpayer if both spouses have reached the age of sixty-five or if one spouse is disabled, or if one
14 spouse is at least sixty-five years old and the other spouse is at least sixty years old, and the
15 combined income of the couple in the year prior to completing an application pursuant to this
16 section did not exceed the maximum upper limit; or

17 (b) In the case of joint ownership by unmarried persons or ownership by tenancy in
18 common by two or more unmarried persons, such owners shall be considered an eligible owner
19 if each person with an ownership interest individually satisfies the eligibility requirements for
20 an individual eligible owner under this section and the combined income of all individuals with
21 an interest in the property is equal to or less than the maximum upper limit in the year prior to
22 completing an application under this section. If any individual with an ownership interest in the
23 property fails to satisfy the eligibility requirements of an individual eligible owner or if the
24 combined income of all individuals with interest in the property exceeds the maximum upper
25 limit, then all individuals with an ownership interest in such property shall be deemed ineligible
26 owners regardless of such other individual's ability to individually meet the eligibility
27 requirements; or

28 (c) In the case of property held in trust, the eligible owner and recipient of the tax credit
29 shall be the trust itself provided the previous owner of the homestead or the previous owner's
30 spouse: is the settlor of the trust with respect to the homestead; currently resides in such
31 homestead; and but for the transfer of such property would have satisfied the age, ownership, and
32 maximum upper limit requirements for income as defined in subdivisions (7) and (8) of this
33 subsection;

34 No individual shall be an eligible owner if the individual has not paid their property tax liability,
35 if any, in full by the payment due date in any of the three prior tax years, except that a late
36 payment of a property tax liability in any prior year shall not disqualify a potential eligible owner
37 if such owner paid in full the tax liability and any and all penalties, additions and interest that
38 arose as a result of such late payment; no individual shall be an eligible owner if such person
39 filed a valid claim for the senior citizens property tax relief credit pursuant to sections 135.010
40 to 135.035, RSMo;

41 (5) "Homestead", as such term is defined pursuant to section 135.010, RSMo, except as
42 limited by provisions of this section to the contrary. No property shall be considered a
43 homestead if such property was improved since the most recent annual assessment by more than
44 five percent of the prior year appraised value, except where an eligible owner of the property has
45 made such improvements to accommodate a disabled person;

46 (6) "Homestead exemption limit", a percentage increase, rounded to the nearest
47 hundredth of a percent, which shall be equal to the percentage increase to tax liability, not
48 including improvements, of a homestead from one tax year to the next that exceeds a certain
49 percentage set pursuant to subsection 10 of this section. For applications filed in 2005 or 2006,
50 the homestead exemption limit shall be based on the increase to tax liability from 2004 to 2005.
51 For applications filed between April 1, 2005, and September 30, 2006, an eligible owner, who
52 otherwise satisfied the requirements of this section, shall not apply for the homestead exemption
53 credit more than once during such period. For applications filed after 2006, the homestead
54 exemption limit shall be based on the increase to tax liability from two years prior to application
55 to the year immediately prior to application. For applications filed between December 31, 2008,
56 and December 31, 2011, the homestead exemption limit shall be based on the increase in tax
57 liability from the base year to the year prior to the application year. For applications filed on or
58 after January 1, 2012, the homestead exemption limit shall be based on the increase to tax
59 liability from two years prior to application to the year immediately prior to application. For
60 purposes of this subdivision, the term "base year" means the year prior to the first year in which
61 the eligible owner's application was approved, or 2006, whichever is later. **For applications**
62 **filed between December 31, 2009, and December 31, 2011, where a taxpayer is approved**
63 **for the first time due to the three-year ownership requirement provided under this section,**
64 **the term "base year" shall mean the year immediately following the year in which**
65 **ownership of such property was acquired by the taxpayer;**

66 (7) "Income", federal adjusted gross income, and in the case of ownership of the
67 homestead by trust, the income of the settlor applicant shall be imputed to the income of the trust
68 for purposes of determining eligibility with regards to the maximum upper limit;

69 (8) "Maximum upper limit", in the calendar year 2005, the income sum of seventy
70 thousand dollars; in each successive calendar year this amount shall be raised by the incremental
71 increase in the general price level, as defined pursuant to article X, section 17 of the Missouri
72 Constitution.

73 3. Pursuant to article X, section 6(a) of the Constitution of Missouri, if in the prior tax
74 year, the property tax liability on any parcel of subclass (1) real property increased by more than
75 the homestead exemption limit, without regard for any prior credit received due to the provisions
76 of this section, then any eligible owner of the property shall receive a homestead exemption

77 credit to be applied in the current tax year property tax liability to offset the prior year increase
78 to tax liability that exceeds the homestead exemption limit, except as eligibility for the credit is
79 limited by the provisions of this section. The amount of the credit shall be listed separately on
80 each taxpayer's tax bill for the current tax year, or on a document enclosed with the taxpayer's
81 bill. The homestead exemption credit shall not affect the process of setting the tax rate as
82 required pursuant to article X, section 22 of the Constitution of Missouri and section 137.073 in
83 any prior, current, or subsequent tax year.

84 4. If application is made in 2005, any potential eligible owner may apply for the
85 homestead exemption credit by completing an application through their local assessor's office.
86 Applications may be completed between April first and September thirtieth of any tax year in
87 order for the taxpayer to be eligible for the homestead exemption credit in the tax year next
88 following the calendar year in which the homestead exemption credit application was completed.
89 The application shall be on forms provided to the assessor's office by the department. Forms also
90 shall be made available on the department's Internet site and at all permanent branch offices and
91 all full-time, temporary, or fee offices maintained by the department of revenue. The applicant
92 shall attest under penalty of perjury:

93 (1) To the applicant's age;

94 (2) That the applicant's prior year income was less than the maximum upper limit;

95 (3) To the address of the homestead property; and

96 (4) That any improvements made to the homestead, not made to accommodate a disabled
97 person, did not total more than five percent of the prior year appraised value. The applicant shall
98 also include with the application copies of receipts indicating payment of property tax by the
99 applicant for the homestead property for the two prior tax years.

100 5. If application is made in 2005, the assessor, upon request for an application, shall:

101 (1) Certify the parcel number and owner of record as of January first of the homestead,
102 including verification of the acreage classified as residential on the assessor's property record
103 card;

104 (2) Obtain appropriate prior tax year levy codes for each homestead from the county
105 clerks for inclusion on the form;

106 (3) Record on the application the assessed valuation of the homestead for the current tax
107 year, and any new construction or improvements for the current tax year; and

108 (4) Sign the application, certifying the accuracy of the assessor's entries.

109 6. If application is made after 2005, any potential eligible owner may apply for the
110 homestead exemption credit by completing an application. Applications may be completed
111 between April first and October fifteenth of any tax year in order for the taxpayer to be eligible
112 for the homestead exemption credit in the tax year next following the calendar year in which the

113 homestead exemption credit application was completed. The application shall be on forms
114 provided by the department. Forms also shall be made available on the department's Internet site
115 and at all permanent branch offices and all full-time, temporary, or fee offices maintained by the
116 department of revenue. The applicant shall attest under penalty of perjury:

- 117 (1) To the applicant's age;
- 118 (2) That the applicant's prior year income was less than the maximum upper limit;
- 119 (3) To the address of the homestead property;
- 120 (4) That any improvements made to the homestead, not made to accommodate a disabled
121 person, did not total more than five percent of the prior year appraised value; and
- 122 (5) The applicant shall also include with the application copies of receipts indicating
123 payment of property tax by the applicant for the homestead property for the three prior tax years.

124 7. Each applicant shall send the application to the department by October fifteenth of
125 each year for the taxpayer to be eligible for the homestead exemption credit in the tax year next
126 following the calendar year in which the application was completed.

127 8. If application is made in 2005, upon receipt of the applications, the department shall
128 calculate the tax liability, adjusted to exclude new construction or improvements verify
129 compliance with the maximum income limit, verify the age of the applicants, and make
130 adjustments to these numbers as necessary on the applications. The department also shall
131 disallow any application where the applicant has also filed a valid application for the senior
132 citizens property tax credit, pursuant to sections 135.010 to 135.035, RSMo. Once adjusted tax
133 liability, age, and income are verified, the director shall determine eligibility for the credit, and
134 provide a list of all verified eligible owners to the county collectors or county clerks in counties
135 with a township form of government by December fifteenth of each year. By January fifteenth,
136 the county collectors or county clerks in counties with a township form of government shall
137 provide a list to the department of any verified eligible owners who failed to pay the property tax
138 due for the tax year that ended immediately prior. Such eligible owners shall be disqualified
139 from receiving the credit in the current tax year.

140 9. If application is made after 2005, upon receipt of the applications, the department shall
141 calculate the tax liability, verify compliance with the maximum income limit, verify the age of
142 the applicants, and make adjustments to these numbers as necessary on the applications. The
143 department also shall disallow any application where the applicant also has filed a valid
144 application for the senior citizens property tax credit under sections 135.010 to 135.035, RSMo.
145 Once adjusted tax liability, age, and income are verified, the director shall determine eligibility
146 for the credit and provide a list of all verified eligible owners to the county assessors or county
147 clerks in counties with a township form of government by December fifteenth of each year. By
148 January fifteenth, the county assessors shall provide a list to the department of any verified

149 eligible owners who made improvements not for accommodation of a disability to the homestead
150 and the dollar amount of the assessed value of such improvements. If the dollar amount of the
151 assessed value of such improvements totaled more than five percent of the prior year appraised
152 value, such eligible owners shall be disqualified from receiving the credit in the current tax year.

153 10. The director shall calculate the level of appropriation necessary to set the homestead
154 exemption limit at five percent when based on a year of general reassessment or at two and
155 one-half percent when based on a year without general reassessment for the homesteads of all
156 verified eligible owners, and provide such calculation to the speaker of the house of
157 representatives, the president pro tempore of the senate, and the director of the office of budget
158 and planning in the office of administration by January thirty-first of each year.

159 11. For applications made in 2005, the general assembly shall make an appropriation for
160 the funding of the homestead exemption credit that is signed by the governor, then the director
161 shall, by July thirty-first of such year, set the homestead exemption limit. The limit shall be a
162 single, statewide percentage increase to tax liability, rounded to the nearest hundredth of a
163 percent, which, if applied to all homesteads of verified eligible owners who applied for the
164 homestead exemption credit in the immediately prior tax year, would cause all but one-quarter
165 of one percent of the amount of the appropriation, minus any withholding by the governor, to be
166 distributed during that fiscal year. The remaining one-quarter of one percent shall be distributed
167 to the county assessment funds of each county on a proportional basis, based on the number of
168 eligible owners in each county; such one-quarter percent distribution shall be delineated in any
169 such appropriation as a separate line item in the total appropriation. If no appropriation is made
170 by the general assembly during any tax year or no funds are actually distributed pursuant to any
171 appropriation therefor, then no homestead preservation credit shall apply in such year.

172 12. After setting the homestead exemption limit for applications made in 2005, the
173 director shall apply the limit to the homestead of each verified eligible owner and calculate the
174 credit to be associated with each verified eligible owner's homestead, if any. The director shall
175 send a list of those eligible owners who are to receive the homestead exemption credit, including
176 the amount of each credit, the certified parcel number of the homestead, and the address of the
177 homestead property, to the county collectors or county clerks in counties with a township form
178 of government by August thirty-first. Pursuant to such calculation, the director shall instruct the
179 state treasurer as to how to distribute the appropriation and assessment fund allocation to the
180 county collector's funds of each county or the treasurer ex officio collector's fund in counties with
181 a township form of government where recipients of the homestead exemption credit are located,
182 so as to exactly offset each homestead exemption credit being issued, plus the one-quarter of one
183 percent distribution for the county assessment funds. As a result of the appropriation, in no case
184 shall a political subdivision receive more money than it would have received absent the

185 provisions of this section plus the one-quarter of one percent distribution for the county
186 assessment funds. Funds, at the direction of the county collector or the treasurer ex officio
187 collector in counties with a township form of government, shall be deposited in the county
188 collector's fund of a county or the treasurer ex officio collector's fund or may be sent by mail to
189 the collector of a county, or the treasurer ex officio collector in counties with a township form
190 of government, not later than October first in any year a homestead exemption credit is
191 appropriated as a result of this section and shall be distributed as moneys in such funds are
192 commonly distributed from other property tax revenues by the collector of the county or the
193 treasurer ex officio collector of the county in counties with a township form of government, so
194 as to exactly offset each homestead exemption credit being issued. In counties with a township
195 form of government, the county clerk shall provide the treasurer ex officio collector a summary
196 of the homestead exemption credit for each township for the purpose of distributing the total
197 homestead exemption credit to each township collector in a particular county.

198 13. If, in any given year after 2005, the general assembly shall make an appropriation for
199 the funding of the homestead exemption credit that is signed by the governor, then the director
200 shall determine the apportionment percentage by equally apportioning the appropriation among
201 all eligible applicants on a percentage basis. If no appropriation is made by the general assembly
202 during any tax year or no funds are actually distributed pursuant to any appropriation therefor,
203 then no homestead preservation credit shall apply in such year.

204 14. After determining the apportionment percentage, the director shall calculate the
205 credit to be associated with each verified eligible owner's homestead, if any. The director shall
206 send a list of those eligible owners who are to receive the homestead exemption credit, including
207 the amount of each credit, the certified parcel number of the homestead, and the address of the
208 homestead property, to the county collectors or county clerks in counties with a township form
209 of government by August thirty-first. Pursuant to such calculation, the director shall instruct the
210 state treasurer as to how to distribute the appropriation to the county collector's fund of each
211 county where recipients of the homestead exemption credit are located, so as to exactly offset
212 each homestead exemption credit being issued. As a result of the appropriation, in no case shall
213 a political subdivision receive more money than it would have received absent the provisions of
214 this section. Funds, at the direction of the collector of the county or treasurer ex officio collector
215 in counties with a township form of government, shall be deposited in the county collector's fund
216 of a county or may be sent by mail to the collector of a county, or treasurer ex officio collector
217 in counties with a township form of government, not later than October first in any year a
218 homestead exemption credit is appropriated as a result of this section and shall be distributed as
219 moneys in such funds are commonly distributed from other property tax revenues by the collector

220 of the county or the treasurer ex officio collector of the county in counties with a township form
221 of government, so as to exactly offset each homestead exemption credit being issued.

222 15. The department shall promulgate rules for implementation of this section. Any rule
223 or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the
224 authority delegated in this section shall become effective only if it complies with and is subject
225 to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This
226 section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the
227 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to
228 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
229 authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void. Any
230 rule promulgated by the department shall in no way impact, affect, interrupt, or interfere with the
231 performance of the required statutory duties of any county elected official, more particularly
232 including the county collector when performing such duties as deemed necessary for the
233 distribution of any homestead appropriation and the distribution of all other real and personal
234 property taxes.

235 16. In the event that an eligible owner dies or transfers ownership of the property after
236 the homestead exemption limit has been set in any given year, but prior to January first of the
237 year in which the credit would otherwise be applied, the credit shall be void and any
238 corresponding moneys, pursuant to subsection 12 of this section, shall lapse to the state to be
239 credited to the general revenue fund. In the event the collector of the county or the treasurer ex
240 officio collector of the county in counties with a township form of government determines prior
241 to issuing the credit that the individual is not an eligible owner because the individual did not pay
242 the prior three years' property tax liability in full, the credit shall be void and any corresponding
243 moneys, under subsection 11 of this section, shall lapse to the state to be credited to the general
244 revenue fund.

245 17. This section shall apply to all tax years beginning on or after January 1, 2005. This
246 subsection shall become effective June 28, 2004.

247 18. In accordance with the provisions of sections 23.250 to 23.298, RSMo, and unless
248 otherwise authorized pursuant to section 23.253, RSMo:

249 (1) Any new program authorized under the provisions of this section shall automatically
250 sunset six years after the effective date of this section; and

251 (2) This section shall terminate on September first of the year following the year in
252 which any new program authorized under this section is sunset, and the revisor of statutes shall
253 designate such sections and this section in a revision bill for repeal.

**142.814. 1. Motor fuel sold to be used to operate school buses to transport students
2 to or from school or to transport students to or from any place for educational purposes**

3 is exempt from the fuel tax imposed by this chapter. As used in this section, "school buses"
4 shall have the same meaning as section 302.010, RSMo, and shall not include any motor
5 vehicle owned by the parent of a student for personal use.

6 2. The department shall promulgate rules to implement the provisions of this
7 section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
8 that is created under the authority delegated in this section shall become effective only if
9 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
10 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
11 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
12 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
13 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
14 adopted after August 28, 2009, shall be invalid and void.

160.011. As used in chapters 160, 161, 162, 163, 164, 165, 167, 168, 170, 171, 177 and
2 178, RSMo, the following terms mean:

3 (1) "District" or "school district", when used alone, may include seven-director, urban,
4 and metropolitan school districts;

5 (2) "Elementary school", a public school giving instruction in a grade or grades not
6 higher than the eighth grade;

7 (3) "Family literacy programs", services of sufficient intensity in terms of hours, and of
8 sufficient duration, to make sustainable changes in families that include:

9 (a) Interactive literacy activities between parents and their children;

10 (b) Training of parents regarding how to be the primary teacher of their children and full
11 partners in the education of their children;

12 (c) Parent literacy training that leads to high school completion and economic self
13 sufficiency; and

14 (d) An age-appropriate education to prepare children of all ages for success in school;

15 (4) "Graduation rate", the quotient of the number of graduates in the current year as of
16 June thirtieth divided by the sum of the number of graduates in the current year as of June
17 thirtieth plus the number of twelfth graders who dropped out in the current year plus the number
18 of eleventh graders who dropped out in the preceding year plus the number of tenth graders who
19 dropped out in the second preceding year plus the number of ninth graders who dropped out in
20 the third preceding year;

21 (5) "High school", a public school giving instruction in a grade or grades not lower than
22 the ninth nor higher than the twelfth grade;

23 (6) "Metropolitan school district", any school district the boundaries of which are
24 coterminous with the limits of any city which is not within a county;

25 (7) "Public school" includes all elementary and high schools operated at public expense;

26 (8) "School board", the board of education having general control of the property and
27 affairs of any school district;

28 (9) "School term", a minimum of one hundred seventy-four school days, as that term is
29 defined in section 160.041, **for schools with a five-day school week or a minimum of one**
30 **hundred forty-two school days, as that term is defined in section 160.041, for schools with**
31 **a four-day school week**, and one thousand forty-four hours of actual pupil attendance as
32 scheduled by the board pursuant to section 171.031, RSMo, during a twelve-month period in
33 which the academic instruction of pupils is actually and regularly carried on for a group of
34 students in the public schools of any school district. A "school term" may be within a school
35 year or may consist of parts of two consecutive school years, but does not include summer
36 school. A district may choose to operate two or more terms for different groups of children. **A**
37 **school term for students participating in a school flex program as established in section**
38 **160.539 may consist of a combination of actual pupil attendance and attendance at college**
39 **or technical career education or approved employment aligned with the student's career**
40 **academic plan for a total of one thousand forty-four hours;**

41 (10) "Secretary", the secretary of the board of a school district;

42 (11) "Seven-director district", any school district which has seven directors and includes
43 urban districts regardless of the number of directors an urban district may have unless otherwise
44 provided by law;

45 (12) "Taxpayer", any individual who has paid taxes to the state or any subdivision
46 thereof within the immediately preceding twelve-month period or the spouse of such individual;

47 (13) "Town", any town or village, whether or not incorporated, the plat of which has
48 been filed in the office of the recorder of deeds of the county in which it is situated;

49 (14) "Urban school district", any district which includes more than half of the population
50 or land area of any city which has not less than seventy thousand inhabitants, other than a city
51 which is not within a county.

160.041. 1. The "minimum school day" consists of three hours **for schools with a five-**
2 **day school week or four hours for schools with a four-day school week** in which the pupils
3 are under the guidance and direction of teachers in the teaching process. A "school month"
4 consists of four weeks of five days each **for schools with a five-day school week or four weeks**
5 **of four days each for schools with a four-day school week**. The "school year" commences on
6 the first day of July and ends on the thirtieth day of June following.

7 2. Notwithstanding the provisions of subsection 1 of this section, the commissioner of
8 education is authorized to reduce the required number of hours and days in which the pupils are
9 under the guidance and direction of teachers in the teaching process if:

10 (1) There is damage to or destruction of a public school facility which requires the dual
11 utilization of another school facility; or

12 (2) Flooding or other inclement weather as defined in subsection 1 of section 171.033,
13 RSMo, prevents students from attending the public school facility.

14

15 Such reduction shall not extend beyond two calendar years in duration.

**160.085. This provisions of sections 37.710, 160.085, 160.261, 160.262, 162.014,
2 162.068, 162.069, 168.021, 168.071, 168.133, 210.135, 210.145, 210.152, 210.915, 210.922 and
3 556.037, RSMo, relating to protecting children from sexual offenders shall be known as the
4 "Amy Hestir Student Protection Act".**

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;

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 made
39 by the commissioner of education pursuant to section 160.530, as provided in subsection 5 of
40 section 160.530.

41 **5. During the legislative interim between the first regular session of the ninety-fifth**
42 **general assembly through January 29, 2010, of the second regular session of the ninety-**
43 **fifth general assembly, the department of elementary and secondary education shall study**
44 **the issue of open enrollment for public school students across school district boundary lines**
45 **in this state. In studying this issue, the department may solicit input and information**
46 **necessary to fulfill its obligation, including but not limited to soliciting input and**
47 **information from any state department, state agency, school district, political subdivisions**
48 **of this state, teachers, and the general public. The department shall prepare a final report,**
49 **together with its recommendations for any legislative action deemed necessary for**
50 **submission to the general assembly by December 31, 2009.**

51 **6.** The committee may make reasonable requests for staff assistance from the research
52 and appropriations staffs of the house and senate and the committee on legislative research, as
53 well as the department of elementary and secondary education, the department of higher
54 education, the coordinating board for higher education, the state tax commission, the department
55 of economic development, all school districts and other political subdivisions of this state,
56 teachers and teacher groups, business and other commercial interests and any other interested
57 persons.

58 [6.] **7.** Members of the committee shall receive no compensation but may be reimbursed
59 for 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
14 teachers and other school district employees with a need to know. For the purposes of this
15 chapter or chapter 167, RSMo, "need to know" is defined as school personnel who are directly
16 responsible for the student's education or who otherwise interact with the student on a
17 professional basis while acting within the scope of their assigned duties. As used in this section,
18 the phrase "act of school violence" or "violent behavior" means the exertion of physical force by
19 a student with the intent to do serious physical injury as defined in subdivision (6) of section
20 565.002, RSMo, to another person while on school property, including a school bus in service
21 on behalf of the district, or while involved in school activities. The policy shall at a minimum
22 require school administrators to report, as soon as reasonably practical, to the appropriate law
23 enforcement agency any of the following crimes, or any act which if committed by an adult
24 would be one of the following crimes:

- 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;
- 47 (23) Sexual abuse pursuant to section 566.100, RSMo;
- 48 (24) Harassment under section 565.090, RSMo; or
- 49 (25) Stalking under section 565.225, RSMo;

50

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

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

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

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;

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

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

76 4. Any student who violates the condition of suspension required pursuant to subsection
77 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of
78 sections 167.161, 167.164, and 167.171, RSMo. In making this determination consideration
79 shall be given to whether the student poses a threat to the safety of any child or school employee
80 and whether such student's unsupervised presence within one thousand feet of the school is
81 disruptive to the educational process or undermines the effectiveness of the school's disciplinary
82 policy. Removal of any pupil who is a student with a disability is subject to state and federal
83 procedural rights.

84 5. The policy shall provide for a suspension for a period of not less than one year, or
85 expulsion, for a student who is determined to have brought a weapon to school, including but
86 not limited to the school playground or the school parking lot, brought a weapon on a school bus
87 or brought a weapon to a school activity whether on or off of the school property in violation of
88 district policy, except that:

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

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

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

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

106 8. Teachers and other authorized district personnel in public schools responsible for the
107 care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable
108 care by the school district, shall not be civilly liable when acting in conformity with the

established policy of discipline developed by each board under this section, or when reporting to his or her supervisor or other person as mandated by state law acts of school violence or threatened acts of school violence, within the course and scope of the duties of the teacher, authorized district personnel or volunteer, when such individual is acting in conformity with the established policies developed by the board. Nothing in this section shall be construed to create a new cause of action against such school district, or to relieve the school district from liability for the negligent acts of such persons.

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

10. Spanking, when administered by certificated personnel of a school district in a reasonable manner in accordance with the local board of education's written policy of discipline, is not abuse within the meaning of chapter 210, RSMo. The provisions of sections 210.110 to 210.165, RSMo, notwithstanding, the **children's** division [of family services] shall not have jurisdiction over or investigate any report of alleged child abuse arising out of or related to any spanking administered in a reasonable manner by any certificated school personnel pursuant to a written policy of discipline established by the board of education of the school district. **If a student reports alleged sexual misconduct on the part of a teacher or other school employee to a mandated reporter as defined in section 210.115, RSMo, the superintendent of the school district shall forward the allegation to the children's division within twenty-four hours of receiving the information.**

11. Upon receipt of any reports of child abuse by the **children's** division [of family services] pursuant to sections 210.110 to 210.165, RSMo, which allegedly involves personnel of a school district, the **children's** division [of family services] shall notify the superintendent of schools of the district or, if the person named in the alleged incident is the superintendent of schools, the president of the school board of the school district where the alleged incident occurred.

12. If, after an initial investigation, the superintendent of schools or the president of the school board finds that the report involves an alleged incident of child abuse other than the

145 administration of a spanking by certificated school personnel pursuant to a written policy of
146 discipline or a report made for the sole purpose of harassing a public school employee, the
147 superintendent of schools or the president of the school board shall immediately refer the matter
148 back to the **children's** division [of family services] and take no further action. In all matters
149 referred back to the **children's** division [of family services], the division [of family services]
150 shall treat the report in the same manner as other reports of alleged child abuse received by the
151 division.

152 **13.** If the report pertains to an alleged incident which arose out of or is related to a
153 spanking administered by certificated personnel of a school district pursuant to a written policy
154 of discipline or a report made for the sole purpose of harassing a public school employee, a
155 notification of the reported child abuse shall be sent by the superintendent of schools or the
156 president of the school board to the juvenile officer of the county in which the alleged incident
157 occurred.

158 **14.** The report shall be jointly investigated by the juvenile officer or a law enforcement
159 officer designated by the juvenile officer and the superintendent of schools or, if the subject of
160 the report is the superintendent of schools, by the juvenile officer or a law enforcement officer
161 designated by the juvenile officer and the president of the school board or such president's
162 designee.

163 **15.** The investigation shall begin no later than forty-eight hours after notification from
164 the **children's** division [of family services] is received, and shall consist of, but need not be
165 limited to, interviewing and recording statements of the child and the child's parents or guardian
166 within two working days after the start of the investigation, of the school district personnel
167 allegedly involved in the report, and of any witnesses to the alleged incident.

168 **16.** The juvenile officer or a law enforcement officer designated by the juvenile officer
169 and the investigating school district personnel shall issue separate reports of their findings and
170 recommendations after the conclusion of the investigation to the school board of the school
171 district within seven days after receiving notice from the **children's** division [of family services].

172 **17.** The reports shall contain a statement of conclusion as to whether the report of alleged
173 child abuse is substantiated or is unsubstantiated.

174 **18.** The school board shall consider the separate reports **referred to in subsection 16**
175 **of this section** and shall issue its findings and conclusions and the action to be taken, if any,
176 within seven days after receiving the last of the two reports. The findings and conclusions shall
177 be made in substantially the following form:

178 (1) The report of the alleged child abuse is unsubstantiated. The juvenile officer or a law
179 enforcement officer designated by the juvenile officer and the investigating school board

180 personnel agree that [the evidence shows that no] **there was not a preponderance of evidence**
181 **to substantiate that** 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 **preponderance of** evidence is sufficient to support a finding that the
185 alleged incident of 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.] **19.** The findings and conclusions of the school board **under subsection 18 of this**
190 **section** shall be sent to the **children's** division [of family services]. If the findings and
191 conclusions of the school board are that the report of the alleged child abuse is unsubstantiated,
192 the investigation shall be terminated, the case closed, and no record shall be entered in the
193 **children's** division [of family services'] central registry **unless the allegations contain an**
194 **element of sexual misconduct, in which case the record of the allegations and the report of**
195 **it being unsubstantiated shall be retained in the information system of the children's**
196 **division under paragraph (c) of subdivision (2) of subsection 1 of section 210.152, RSMo.**
197 If the findings and conclusions of the school board are that the report of the alleged child abuse
198 is substantiated, the **children's** division [of family services] shall report the incident to the
199 prosecuting attorney of the appropriate county along with the findings and conclusions of the
200 school district and shall include the information in the division's central registry. If the findings
201 and conclusions of the school board are that the issue involved in the alleged incident of child
202 abuse is unresolved, the **children's** division [of family services] shall report the incident to the
203 prosecuting attorney of the appropriate county along with the findings and conclusions of the
204 school board[.] ; however, the incident and the names of the parties allegedly involved shall not
205 be entered into the **division's** central registry [of the division of family services] unless and until
206 the alleged child abuse is substantiated by a court of competent jurisdiction **except if the**
207 **allegations contain an element of sexual misconduct, in which case the record of the**
208 **allegations and the report of it being unresolved shall be retained in the information system**
209 **of the children's division under paragraph (c) of subdivision (2) of subsection 1 of section**
210 **210.152, RSMo.**

211 [12.] **20.** Any superintendent of schools, president of a school board or such person's
212 designee or juvenile officer who knowingly falsifies any report of any matter pursuant to this
213 section or who knowingly withholds any information relative to any investigation or report
214 pursuant to this section is guilty of a class A misdemeanor. **Any mandated reporter under**
215 **subsection 1 of section 210.115, RSMo, who is a school officer or employee, who fails to**

216 report as required in this section shall be subject to a fine of up to five thousand dollars or
217 one year in jail or both. Any student who makes a false allegation under this section shall
218 be subject to disciplinary action by school policy, including the attachment of a notice of
219 the false allegation to the student's permanent record.

220 [13.] 21. In order to ensure the safety of all students, should a student be expelled for
221 bringing a weapon to school, violent behavior, or for an act of school violence, that student shall
222 not, for the purposes of the accreditation process of the Missouri school improvement plan, be
223 considered a dropout or be included in the calculation of that district's educational persistence
224 ratio.

160.262. 1. The office of the child advocate as created in section 37.705, RSMo,
2 shall be authorized to coordinate mediation efforts between school districts and students
3 when requested by either party, as part of its duties under subdivision (9) of subsection 2
4 of section 37.710, RSMo, when allegations of child abuse arise in a school setting. The
5 office of the child advocate shall maintain a list of individuals who are qualified mediators.
6 The child care advocate shall be available as one of the mediators on the list from which
7 parents can choose.

8 2. Mediation procedures shall meet the following requirements:

9 (1) The mediation process shall not be used to deny or delay any other complaint
10 process available to the parties; and

11 (2) The mediation process shall be conducted by a qualified and impartial mediator
12 trained in effective mediation techniques who is not affiliated with schools or school
13 professional associations and who is available as a public service.

14 3. No student or parent of a student shall be required to enter into mediation, but
15 a school district shall be required to participate in mediation if a parent asks for it on
16 behalf of a student who has reported sexual abuse. A goal of protecting a student from
17 unwarranted attention shall be a priority, up to and including attendance by contract at
18 a different school or school district. The department may direct the average daily
19 attendance of a student to be counted in the receiving district. Participation by a student
20 in student activities at such school or in such school district under this section shall be on
21 the basis of a resident student of the school or district.

22 4. Each session in the mediation process shall be scheduled in a timely manner and
23 be held in a location that is convenient to the parties in dispute.

24 5. Discussions that occur during the mediation process shall be confidential and
25 may not be used as evidence in any subsequent administrative proceeding, administrative
26 hearing, or civil proceeding of any federal or state court.

27 **6. If the parties resolve a dispute through the mediation process, the parties shall**
28 **execute a legally binding agreement that sets forth the resolution and:**

29 **(1) States that all discussions that occurred during the mediation process shall**
30 **remain confidential and may not be used as evidence in any subsequent administrative**
31 **proceeding, administrative hearing, or civil proceeding of any federal or state court; and**

32 **(2) Is signed by a representative of each party who has authority to bind the party.**

160.263. 1. The school discipline policy under section 160.261 shall prohibit
2 **confining a student in an unattended, locked space except for an emergency situation while**
3 **awaiting the arrival of law enforcement personnel.**

4 **2. By July 1, 2011, the local board of education of each school district shall adopt**
5 **a written policy that comprehensively addresses the use of restrictive behavioral**
6 **interventions as a form of discipline or behavior management technique. The policy shall**
7 **be consistent with professionally accepted practices and standards of student discipline,**
8 **behavior management, health and safety, including the Safe Schools Act. The policy shall**
9 **include but not be limited to:**

10 **(1) Definitions of "restraint", "seclusion", and "time-out" and any other**
11 **terminology necessary to describe the continuum of restrictive behavioral interventions**
12 **available for use or prohibited in the district;**

13 **(2) Description of circumstances under which a restrictive behavioral intervention**
14 **is allowed and prohibited and any unique application requirements for specific groups of**
15 **students such as differences based on age, disability, or environment in which the**
16 **educational services are provided;**

17 **(3) Specific implementation requirements associated with a restrictive behavioral**
18 **intervention such as time limits, facility specifications, training requirements or**
19 **supervision requirements; and**

20 **(4) Documentation, notice and permission requirements associated with use of a**
21 **restrictive behavioral intervention.**

22 **3. The department of elementary and secondary education shall, in cooperation**
23 **with appropriate associations, organizations, agencies and individuals with specialized**
24 **expertise in behavior management, develop a model policy that satisfies the requirements**
25 **of subsection 2 of this section by July 1, 2010.**

160.375. 1. There is hereby established the "Missouri Senior Cadets Program",
2 **which shall be administered by the department of elementary and secondary education.**
3 **The program shall encourage high school seniors to mentor kindergarten through eighth**
4 **grade students in their respective school districts for a minimum of ten hours per week**
5 **during the school year.**

6 **2. In order to be a mentor in the program, a student must:**

7 **(1) Be a Missouri resident who attends a Missouri high school;**

8 **(2) Possess a cumulative grade point average of at least three on a four-point scale**
9 **or equivalent; and**

10 **(3) Plan to attend college.**

11 **3. The department of elementary and secondary education shall promulgate rules**
12 **to implement this section, which shall include, but may not be limited to, guidelines for**
13 **school districts and mentors in the program. Any rule or portion of a rule, as that term is**
14 **defined in section 536.010, RSMo, that is created under the authority delegated in this**
15 **section shall become effective only if it complies with and is subject to all of the provisions**
16 **of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter**
17 **536, RSMo, are nonseverable and if any of the powers vested with the general assembly**
18 **pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and**
19 **annul a rule are subsequently held unconstitutional, then the grant of rulemaking**
20 **authority and any rule proposed or adopted after August 28, 2009, shall be invalid and**
21 **void.**

22 **4. The mentor shall work with the school principal, classroom teachers, and other**
23 **applicable school personnel in planning and implementing the mentoring plan. Such**
24 **mentoring may occur before, during, or after school.**

25 **5. If a mentor in the program successfully provides mentoring services for an**
26 **average of at least ten hours per week during a school year, the following shall apply:**

27 **(1) The mentor shall receive one hour of elective class credit, which may satisfy**
28 **graduation requirements; and**

29 **(2) Should the mentor attend college with the stated intention of becoming a**
30 **teacher, the mentor shall be reimbursed, subject to appropriation, by the department of**
31 **elementary and secondary education for the costs of three credit hours per semester for a**
32 **total of no more than eight semesters.**

33 **6. There is hereby established in the state treasury a fund to be known as the**
34 **"Missouri Senior Cadets Fund", which shall consist of all moneys that may be**
35 **appropriated to it by the general assembly, and in addition may include any gifts,**
36 **contributions, grants, or bequests received from federal, state, private, or other sources.**
37 **The fund shall be administered by the department of elementary and secondary education.**
38 **The state treasurer shall be custodian of the fund and may approve disbursements from**
39 **the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation,**
40 **moneys in the fund shall be used solely for the administration of the Missouri senior cadets**
41 **program. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any**

42 **moneys remaining in the fund at the end of the biennium shall not revert to the credit of**
43 **the general revenue fund. The state treasurer shall invest moneys in the fund in the same**
44 **manner as other funds are invested. Any interest and moneys earned on such investments**
45 **shall be credited to the fund.**

46 **7. Pursuant to section 23.253, RSMo, of the Missouri sunset act:**

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

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

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

160.400. 1. A charter school is an independent public school.

2 2. Charter schools may be operated only in a metropolitan school district or in an urban
3 school district containing most or all of a city with a population greater than three hundred fifty
4 thousand inhabitants and may be sponsored by any of the following:

5 (1) The school board of the district;

6 (2) A public four-year college or university with its primary campus in the school district
7 or in a county adjacent to the county in which the district is located, with an approved teacher
8 education program that meets regional or national standards of accreditation;

9 (3) A community college located in the district; or

10 (4) Any private four-year college or university located in a city not within a county with
11 an enrollment of at least one thousand students, and with an approved teacher preparation
12 program.

13 3. The mayor of a city not within a county may request a sponsor under subdivision (2),
14 (3), or (4) of subsection 2 of this section to consider sponsoring a workplace charter school,
15 which is defined for purposes of sections 160.400 to 160.420 as a charter school with the ability
16 to target prospective students whose parent or parents are employed in a business district, as
17 defined in the charter, which is located in the city.

18 4. No sponsor shall receive from an applicant for a charter school any fee of any type for
19 the consideration of a charter, nor may a sponsor condition its consideration of a charter on the
20 promise of future payment of any kind.

21 5. The charter school shall be a Missouri nonprofit corporation incorporated pursuant
22 to chapter 355, RSMo. The charter provided for herein shall constitute a contract between the
23 sponsor and the charter school.

24 6. As a nonprofit corporation incorporated pursuant to chapter 355, RSMo, the charter
25 school shall select the method for election of officers pursuant to section 355.326, RSMo, based
26 on the class of corporation selected. Meetings of the governing board of the charter school shall
27 be subject to the provisions of sections 610.010 to 610.030, RSMo, the open meetings law.

28 7. A sponsor of a charter school, its agents and employees are not liable for any acts or
29 omissions of a charter school that it sponsors, including acts or omissions relating to the charter
30 submitted by the charter school, the operation of the charter school and the performance of the
31 charter school.

32 8. A charter school may affiliate with a four-year college or university, including a
33 private college or university, or a community college as otherwise specified in subsection 2 of
34 this section when its charter is granted by a sponsor other than such college, university or
35 community college. Affiliation status recognizes a relationship between the charter school and
36 the college or university for purposes of teacher training and staff development, curriculum and
37 assessment development, use of physical facilities owned by or rented on behalf of the college
38 or university, and other similar purposes. The primary campus of the college or university must
39 be located within the county in which the school district lies wherein the charter school is located
40 or in a county adjacent to the county in which the district is located. A university, college or
41 community college may not charge or accept a fee for affiliation status.

42 9. The expenses associated with sponsorship of charter schools shall be defrayed by the
43 department of elementary and secondary education retaining one and five-tenths percent of the
44 amount of state and local funding allocated to the charter school under section 160.415, not to
45 exceed one hundred twenty-five thousand dollars, adjusted for inflation. Such amount shall not
46 be withheld when the sponsor is a school district or the state board of education. The department
47 of elementary and secondary education shall remit the retained funds for each charter school to
48 the school's sponsor, provided the sponsor remains in good standing by fulfilling its sponsorship
49 obligations under sections 160.400 to 160.420 and 167.349, RSMo, with regard to each charter
50 school it sponsors, **including appropriate demonstration of the following:**

51 **(1) Expends no less than ninety percent of its charter school sponsorship funds in**
52 **support of its charter school sponsorship program, or as a direct investment in the**
53 **sponsored schools;**

54 **(2) Maintains a comprehensive application process that follows fair procedures and**
55 **rigorous criteria and grants charters only to those developers who demonstrate strong**
56 **capacity for establishing and operating a quality charter school;**

57 **(3) Negotiates contracts with charter schools that clearly articulate the rights and**
58 **responsibilities of each party regarding school autonomy, expected outcomes, measures for**
59 **evaluating success or failure, performance consequences, and other material terms;**

60 **(4) Conducts contract oversight that evaluates performance, monitors compliance,**
61 **informs intervention and renewal decisions, and ensures autonomy provided under**
62 **applicable law; and**

63 **(5) Designs and implements a transparent and rigorous process that uses**
64 **comprehensive data to make merit-based renewal decisions.**

65 10. No university, college or community college shall grant a charter to a nonprofit
66 corporation if an employee of the university, college or community college is a member of the
67 corporation's board of directors.

68 11. No sponsor shall grant a charter under sections 160.400 to 160.420 and 167.349,
69 RSMo, without ensuring that a criminal background check and child abuse registry check are
70 conducted for all members of the governing board of the charter schools or the incorporators of
71 the charter school if initial directors are not named in the articles of incorporation, nor shall a
72 sponsor renew a charter without ensuring a criminal background check and child abuse registry
73 check are conducted for each member of the governing board of the charter school.

74 12. No member of the governing board of a charter school shall hold any office or
75 employment from the board or the charter school while serving as a member, nor shall the
76 member have any substantial interest, as defined in section 105.450, RSMo, in any entity
77 employed by or contracting with the board. No board member shall be an employee of a
78 company that provides substantial services to the charter school. All members of the governing
79 board of the charter school shall be considered decision-making public servants as defined in
80 section 105.450, RSMo, for the purposes of the financial disclosure requirements contained in
81 sections 105.483, 105.485, 105.487, and 105.489, RSMo.

82 13. A sponsor shall provide timely submission to the state board of education of all data
83 necessary to demonstrate that the sponsor is in material compliance with all requirements of
84 sections 160.400 to 160.420 and 167.349, RSMo.

85 14. The state board of education shall ensure each sponsor is in compliance with all
86 requirements under sections 160.400 to 160.420 and 167.349, RSMo, for each charter school
87 sponsored by any sponsor. The state board shall notify each sponsor of the standards for
88 sponsorship of charter schools, delineating both what is mandated by statute and what best
89 practices dictate. The state board, after a public hearing, may require remedial action for a
90 sponsor that it finds has not fulfilled its obligations of sponsorship, such remedial actions
91 including withholding the sponsor's funding and suspending for a period of up to one year the
92 sponsor's authority to sponsor a school that it currently sponsors or to sponsor any additional
93 school. If the state board removes the authority to sponsor a currently operating charter school,
94 the state board shall become the interim sponsor of the school for a period of up to three years
95 until the school finds a new sponsor or until the charter contract period lapses.

160.405. 1. A person, group or organization seeking to establish a charter school shall submit the proposed charter, as provided in this section, to a sponsor. If the sponsor is not a school board, the applicant shall give a copy of its application to the school board of the district in which the charter school is to be located and to the state board of education, within five business days of the date the application is filed with the proposed sponsor. The school board may file objections with the proposed sponsor, and, if a charter is granted, the school board may file objections with the state board of education. The charter shall include a mission statement for the charter school, a description of the charter school's organizational structure and bylaws of the governing body, which will be responsible for the policy and operational decisions of the charter school, a financial plan for the first three years of operation of the charter school including provisions for annual audits, a description of the charter school's policy for securing personnel services, its personnel policies, personnel qualifications, and professional development plan, a description of the grades or ages of students being served, the school's calendar of operation, which shall include at least the equivalent of a full school term as defined in section 160.011, and an outline of criteria specified in this section designed to measure the effectiveness of the school. The charter shall also state:

- (1) The educational goals and objectives to be achieved by the charter school;
- (2) A description of the charter school's educational program and curriculum;
- (3) The term of the charter, which shall be not less than five years, nor greater than ten years and shall be renewable;
- (4) A description of the charter school's pupil performance standards, which must meet the requirements of subdivision (6) of subsection 5 of this section. The charter school program must be designed to enable each pupil to achieve such standards;
- (5) A description of the governance and operation of the charter school, including the nature and extent of parental, professional educator, and community involvement in the governance and operation of the charter school; and
- (6) A description of the charter school's policies on student discipline and student admission, which shall include a statement, where applicable, of the validity of attendance of students who do not reside in the district but who may be eligible to attend under the terms of judicial settlements.

2. Proposed charters shall be subject to the following requirements:

- (1) A charter may be approved when the sponsor determines that the requirements of this section are met and determines that the applicant is sufficiently qualified to operate a charter school. The sponsor's decision of approval or denial shall be made within ninety days of the filing of the proposed charter;

36 (2) If the charter is denied, the proposed sponsor shall notify the applicant in writing as
37 to the reasons for its denial and forward a copy to the state board of education within five
38 business days following the denial;

39 (3) If a proposed charter is denied by a sponsor, the proposed charter may be submitted
40 to the state board of education, along with the sponsor's written reasons for its denial. If the state
41 board determines that the applicant meets the requirements of this section, that the applicant is
42 sufficiently qualified to operate the charter school, and that granting a charter to the applicant
43 would be likely to provide educational benefit to the children of the district, the state board may
44 grant a charter and act as sponsor of the charter school. The state board shall review the
45 proposed charter and make a determination of whether to deny or grant the proposed charter
46 within sixty days of receipt of the proposed charter, provided that any charter to be considered
47 by the state board of education under this subdivision shall be submitted no later than March first
48 prior to the school year in which the charter school intends to begin operations. The state board
49 of education shall notify the applicant in writing as the reasons for its denial, if applicable; and

50 (4) The sponsor of a charter school shall give priority to charter school applicants that
51 propose a school oriented to high-risk students and to the reentry of dropouts into the school
52 system. If a sponsor grants three or more charters, at least one-third of the charters granted by
53 the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student
54 body and address the needs of dropouts or high-risk students through their proposed mission,
55 curriculum, teaching methods, and services. For purposes of this subsection, a "high-risk"
56 student is one who is at least one year behind in satisfactory completion of course work or
57 obtaining credits for graduation, pregnant or a parent, homeless or has been homeless sometime
58 within the preceding six months, has limited English proficiency, has been suspended from
59 school three or more times, is eligible for free or reduced-price school lunch, or has been referred
60 by the school district for enrollment in an alternative program. "Dropout" shall be defined
61 through the guidelines of the school core data report. The provisions of this subsection do not
62 apply to charters sponsored by the state board of education.

63 3. If a charter is approved by a sponsor, the charter application shall be submitted to the
64 state board of education, along with a statement of finding that the application meets the
65 requirements of sections 160.400 to 160.420 and section 167.439, RSMo, and a monitoring plan
66 under which the charter sponsor will evaluate the academic performance of students enrolled in
67 the charter school. The state board of education may, within sixty days, disapprove the granting
68 of the charter. The state board of education may disapprove a charter on grounds that the
69 application fails to meet the requirements of sections 160.400 to 160.420 and section 167.349,
70 RSMo, or that a charter sponsor previously failed to meet the statutory responsibilities of a
71 charter sponsor.

72 4. Any disapproval of a charter pursuant to subsection 3 of this section shall be subject
73 to judicial review pursuant to chapter 536, RSMo.

74 5. A charter school shall, as provided in its charter:

75 (1) Be nonsectarian in its programs, admission policies, employment practices, and all
76 other operations;

77 (2) Comply with laws and regulations of the state, county, or city relating to health,
78 safety, and state minimum educational standards, as specified by the state board of education,
79 including the requirements relating to student discipline under sections 160.261, 167.161,
80 167.164, and 167.171, RSMo, notification of criminal conduct to law enforcement authorities
81 under sections 167.115 to 167.117, RSMo, academic assessment under section 160.518,
82 transmittal of school records under section 167.020, RSMo, and the minimum number of school
83 days and hours required under section 160.041;

84 (3) Except as provided in sections 160.400 to 160.420, be exempt from all laws and rules
85 relating to schools, governing boards and school districts;

86 (4) Be financially accountable, use practices consistent with the Missouri financial
87 accounting manual, provide for an annual audit by a certified public accountant, publish audit
88 reports and annual financial reports as provided in chapter 165, RSMo, provided that the annual
89 financial report may be published on the department of elementary and secondary education's
90 Internet web site in addition to other publishing requirements, and provide liability insurance to
91 indemnify the school, its board, staff and teachers against tort claims. A charter school that
92 receives local educational agency status under subsection 6 of this section shall meet the
93 requirements imposed by the Elementary and Secondary Education Act for audits of such
94 agencies. For purposes of an audit by petition under section 29.230, RSMo, a charter school
95 shall be treated as a political subdivision on the same terms and conditions as the school district
96 in which it is located. For the purposes of securing such insurance, a charter school shall be
97 eligible for the Missouri public entity risk management fund pursuant to section 537.700, RSMo.
98 A charter school that incurs debt must include a repayment plan in its financial plan;

99 (5) Provide a comprehensive program of instruction for at least one grade or age group
100 from kindergarten through grade twelve, which may include early childhood education if funding
101 for such programs is established by statute, as specified in its charter;

102 (6) (a) Design a method to measure pupil progress toward the pupil academic standards
103 adopted by the state board of education pursuant to section 160.514, collect baseline data during
104 at least the first three years for determining how the charter school is performing and to the
105 extent applicable, participate in the statewide system of assessments, comprised of the essential
106 skills tests and the nationally standardized norm-referenced achievement tests, as designated by
107 the state board pursuant to section 160.518, complete and distribute an annual report card as

108 prescribed in section 160.522, which shall also include a statement that background checks have
109 been completed on the charter school's board members, report to its sponsor, the local school
110 district, and the state board of education as to its teaching methods and any educational
111 innovations and the results thereof, and provide data required for the study of charter schools
112 pursuant to subsection 4 of section 160.410. No charter school will be considered in the
113 Missouri school improvement program review of the district in which it is located for the
114 resource or process standards of the program.

115 (b) For proposed high risk or alternative charter schools, sponsors shall approve
116 performance measures based on mission, curriculum, teaching methods, and services. Sponsors
117 shall also approve comprehensive academic and behavioral measures to determine whether
118 students are meeting performance standards on a different time frame as specified in that school's
119 charter. Student performance shall be assessed comprehensively to determine whether a high
120 risk or alternative charter school has documented adequate student progress. Student
121 performance shall be based on sponsor-approved comprehensive measures as well as
122 standardized public school measures. Annual presentation of charter school report card data to
123 the department of elementary and secondary education, the state board, and the public shall
124 include comprehensive measures of student progress.

125 (c) Nothing in this paragraph shall be construed as permitting a charter school to be held
126 to lower performance standards than other public schools within a district; however, the charter
127 of a charter school may permit students to meet performance standards on a different time frame
128 as specified in its charter;

129 (7) Assure that the needs of special education children are met in compliance with all
130 applicable federal and state laws and regulations;

131 (8) Provide along with any request for review by the state board of education the
132 following:

133 (a) Documentation that the applicant has provided a copy of the application to the school
134 board of the district in which the charter school is to be located, except in those circumstances
135 where the school district is the sponsor of the charter school; and

136 (b) A statement outlining the reasons for approval or disapproval by the sponsor,
137 specifically addressing the requirements of sections 160.400 to 160.420 and 167.349, RSMo.

138 6. The charter of a charter school may be amended at the request of the governing body
139 of the charter school and on the approval of the sponsor. The sponsor and the governing board
140 and staff of the charter school shall jointly review the school's performance, management and
141 operations at least once every two years or at any point where the operation or management of
142 the charter school is changed or transferred to another entity, either public or private. The
143 governing board of a charter school may amend the charter, if the sponsor approves such

144 amendment, or the sponsor and the governing board may reach an agreement in writing to reflect
145 the charter school's decision to become a local educational agency for the sole purpose of seeking
146 direct access to federal grants. In such case the sponsor shall give the department of elementary
147 and secondary education written notice no later than March first of any year, with the agreement
148 to become effective July first. The department may waive the March first notice date in its
149 discretion. The department shall identify and furnish a list of its regulations that pertain to local
150 educational agencies to such schools within thirty days of receiving such notice.

151 7. (1) A sponsor [may] **shall** revoke a charter **or take other appropriate remedial**
152 **action, which may include placing the charter school on probationary status,** at any time
153 if the charter school commits a serious breach of one or more provisions of its charter or on any
154 of the following grounds: failure to meet academic performance standards as set forth in its
155 charter, failure to meet generally accepted standards of fiscal management, failure to provide
156 information necessary to confirm compliance with all provisions of the charter and sections
157 160.400 to 160.420 and 167.349, RSMo, within forty-five days following receipt of written
158 notice requesting such information, or violation of law.

159 (2) The sponsor may place the charter school on probationary status to allow the
160 implementation of a remedial plan, which may require a change of methodology, a change in
161 leadership, or both, after which, if such plan is unsuccessful, the charter may be revoked.

162 (3) At least sixty days before acting to revoke a charter, the sponsor shall notify the
163 governing board of the charter school of the proposed action in writing. The notice shall state
164 the grounds for the proposed action. The school's governing board may request in writing a
165 hearing before the sponsor within two weeks of receiving the notice.

166 (4) The sponsor of a charter school shall establish procedures to conduct administrative
167 hearings upon determination by the sponsor that grounds exist to revoke a charter. Final
168 decisions of a sponsor from hearings conducted pursuant to this subsection are subject to judicial
169 review pursuant to chapter 536, RSMo.

170 (5) A termination shall be effective only at the conclusion of the school year, unless the
171 sponsor determines that continued operation of the school presents a clear and immediate threat
172 to the health and safety of the children.

173 (6) A charter sponsor shall make available the school accountability report card
174 information as provided under section 160.522 and the results of the academic monitoring
175 required under subsection 3 of this section.

176 8. A sponsor shall take all reasonable steps necessary to confirm that each charter school
177 sponsored by such sponsor is in material compliance and remains in material compliance with
178 all material provisions of the charter and sections 160.400 to 160.420 and 167.349, RSMo.
179 Every charter school shall provide all information necessary to confirm ongoing compliance with

180 all provisions of its charter and sections 160.400 to 160.420 and 167.349, RSMo, in a timely
181 manner to its sponsor.

182 9. A school district may enter into a lease with a charter school for physical facilities.

183 10. A governing board or a school district employee who has control over personnel
184 actions shall not take unlawful reprisal against another employee at the school district because
185 the employee is directly or indirectly involved in an application to establish a charter school. A
186 governing board or a school district employee shall not take unlawful reprisal against an
187 educational program of the school or the school district because an application to establish a
188 charter school proposes the conversion of all or a portion of the educational program to a charter
189 school. As used in this subsection, "unlawful reprisal" means an action that is taken by a
190 governing board or a school district employee as a direct result of a lawful application to
191 establish a charter school and that is adverse to another employee or an educational program.

192 11. Charter school board members shall be subject to the same liability for acts while
193 in office as if they were regularly and duly elected members of school boards in any other public
194 school district in this state. The governing board of a charter school may participate, to the same
195 extent as a school board, in the Missouri public entity risk management fund in the manner
196 provided under sections 537.700 to 537.756, RSMo.

197 12. Any entity, either public or private, operating, administering, or otherwise managing
198 a charter school shall be considered a quasi-public governmental body and subject to the
199 provisions of sections 610.010 to 610.035, RSMo.

200 13. The chief financial officer of a charter school shall maintain:

201 (1) A surety bond in an amount determined by the sponsor to be adequate based on the
202 cash flow of the school; or

203 (2) **An insurance policy issued by an insurance company licensed to do business in**
204 **Missouri on all employees in the amount of five hundred thousand dollars or more that**
205 **provides coverage in the event of employee theft.**

160.410. 1. A charter school shall enroll:

2 (1) All pupils resident in the district in which it operates;

3 (2) Nonresident pupils eligible to attend a district's school under an urban voluntary
4 transfer program; and

5 (3) In the case of a workplace charter school, any student eligible to attend under
6 subdivision (1) or (2) of this subsection whose parent is employed in the business district, who
7 submits a timely application, unless the number of applications exceeds the capacity of a
8 program, class, grade level or building. The configuration of a business district shall be set forth
9 in the charter and shall not be construed to create an undue advantage for a single employer or
10 small number of employers.

11 2. If capacity is insufficient to enroll all pupils who submit a timely application, the
12 charter school shall have an admissions process that assures all applicants of an equal chance of
13 gaining admission except that:

14 (1) A charter school may establish a geographical area around the school whose residents
15 will receive a preference for enrolling in the school, provided that such preferences do not result
16 in the establishment of racially or socioeconomically isolated schools and provided such
17 preferences conform to policies and guidelines established by the state board of education; and

18 (2) A charter school may also give a preference for admission of children whose siblings
19 attend the school or whose parents are employed at the school or in the case of a workplace
20 charter school, a child whose parent is employed in the business district or at the business site
21 of such school.

22 3. A charter school shall not limit admission based on race, ethnicity, national origin,
23 disability, gender, income level, proficiency in the English language or athletic ability, but may
24 limit admission to pupils within a given age group or grade level.

25 4. The department of elementary and secondary education shall commission a study of
26 the performance of students at each charter school in comparison with [a comparable] **an**
27 **equivalent group of district students representing an equivalent demographic and**
28 **geographic population** and a study of the impact of charter schools upon **the constituents they**
29 **serve in** the districts in which they are located, to be conducted by a contractor selected through
30 a request for proposal. **The charter school study shall include analysis of the administrative**
31 **and instructional practices of each charter school and shall include findings on innovative**
32 **programs that illustrate best practices and lend themselves to replication or incorporation**
33 **in other schools. The department of elementary and secondary education shall coordinate**
34 **the request for proposal process in conjunction with individuals representing charter**
35 **public schools and the districts in which the charter schools are located.** The department
36 of elementary and secondary education shall reimburse the contractor from funds appropriated
37 by the general assembly for the purpose. The study of a charter school's student performance in
38 relation to a comparable group shall be designed to provide information that would allow parents
39 and educators to make valid comparisons of academic performance between the charter school's
40 students and [a] **an equivalent group of district students [comparable to the students enrolled**
41 **in the charter school] representing an equivalent demographic and geographic population.**
42 **The student performance assessment and comparison shall include, but may not be limited**
43 **to, as prescribed by the request for proposal:**

44 (1) **Missouri assessment program test performance and aggregate growth over**
45 **several years;**

46 (2) **Student reenrollment rates;**

- 47 **(3) Educator, parent, and student satisfaction data;**
48 **(4) Graduation rates in secondary programs; and**
49 **(5) Performance of students enrolled in the same public school for three or more**
50 **consecutive years.**

51

52 The impact study shall be undertaken every two years to determine the [effect] **impact** of charter
53 schools on [education stakeholders] **the constituents they serve** in the districts where charter
54 schools are operated. The impact study [may] **shall** include, but is not limited to, determining
55 if changes have been made in district policy or procedures attributable to the charter school and
56 to perceived changes in attitudes and expectations on the part of district personnel, school board
57 members, parents, students, the business community and other education stakeholders. The
58 department of elementary and secondary education shall make the results of the studies public
59 and shall deliver copies to the governing boards of the charter schools, the sponsors of the charter
60 schools, the school board and superintendent of the districts in which the charter schools are
61 operated.

62 5. A charter school shall make available for public inspection, and provide upon request,
63 to the parent, guardian, or other custodian of any school-age pupil resident in the district in which
64 the school is located the following information:

65 (1) The school's charter;

66 (2) The school's most recent annual report card published according to section 160.522;
67 and

68 (3) The results of background checks on the charter school's board members.

69

70 The charter school may charge reasonable fees, not to exceed the rate specified in section
71 610.026, RSMo, for furnishing copies of documents under this subsection.

 160.534. 1. [For fiscal year 1996 and each subsequent fiscal year,] Any amount of the
2 excursion gambling boat proceeds deposited in the gaming proceeds for education fund in excess
3 of the amount transferred to the school district bond fund as provided in section 164.303, RSMo,
4 **and for fiscal year 2011 and each subsequent fiscal year, any amount in excess of what is**
5 **transferred to the school district bond fund as provided in section 164.303, RSMo, and**
6 **what is transferred to the small schools fund as provided in section 163.044, RSMo,** shall
7 be transferred to the classroom trust fund. Such moneys shall be distributed in the manner
8 provided in section 163.043, RSMo.

9 2. Starting in fiscal year 2009, and for each subsequent fiscal year, all excursion
10 gambling boat proceeds deposited in the gaming proceeds for education fund in excess of the
11 amount transferred to the classroom trust fund for fiscal year 2008 plus the amount appropriated

12 to the school district bond fund in accordance with section 164.303, RSMo, shall be deposited
13 into the schools first elementary and secondary education improvement fund. **The provisions**
14 **of this subsection shall terminate on July 1, 2010.**

15 3. The amounts deposited in the schools first elementary and secondary education
16 improvement fund pursuant to this section shall constitute new and additional funding for
17 elementary and secondary education and shall not be used to replace existing funding provided
18 for elementary and secondary education. **The provisions of this subsection shall terminate on**
19 **July 1, 2009.**

160.539. 1. The "School Flex Program" is established to allow eligible students to
2 **pursue a timely graduation from high school. The term "eligible students" includes**
3 **students in grades 11 or 12 who have been identified by the student's principal and the**
4 **student's parent or guardian to benefit by participating in the school flex program.**

5 **2. An eligible student who participates in a school flex program shall:**

6 **(1) Attend school a minimum of two instructional hours per school day within the**
7 **district of residence;**

8 **(2) Pursue a timely graduation;**

9 **(3) Provide evidence of college or technical career education enrollment and**
10 **attendance, or proof of employment and labor that is aligned with the student's career**
11 **academic plan which has been developed by the school district;**

12 **(4) Refrain from being expelled or suspended while participating in a school flex**
13 **program;**

14 **(5) Pursue course and credit requirements for a diploma; and**

15 **(6) Maintain a ninety-five percent attendance rate.**

16 **3. Eligible students participating in the school flex program shall be considered**
17 **full-time students of the school district and shall be counted in the school's average daily**
18 **attendance for state basic aid purposes.**

19 **4. School districts participating in the school flex program shall submit, on forms**
20 **provided by the department, an annual report to the department which shall include**
21 **information required by the department, including but not limited to student participation,**
22 **dropout, and graduation rates for students participating in the program. The department**
23 **shall annually report to the joint committee on education under section 160.254 on the**
24 **effectiveness of the program.**

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

5 (1) Demonstrate [a commitment to ensure that:

6 (1) All students be graduated from school;

7 (2) All students complete] **completion of** a selection of high school studies that is
8 challenging and for which there are identified learning expectations; and

9 [(3) All students] (2) **Who** proceed from high school graduation to a **community**
10 college, [or] postsecondary vocational or technical school [or high-wage job with work place
11 skill development opportunities] **or state technical college, as provided in this section.**

12 2. **Pursuant to the A+ program**, the state board of education shall promulgate rules and
13 regulations [for the approval of grants made under the program to schools that:

14 (1) Establish measurable districtwide performance standards for the goals of the program
15 outlined in subsection 1 of this section; and

16 (2)] **that** specify the knowledge, skills and competencies, in measurable terms, that
17 students must demonstrate to successfully complete any individual course offered by [the] **a**
18 school[,] and any course of studies which will qualify a student for graduation from [the] **such**
19 school[;] **and does not include any general track course, that upon completion, counts**
20 **toward a high school diploma**, and

21 [(3) Do not offer a general track of courses that, upon completion, can lead to a high
22 school diploma; and

23 (4) Require] **further specify** rigorous coursework with standards of competency in basic
24 academic subjects for students pursuing vocational and technical education. [as prescribed by
25 rule and regulation of the state board of education; and

26 (5) Have a partnership plan developed in cooperation and with the advice of local
27 business persons, labor leaders, parents, and representatives of college and postsecondary
28 vocational and technical school representatives, with the plan then approved by the local board
29 of education. The plan shall specify a mechanism to receive information on an annual basis from
30 those who developed the plan in addition to senior citizens, community leaders, and teachers to
31 update the plan in order to best meet the goals of the program as provided in subsection 1 of this
32 section. Further, the plan shall detail the procedures used in the school to identify students that
33 may drop out of school and the intervention services to be used to meet the needs of such
34 students. The plan shall outline counseling and mentoring services provided to students who will
35 enter the work force upon graduation from high school, address apprenticeship and intern
36 programs, and shall contain procedures for the recruitment of volunteers from the community
37 of the school to serve in schools receiving program grants.

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

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

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

65 6. For any school year, grants authorized by subsections 1 to 3 of this section shall be
66 funded with the amount appropriated for this program, less those funds necessary to reimburse
67 eligible students pursuant to subsection 7 of this section.

68 7.] **3.** The commissioner of education shall, by rule and regulation of the state board of
69 education and with the advice of the coordinating board for higher education, establish a
70 procedure for the [reimbursement] **payment** of the cost of tuition, books, and fees to any public
71 community college or [within the limits established in subsection 9 of this section any two-year
72 public or private] vocational or technical school [for any student] **or state technical college, or**
73 **within the limits established in subsection 11 of this section, any two-year private**
74 **vocational or technical school, for any student:**

75 (1) Who has attended a public high school in the state for at least three years immediately
76 prior to graduation [that meets the requirements of subsection 2 of this section], except that
77 students who are active duty military dependents who, in the school year immediately preceding
78 graduation, meet all other requirements of this subsection and are attending a school that meets
79 the requirements of [subsection 2 of] this section shall be exempt from the three-year attendance
80 requirement of this subdivision; and

81 (2) Who has made a good faith effort to first secure all available [federal] sources of
82 funding that could be applied to the [reimbursement described in this subsection] **costs covered**
83 **by this scholarship program**; and

84 (3) Who has earned a [minimal] grade **point average of at least two and one-half points**
85 **on a four-point scale, or its equivalent on another scale**, while in high school [as determined
86 by rule of the state board of education,] ; and

87 (4) **Meets** other requirements for the [reimbursement] **payment** authorized by this
88 subsection as determined by rule and regulation of said board.

89 **4. Student financial incentives shall be available for a period of four years after**
90 **high school graduation.**

91 **5. To be eligible for a student financial incentive, each student shall:**

92 (1) **Have attended a public high school in Missouri for three consecutive years prior**
93 **to high school graduation;**

94 (2) **Have graduated from high school with an overall grade point average of two**
95 **and five-tenths or higher on a four point scale, or its equivalent on another scale, or have**
96 **graduated from a high school with documented mastery of institutionally identified skills**
97 **that would equate to a two and five-tenths grade point average or higher on a four point**
98 **scale;**

99 (3) **Have performed at least fifty hours of unpaid tutoring or mentoring;**

100 (4) **Have at least a ninety-five percent attendance record overall for grades nine**
101 **through twelve; and**

102 (5) **Have maintained a record of good citizenship and avoidance of the unlawful use**
103 **of drugs and alcohol.**

104 **6. To maintain eligibility, each participating student shall, during the four year**
105 **period of incentive availability:**

106 (1) **Enroll in and attend on a full-time basis a Missouri public community college,**
107 **vocational or technical school, state technical college, or within the limits established in**
108 **subsection 11 of this section, any two-year private vocational or technical school;**

109 (2) **Maintain a grade point average of two and five-tenths points or higher on a four**
110 **point scale, or its equivalent on another scale; and**

111 (3) Maintain a record of good citizenship and avoidance of the unlawful use of
112 drugs and alcohol.

113 7. The financial incentives shall be made available, subject to appropriation, only
114 after the student has made a documented good faith effort to first secure all available
115 postsecondary student financial assistance funds that do not require repayment.

116 8. Subject to appropriation, the financial incentives shall only be made available
117 to pay the unpaid balance of the cost of tuition, general fees, and up to fifty percent of the
118 book cost after all postsecondary student financial assistance funds have been applied to
119 these costs. If changes are made to the above incentives, the department of elementary and
120 secondary education shall provide payments in the following order of priority:

121 (1) The full amount of tuition;

122 (2) The general fees; and

123 (3) Up to fifty percent of the book cost.

124 9. Missouri public community colleges, vocational or technical schools, state
125 technical colleges, or within the limits established in subsection 11 of this section, two-year
126 private vocational or technical schools shall, under this section, verify, prior to payment,
127 for each student intending to participate in the program at their institution that:

128 (1) By the end of the first semester of the student's participation:

129 (a) Verification of student eligibility has been received from the high school from
130 which the student graduated;

131 (b) The eligible student is enrolled as a full-time student;

132 (c) A good faith effort has been made to secure all available postsecondary student
133 financial assistance funds; and

134 (d) After all available postsecondary student financial assistance funds are applied,
135 the student shall receive financial incentive funds. The amount of funds shall depend on
136 the remaining costs of tuition, general fees, and up to fifty percent of the book cost to
137 attend that institution, subject to appropriation; and

138 (2) During the second and subsequent semesters of the student's participation:

139 (a) The eligible student continues to be enrolled as a full-time student;

140 (b) Good faith efforts continue to be made to secure all available postsecondary
141 student financial assistance funds;

142 (c) The student has earned and maintains a grade point average of two and five-
143 tenths points or higher on a four point scale, or its equivalent on another scale; and

144 (d) After all other available postsecondary student financial assistance funds are
145 applied, the student shall receive financial incentive funds. The amount of funds shall be

146 **subject to appropriation and shall depend on the remaining costs of tuition, general fees,**
147 **and up to fifty percent of the book cost to attend that institution.**

148 [8.] **10.** The commissioner of education shall develop a procedure for evaluating the
149 effectiveness of the **scholarship** program described in this section. Such evaluation shall be
150 conducted annually with the results of the evaluation provided to the governor, speaker of the
151 house, and president pro tempore of the senate.

152 [9.] **11.** For a two-year [public or] private vocational or technical school to obtain
153 reimbursements under subsection [7] **3** of this section, [except for those schools that are
154 receiving reimbursements on August 28, 2008,] the following requirements shall be satisfied:

155 (1) Such two-year [public or] private vocational or technical school shall be a member
156 of the North Central Association and be accredited by the Higher Learning Commission as of
157 July 1, 2008, and maintain such accreditation;

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

160 (3) No two-year [public or] private vocational or technical school shall receive tuition
161 reimbursements in excess of the tuition rate charged by a public community college for course
162 work offered by the private vocational or technical school within the service area of such college;
163 and

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

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

2 2. "Bullying" means **discrimination**, intimidation, or harassment that causes a
3 reasonable student to fear for his or her physical safety or property; **substantially interferes**
4 **with a student's educational performance, opportunities, or benefits; or substantially**
5 **disrupts the orderly operation of the school.** Bullying may consist of physical actions,
6 including gestures, or oral or written communication, and any threat of retaliation for reporting
7 of such acts. **Bullying is prohibited by school employees or students on school property, at**
8 **any school function, or on a school bus.**

9 3. Each district's antibullying policy shall be founded on the assumption that all students
10 need a safe learning environment. [Policies shall treat students equally and shall not contain
11 specific lists of protected classes of students who are to receive special treatment.] **Bullying that**
12 **is reasonably perceived as being motivated by actual or perceived race, color, religion,**
13 **ancestry, national origin, gender, sexual orientation as defined in section 557.035, RSMo,**
14 **intellectual ability, physical appearance, or a mental, physical or sensory disability or**
15 **disorder; or on the basis of association with others identified by these categories; is**

16 **prohibited.** Policies may include age appropriate differences for schools based on the grade
17 levels at the school. Each such policy shall contain a statement of the consequences of bullying.

18 4. Each district's antibullying policy shall require, **at a minimum, the following**
19 **components:**

20 (1) **A statement prohibiting bullying, defined no less inclusive than that in**
21 **subsection 1 of this section;**

22 (2) **A statement requiring** district employees to report any instance of bullying of which
23 the employee has **reliable information or** firsthand knowledge[. The district policy shall
24 address training of employees in the requirements of the district policy.] ;

25 (3) **A procedure for reporting an act of bullying;**

26 (4) **A procedure for prompt investigation of reports of serious violations and**
27 **complaints, identifying either the principal or the principal's designee as the person**
28 **responsible for the investigation;**

29 (5) **The range of ways in which a school will respond once an incident of bullying**
30 **is confirmed;**

31 (6) **A statement that prohibits reprisal or retaliation against any person who**
32 **reports an act of bullying and the consequence and appropriate remedial action for a**
33 **person who engages in reprisal or retaliation;**

34 (7) **A statement of how the policy is to be publicized; and**

35 (8) **A process for discussing the district's antibullying policy with students and**
36 **training school employees and volunteers who have significant contact with students in the**
37 **requirements of the policy.**

38

39 **Notice of each district's policy shall appear in any school district publication that sets forth**
40 **the comprehensive rules, procedures, and standards of conduct for schools within the**
41 **school district, and in any student or school employee handbook.**

42 5. **The state board of education shall develop model policies to assist local school**
43 **districts in developing policies for the prevention of bullying no later than September 1,**
44 **2010.**

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

7 incorporation, bylaws, and method of operation of the corporation. Notice of hearing shall
8 be given at least fourteen days prior to the hearing.

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

5 2. The board of directors of the corporation shall be composed of thirteen members.
6 The governor shall annually appoint one of its members, who shall be employed in the
7 private sector, as chairperson. The board shall consist of the following members:

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

9 (2) The commissioner of higher education;

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

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

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

13 (6) The commissioner of education;

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

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

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

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

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

33 7. The corporation shall submit an annual report to the governor and to the
34 Missouri general assembly by the first day of November and shall include detailed

35 information on the structure, operation, and financial status of the corporation. The
36 corporation shall conduct an annual public hearing to receive comments from interested
37 parties regarding the report, and notice of the hearing shall be given at least fourteen days
38 prior to the hearing.

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

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

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

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

7 (3) Create programs that:

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

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

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

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

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

24 (a) Elementary and secondary assessments and public college and university
25 admission and placement standards; and

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

160.815. 1. Debts incurred by the corporation established pursuant to the authority
2 of sections 160.800 to 160.820 do not represent or constitute a debt of this state within the
3 meaning of the provisions of the constitution or statutes of this state.

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

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

160.950. 1. There is hereby created in the state treasury the "Persistence to
2 **Graduation Fund", which shall consist of money collected under this section. The state**
3 **treasurer shall be custodian of the fund and may approve disbursements from the fund in**
4 **accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the**
5 **fund shall be used solely for the administration of this section. Any moneys remaining in**
6 **the fund at the end of the biennium shall revert to the credit of the general revenue fund.**
7 **The state treasurer shall invest moneys in the fund in the same manner as other funds are**
8 **invested. Any interest and moneys earned on such investments shall be credited to the**
9 **fund. The fund shall be administered by the department of elementary and secondary**
10 **education.**

11 **2. The department of elementary and secondary education shall establish a**
12 **procedure whereby seven-director, urban, and metropolitan school districts may apply for**
13 **grant awards from the Persistence to Graduation Fund in order for such districts to**
14 **implement drop-out prevention strategies. Successful applicants under this section shall**
15 **be awarded grants for one to five consecutive years. Upon expiration of the initial grant,**
16 **the district may reapply for an extension of the grant award for a period of time deemed**
17 **appropriate by both the district and the department. The department of elementary and**
18 **secondary education shall give preference to school districts that propose a holistic**
19 **approach to drop-out prevention, directed at a broad array of students, from the pre-**
20 **kindergarten level through early adulthood, including the following characteristics:**

21 **(1) A collaborative approach between the school district and various community**
22 **organizations, including non-profit organizations, local governmental organizations, law**
23 **enforcement agencies, "approved public institutions" and "approved private institutions"**

24 as such terms are defined in section 173.1102, RSMo, and institutions able to deliver proven,
25 research-based intervention services;

26 (2) Early intervention strategies, including family engagement, early childhood
27 education, early literacy development, family literacy, and mental health detection and
28 treatment;

29 (3) Increased accountability measures that track at-risk students that leave the
30 district;

31 (4) The implementation or augmentation of the following basic core strategies for
32 drop-out prevention:

33 (a) Mentoring;

34 (b) Tutoring;

35 (c) Alternative schooling;

36 (d) Career and technical education; and

37 (e) Before or after school programs;

38 (5) The implementation of early intervention strategies for students who display
39 strong indicators that they will not persist to graduation.

40 3. Grants awarded under this section shall be available to school districts that have
41 a student population of which sixty percent or greater is eligible for a free and reduced
42 lunch on the last Wednesday in January for the preceding school year who were enrolled
43 as students of the district, as approved by the department of elementary and secondary
44 education in accordance with applicable federal regulations.

45 4. The department of elementary and secondary education shall promulgate rules,
46 no later than January 15, 2010, for the implementation of this section, including:

47 (1) A procedure by which funds shall be allocated to the applying school districts;
48 and

49 (2) A means to judge the effectiveness of the drop-out prevention programs of the
50 districts that receive grants under this program.

51 Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is
52 created under the authority delegated in this section shall become effective only if it
53 complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
54 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
55 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
56 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
57 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
58 adopted after August 28, 2009, shall be invalid and void.

59 **5. The department of elementary and secondary education may cease award**
60 **payments to any district at any time if the department determines that such funds are being**
61 **misused or if the district's drop-out prevention program is deemed to be ineffectual. Any**
62 **decision to discontinue payments of such funds shall be presented to the applicable district**
63 **in writing at least thirty days prior to the cessation of fund payments.**

64 **6. The department of elementary and secondary education shall report to the**
65 **general assembly and to the governor, no later than January fifteenth annually:**

66 **(1) The recipients and amounts of the grants awarded under this section; and**

67 **(2) The persistence to graduation data from the preceding five years for each district**
68 **awarded grants under this section.**

69 **7. Subject to appropriation, the general assembly shall annually appropriate an**
70 **amount sufficient to fund the provisions of this section.**

71 **8. Pursuant to section 23.253, RSMo, of the Missouri sunset act:**

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

75 **(2) If such program is reauthorized, the program authorized under this section shall**
76 **sunset automatically 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.**

160.1100. 1. Sections 160.1100 to 160.1148 shall be known and may be cited as the
2 **"Professional Relationships Between Teachers and School Districts Act". Nothing in**
3 **sections 160.1100 to 160.1148 shall be construed to permit any public school employee to**
4 **engage in or support a strike, nor to prohibit any public school employee from joining or**
5 **participating in any employee organization.**

6 **2. Sections 160.1100 to 160.1148 shall supersede sections 105.500 to 105.530, RSMo,**
7 **to the extent sections 105.500 to 105.530, RSMo, apply to public school employees, as**
8 **defined in section 160.1103. Sections 160.1100 to 160.1148 shall not supersede provisions**
9 **of this chapter, chapters 161 to 186, RSMo, chapter 295, RSMo, and the rules and**
10 **regulations of public school employers which establish and regulate tenure or a merit or**
11 **civil service system or which provide for other methods of administering employer-employee**
12 **relations, so long as the rules and regulations or other methods of the public school**
13 **employer do not conflict with sections 160.1100 to 160.1148 or with lawful collective**
14 **agreements negotiated under sections 160.1100 to 160.1148.**

160.1103. As used in sections 160.1100 to 160.1148, the following words and phrases

2 shall mean:

3 (1) "Commission", the board of mediation created in chapter 295, RSMo;

**4 (2) "Confidential employee", any employee who, in the regular course of his or her
5 duties, has access to or possesses information relating to his or her employer's employer-
6 employee relations;**

**7 (3) "Employee organization" or "employee organizations", any organization,
8 agency, association, union, committee, council, or group of any kind that includes employees
9 of a public school employer and which has as one of its primary purposes representing those
10 employees in their relations with that public school employer. "Employee organization"
11 shall also include any person such an organization authorizes to act on its behalf;**

**12 (4) "Good faith", using best endeavors to enter into an arrangement to set out a
13 process for conducting the bargaining in an effective manner, considering and responding
14 to proposals made by all parties to the others, and not acting to undermine the negotiating
15 process. It also requires cooperation in the negotiating process by scheduling and attending
16 meetings at a reasonable time, listening to and considering proposals made by all parties,
17 and trying to resolve differences in an acceptable way;**

**18 (5) "Lockout", an action by a public school employer to provoke interruptions of
19 or prevent the continuity of work normally and usually performed by school district
20 employees for the purpose of coercing such employees or employee organizations that
21 represents them into accepting the employer's terms of settlement of a labor dispute, or
22 otherwise relinquishing rights guaranteed by sections 160.1100 to 160.1148;**

**23 (6) "Management employee", any employee in a position having significant
24 responsibilities for formulating district policies or administering district programs,
25 including any person who is employed in an administrative capacity and who is fulfilling
26 duties for which an administrator's certificate is required under section 168.081, RSMo.
27 Management positions shall be designated by the public school employer;**

**28 (7) "Meeting and negotiating", meeting, conferring, negotiating, and discussing
29 between the employee organization and the public school employer in a good faith effort to
30 reach an agreement on matters within the scope of representation and the execution of a
31 written document incorporating any agreements reached, which document shall, when
32 accepted by the employee organization and the public school employer, become binding
33 upon all parties. The agreement may be for a period of up to, but not to exceed three years;**

**34 (8) "Public school employee" or "employee", any person holding a valid teaching
35 certificate employed by any public school employer, except persons elected by popular vote,**

36 persons appointed by the governor of this state, management employees, supervisory
37 employees, and confidential employees;

38 (9) "Public school employer" or "employer", the governing board of a public school
39 district or a school district itself, including a common or seven-director school district, a
40 metropolitan or urban school district, a county board of education, a county superintendent
41 of schools, a special school district or cooperative, or a special administrative board
42 established by the state board of education. "Public school employer" shall also include any
43 person such an employer authorizes to act on its behalf;

44 (10) "Strike", the concerted failure to report for duty, the willful absence from one's
45 position, the stoppage of work, or the abstinence in whole or in part from the full, faithful,
46 and proper performance of the duties of employment for the purpose of inducing,
47 influencing, or coercing a change in employment conditions, compensation, or the rights,
48 privileges, or obligations of employment, or to protest or respond to an act alleged or
49 determined to be a violation of sections 160.1100 to 160.1148 committed by the public school
50 employer;

51 (11) "Supervisory employee", any employee, regardless of job description, having
52 authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote,
53 discharge, or discipline other employees, or the responsibility to assign work to and direct
54 them, or to adjust their grievances, or effectively recommend such action, if, in connection
55 with the foregoing functions, the exercise of that authority is not of a merely routine or
56 clerical nature, but requires the use of independent judgment.

160.1106. 1. Public school employees shall have the right to form, join, and
2 participate in the activities of any organization, agency, association, committee, or union for
3 the purpose of representation on all matters of employer-employee relations under sections
4 160.1100 to 160.1148. Public school employees shall also have the right to refrain from any
5 or all of such activities.

6 2. Any employee may at any time present grievances to his or her employer without
7 the intervention of an employee organization.

8 3. Nothing in sections 160.1100 to 160.1148 shall be construed to limit, impair, or
9 affect the right of a public school employee to the expression or communication of a view,
10 grievance, complaint, or opinion on any matter related to the conditions or compensation
11 of public school employment or their betterment as long as the expression or communication
12 does not interfere with the full, faithful, and proper performance of the duties of
13 employment.

160.1109. 1. Employee organizations shall have the right to represent their members
2 in their professional and employment relations with public school employers. Employee

3 organizations may establish reasonable restrictions regarding who may join and may make
4 reasonable provisions for the dismissal of individuals from membership.

5 2. Employee organizations shall have access to use institutional facilities at
6 reasonable times for the purpose of meetings concerning the exercise of rights guaranteed
7 by sections 160.1100 to 160.1148.

8 3. All employee organizations shall have the right to have membership dues
9 deducted under section 168.300, RSMo. In addition, any school district that grants payroll
10 deduction for membership dues for one employee organization shall allow all employee
11 organizations the opportunity to have membership dues deducted. The right to have dues
12 deducted can be removed under subsection 2 of section 160.1130.

160.1112. 1. Employee organizations shall have the right to represent employees in
2 their appropriate employee unit in a school district in their professional and employment
3 relations with public school employers.

4 2. Employee organizations shall be allowed to communicate with members of the
5 employee unit, subject to reasonable regulation, and the right to use institutional facilities
6 at reasonable times for the purpose of meetings concerned with the exercise of the rights
7 guaranteed by sections 160.1100 to 160.1148.

160.1115. A person serving in a management position, supervisory position, or a
2 confidential position may represent himself or herself individually in his or her employment
3 relationship with the public school employer. An employee organization shall not be
4 permitted by a public school employer to meet and negotiate on any benefit or compensation
5 paid to persons serving in a management position, supervisory position, or a confidential
6 position.

160.1118. 1. It shall be a violation of sections 160.1100 to 160.1148 and unlawful for
2 a public school employer to do any of the following:

3 (1) Impose or threaten to impose reprisals on employees, to discriminate or threaten
4 to discriminate against employees, or otherwise to interfere with, restrain, or coerce
5 employees because of their exercise of rights guaranteed by sections 160.1100 to 160.1148.
6 For purposes of this subdivision, "employee" shall include an applicant for employment or
7 reemployment;

8 (2) Deny to employee organizations rights guaranteed to them by sections 160.1100
9 to 160.1148;

10 (3) Refuse or fail to meet and negotiate in good faith with employee organizations;

11 (4) Dominate or interfere with the formation of employee organizations.

12 2. It shall be a violation of sections 160.1100 to 160.1148 and unlawful for an
13 employee organization to:

14 (1) Cause or attempt to cause a public school employer or employee organization to
15 violate any provisions of sections 160.1100 to 160.1148;

16 (2) Impose or threaten to impose reprisals on employees, to discriminate or threaten
17 to discriminate against employees, or otherwise to interfere with, restrain, or coerce
18 employees because of their exercise of rights guaranteed by sections 160.1100 to 160.1148;

19 (3) Refuse or fail to cooperate in good faith with an employee or another employee
20 organization.

160.1121. 1. (1) The duty to meet and negotiate in good faith requires the local
2 board of education to publish and adopt a policy that establishes a time line for the parties
3 to begin negotiations prior to the adoption of the final budget for the ensuing year
4 sufficiently in advance of such adoption date so that there is adequate time for agreement
5 to be reached.

6 (2) A public school employer shall, upon request, meet and negotiate regarding
7 matters within the scope of representation with and only with an employee organization
8 that represents employees in their appropriate unit. A public school employer shall appoint
9 at least one member of the board of education to participate in all meetings with the
10 employee organization.

11 **2. (1)** The scope of meeting and negotiating shall be limited to matters relating to
12 wages, hours of employment, and other terms and conditions of employment. "Terms and
13 conditions of employment" mean grievance procedures, insurance, fringe benefits, leave,
14 and payroll deductions. Nothing herein shall prohibit the parties from mutually agreeing
15 to discuss other terms and conditions of employment, provided however, that refusal to
16 negotiate on any other terms and conditions shall not constitute bad faith.

17 (2) All matters not specifically enumerated are reserved to the public school
18 employer and may not be a subject of meeting and negotiating; provided that nothing
19 herein may be construed to limit the right of the public school employer to consult with any
20 employee or employee organization on any matter outside the scope of representation.

21 (3) Nothing herein shall authorize the diminution of any right, duty, or obligation
22 of either the professional employee or the board of education, which has been fixed by
23 statute or by the constitution of this state. Except as otherwise expressly provided in this
24 subsection, the fact that any matter may be the subject of a statute or the constitution of this
25 state does not preclude negotiation thereon so long as the negotiation proposal would not
26 prevent the fulfillment of the statutory or constitutional objective.

160.1124. The employee organization shall fairly represent each and every employee
2 in the appropriate unit.

160.1127. The employee organization shall have standing to sue in any action or proceeding heretofore or hereafter instituted by it as representative and on behalf of one or more of its members to enforce any provision in sections 160.1100 to 160.1148 or any term or terms of a fully executed agreement to which the employee organization is a party.

160.1130. 1. (1) No public school employee or employee organization shall engage in a strike or cause, instigate, encourage, or condone a strike.

(2) No public school employer shall institute a lockout. A public school employer does not violate this section if there is a total or partial cessation of the public school employer's operations in response to a strike held in violation of this subsection.

2. (1) If a public school employer alleges that there is a strike by one or more public school employees in violation of subdivision (1) of subsection 1 of this section, the employer shall notify the commission of the full or partial days a public school employee was engaged in the alleged strike.

(2) If an employee organization or a public school employee alleges that there is a lockout by a public school employer in violation of subdivision (2) of subsection 1 of this section, the association, organization, or employee shall notify the commission of the full or partial days of the alleged lockout.

(3) Within thirty days after receipt of a notice made under subdivision (1) or (2) of this subsection, the commission shall conduct a hearing to determine if there has been a violation and shall issue its decision and order.

(4) If, after such hearing, the commission finds that one or more public school employees engaged in a strike in violation of subdivision (1) of subsection 1 of this section, the commission shall fine each public school employee two hundred fifty dollars for each full or partial day that he or she engaged in the strike. In addition, such employees may be subject to dismissal after a hearing conducted by the board under section 168.118, RSMo, and if not dismissed by the school district, they shall forfeit their claim to tenure if they presently have attained tenure, and the same may be demoted to probationary status for the entire probationary period.

(5) If, after such hearing, the commission finds any employee organization has supported, assisted, or facilitated a strike in violation of subdivision (1) of subsection 1 of this section, such employee organization shall be fined for each full or partial day that public school employee or employees engaged in the strike in the amount described as follows:

(a) One thousand dollars for a school district with an enrollment of up to but not greater than three hundred fifty students;

32 (b) One thousand five hundred dollars for a school district with an enrollment of at
33 least three hundred fifty-one students but not greater than one thousand students;

34 (c) Three thousand dollars for a school district with a student enrollment of at least
35 one thousand one students but not greater than three thousand five hundred students;

36 (d) Five thousand dollars for a school district with a student enrollment of at least
37 three thousand five hundred one students but not greater than seven thousand five hundred
38 students;

39 (e) Seven thousand five hundred dollars for a school district with a student
40 enrollment of seven thousand five hundred one or greater students.

41

42 Such employee organization shall be ineligible to represent an employee for negotiating
43 purposes in the public school district where the strike took place for a period of two years
44 after the violation. In addition, the public school employer shall stop making payroll
45 deductions for dues of any such employee organization for one year after the violation.

46 (6) If, after such hearing, the commission finds that a public school employer
47 instituted a lockout in violation of subdivision (2) of subsection 1 of this section, the
48 commission shall fine the public school employer five thousand dollars for each full or
49 partial day of a lockout and shall fine each member of the public school employer's
50 governing board and superintendent of schools two hundred fifty dollars for each full or
51 partial day of a lockout.

52 (7) If the commission imposes a fine against a public school employee under
53 subdivision (4) of this subsection and the public school employee continues to be employed
54 by a public school employer, the commission shall order the public school employer to
55 deduct the fine from the public school employee's annual salary.

56 (8) The commission shall transmit money received from fines imposed under this
57 section, and a public school employer shall transmit money deducted under an order under
58 subdivisions (5) and (6) of this subsection to the state treasurer for deposit in the state school
59 moneys fund.

60 (9) If the commission does not receive payment of a fine imposed under this section
61 within thirty days after the imposition of the fine, or if a public school employer does not
62 deduct a fine from a public school employee's pay under an order in subdivision (7) of this
63 subsection, the commission shall institute collection proceedings.

64 (10) Fines imposed under this section are in addition to all other penalties prescribed
65 by sections 160.1100 to 160.1148 and by law.

66 (11) A public school employer may bring an action to enjoin a strike by public
67 school employees, and an employee organization may bring an action to enjoin a lockout by

68 a public school employer in the circuit court for the county in which the affected public
69 school is located. A court having jurisdiction of an action brought under this subsection
70 shall grant injunctive relief if the court finds that a strike or lockout has occurred, without
71 regard to the existence of other remedies, demonstration of irreparable harm, or other
72 factors. Failure to comply with an order of the court may be punished as contempt. In
73 addition, the court shall award court costs and reasonable attorney fees to a plaintiff who
74 prevails in an action brought under this subsection.

75 (12) A public school employer shall not provide to a public school employee or to a
76 school board member any compensation or additional work assignment that is intended to
77 reimburse the public school employee or school board member for a monetary penalty
78 imposed under this section.

79 (13) No penalty, forfeiture of rights or privileges, or other sanction or fine imposed
80 on an employee organization, its officers, or members as the result of a strike shall be
81 negotiable by such organization and a public school employer at any time.

160.1133. Each school district shall adopt and publish a policy on procedures to
2 recognize and establish an employee organization for the purpose of meeting and
3 negotiating. Nothing shall preclude a school district from working with more than one
4 employee organization.

160.1136. Employee organizations that have been recognized to meet and negotiate
2 with the employer shall be required to develop protocol for cooperation between and among
3 all employee organizations that will allow them to act together on behalf of all employees
4 in the appropriate unit and that will enable the employee organization to secure and
5 maintain stable and effective arrangements. These protocols shall include an organizational
6 structure that will enable the employee organization to better perform its function and a
7 procedure for communications between the employer and the employee organization and
8 among employee organization members, including the sharing of information with all unit
9 members as well as the constituent employee organization. There shall also be protocols
10 established to ensure a binding agreement is honored and enforced.

160.1139. Each school district and employee organization shall enter into a written
2 agreement covering matters within the scope of meeting and negotiations under section
3 160.1121. This agreement shall be a tentative agreement until ratification by the employee
4 organization. Once ratified by the employee organization, the tentative agreement shall be
5 presented to the employer for action at a public meeting. If rejected by the employer, the
6 employee organization and the employer shall continue meeting and negotiating.

160.1142. Each school district shall establish a policy on procedures to follow if an
2 impasse is declared while meeting and negotiating with the employee organization.

160.1145. A written agreement is binding when ratified by the employee
2 organization and approved by the board of education.

160.1148. Nothing in sections 160.1100 to 160.1148 shall absolve a board of
2 education from following section 610.010, RSMo.

161.072. The state board of education shall meet semiannually in December and in June
2 in Jefferson City. Other meetings may be called by the president of the board on [five] **seven**
3 days' written notice to the members. In the absence of the president, the commissioner of
4 education shall call a meeting on request of [four] **three** members of the board, and if both the
5 president and the commissioner of education are absent or refuse to call a meeting, any [four]
6 **three** members of the board may call a meeting by similar notices in writing. **The business to**
7 **come before the board shall be available by free electronic record at least seven business**
8 **days prior to the start of each meeting. All records of any decisions, votes, exhibits, or**
9 **outcomes shall be available by free electronic media within forty-eight hours following the**
10 **conclusion of every meeting. Any materials prepared for the members of the board by the**
11 **staff shall be delivered to the members at least five days before the meeting, and to the**
12 **extent such materials are public records as defined in section 610.010, RSMo, and are not**
13 **permitted to be closed under section 610.021, RSMo, shall be made available by free**
14 **electronic media at least five business days in advance of the meeting.**

161.122. The commissioner of education shall supervise the department of elementary
2 and secondary education. Either in person or by deputy, he **or she** shall confer with and advise
3 county and school district officers, teachers, and patrons of the public schools on all matters
4 pertaining to the school law; visit and supervise schools, and make suggestions in regard to the
5 subject matter and methods of instruction, the control and government of the schools, and the care
6 and keeping of all school property; attend and assist in meetings of teachers, directors, and patrons
7 of the public schools; and seek in every way to elevate the standards and efficiency of the
8 instruction given in the public schools of the state. **The commissioner shall study and evaluate**
9 **and test the progress, or lack thereof, in achieving these objectives and shall promptly make**
10 **public by free electronic media the results of all studies and evaluations and tests insofar**
11 **as consistent with student or parental privacy rights contained in federal or state law.**

161.390. 1. The department of elementary and secondary education shall develop
2 standards for teaching in Missouri public schools no later than June 30, 2010. The
3 standards shall be applicable to all public schools, including public charter schools.

4 2. Teaching standards shall address, but not be limited to, the following:

5 (1) Students actively participate and are successful in the learning process;

6 (2) Various forms of assessment are used to monitor and manage student learning;

7 (3) The teacher is prepared and is knowledgeable of the content and effectively
8 maintains students' on-task behavior;

9 (4) The teacher uses professional communication and interaction with the school
10 community;

11 (5) The teacher keeps current on instructional knowledge and seeks and explores
12 changes in teaching behaviors that will improve student performance; and

13 (6) The teacher acts as a responsible professional in the overall mission of the school.

14 3. The department shall establish key criteria by which teaching may be evaluated
15 under the teaching standards. The teaching standards and criteria shall serve as the basis
16 for establishment of district performance-based teaching evaluations under section 168.128,
17 RSMo, and teacher professional development plans.

18 4. The evaluation system shall:

19 (1) Supply information and feedback regarding effective practice;

20 (2) Offer a pathway for individual professional growth;

21 (3) Allow a mechanism to nurture professional growth toward common goals; and

22 (4) Support a learning community in which people are encouraged to improve and
23 share insights in the profession.

24 5. The teaching standards and evaluation system shall be based upon the following
25 principles:

26 (1) The responsibility for staff evaluation and professional growth resides at the
27 school district level;

28 (2) The teaching evaluation model addresses teaching evaluation and professional
29 development;

30 (3) Sufficient orientation is provided to acquaint teachers with the district's
31 evaluation and professional growth process and the specific criteria to be documented;

32 (4) Adequate time is provided for teachers to grow professionally in order to become
33 involved in activities such as mentoring programs, peer coaching, and working on
34 professional teams;

35 (5) The system allows for teacher reflection, teacher collaboration, and staff
36 contribution to the learning community;

37 (6) A strong mentoring program with sufficient funding and proper training is
38 essential for providing the necessary support and feedback for first-year and second-year
39 teachers;

40 (7) Reliable evaluators are essential to the evaluation process;

41 (8) The use of multiple trained evaluators may be appropriate and beneficial in some
42 districts;

43 (9) A post-observation conference is conducted within a reasonable period of time
44 following a classroom observation;

45 (10) The system provides for a professional connection between the criteria, student
46 performance, and building goals and district school improvement plans;

47 (11) All teachers have a professional development plan or a professional
48 improvement plan;

49 (12) Professional improvement plans are developed to assist teachers not meeting
50 district expectations;

51 (13) Professional development plans are informed by applicable teacher certification
52 requirements;

53 (14) The local professional development committee serves as a resource to provide
54 teachers with quality professional development opportunities related to their professional
55 development plans; and

56 (15) The administrator or supervisor is responsible for the management of the
57 teaching evaluation and professional development phases of the evaluation.

58 6. In developing such teaching standards and evaluation models, the department
59 shall involve representatives from the state teacher organizations, administration and
60 principal organizations, Missouri advisory council for the certification of educators as
61 created by section 168.015, RSMo, Missouri staff development council, and colleges and
62 universities.

 161.800. 1. This section establishes a program for public elementary and secondary
2 schools to increase volunteer and parental involvement. The program shall be known and
3 may be cited as the "Volunteer and Parents Incentive Program". The department of
4 elementary and secondary education shall implement and administer the program.

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

6 (1) "At risk student":

7 (a) A student who is still of school age but whose continued education is in jeopardy
8 because the student is experiencing academic deficits, including but not limited to:

9 a. Being one or more years behind his or her age or grade level in mathematics or
10 reading skills through eighth grade or three or more credits behind in the number of credits
11 toward graduation from the ninth grade through twelfth grade;

12 b. Having low scores on tests of academic achievement and scholastic aptitude;

13 c. Having low grades and academic deficiencies;

14 d. Having a history of failure and being held back in school;

15 e. Having language problems or being from a non-English speaking home; or

16 f. Not having access to appropriate educational programs.

17 (b) A student may also be considered "at risk" if the student has any of the
18 following:

- 19 a. A parent or sibling who dropped out of school;
- 20 b. Experienced numerous family relocations;
- 21 c. Poor social adjustment, or deviant social behavior;
- 22 d. Employment of more than twenty hours per week while school is in session;
- 23 e. Been the victim of prejudice based on actual or perceived race, color, religion,
24 ancestry, national origin, gender, sexual orientation as defined in section 557.035, RSMo,
25 intellectual ability, physical appearance, or a mental, physical or sensory disability or
26 disorder; or on the basis of association with others, identified by these categories;
- 27 f. Low self-esteem and expectations of teachers, parents, and the community;
- 28 g. A parent or guardian who has not received a high school diploma or attained a
29 general educational development certificate;
- 30 h. Children of his or her own;
- 31 i. A deprived environment that slows economic and social development;
- 32 j. A single-parent home;
- 33 k. Been the victim of personal or family abuse, including substance abuse, emotional
34 abuse, and sexual abuse;

35 (2) "Department", the department of elementary and secondary education;

36 (3) "Institution of higher education", a four year college or university located in the
37 state of Missouri;

38 (4) "Program", the volunteer and parents incentive program;

39 (5) "Qualifying public school", a school located in Missouri that:

40 (a) Is located in a school district that has been classified by the state board of
41 education as unaccredited or provisionally accredited; or

42 (b) That has a student population of more than fifty percent at-risk students.

43 3. Subject to appropriation, the department shall provide a reimbursement to
44 parents or volunteers who donate time at a qualifying public school. For every one hundred
45 hours that a parent or volunteer donates to a qualifying public school, the department shall
46 provide a reimbursement of up to five hundred dollars towards the cost of three credit
47 hours of education from a public institution of higher education located in Missouri. The
48 reimbursement shall occur after completion of the three credit hours of education. The
49 reimbursement amount shall not exceed five hundred dollars every two years.

50 4. A school district that participates in the program shall verify to the department
51 the time donated by a parent or volunteer.

52 **5. If a school district that participates in the program becomes classified as**
53 **accredited by the state board of education, the school district may continue to participate**
54 **in the program for an additional two years.**

55 **6. The department of elementary and secondary education shall promulgate rules**
56 **and regulations to implement this section. Any rule or portion of a rule, as that term is**
57 **defined in section 536.010, RSMo, that is created under the authority delegated in this**
58 **section shall become effective only if it complies with and is subject to all of the provisions**
59 **of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter**
60 **536, RSMo, are nonseverable and if any of the powers vested with the general assembly**
61 **pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and**
62 **annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority**
63 **and any rule proposed or adopted after August 28, 2009, shall be invalid and void.**

64 **7. There is hereby created in the state treasury the "Volunteer and Parents Incentive**
65 **Program Fund", which shall consist of general revenue appropriated to the program, funds**
66 **received from the federal government, and voluntary contributions to support or match**
67 **program activities. The state treasurer shall be custodian of the fund and may approve**
68 **disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon**
69 **appropriation, money in the fund shall be used solely for the administration of the volunteer**
70 **and parents incentive program. Notwithstanding the provisions of section 33.080, RSMo,**
71 **to the contrary, any moneys remaining in the fund at the end of the biennium shall not**
72 **revert to the credit of the general revenue fund. The state treasurer shall invest moneys in**
73 **the fund in the same manner as other funds are invested. Any interest and moneys earned**
74 **on such investments shall be credited to the fund.**

75 **8. Pursuant to section 23.253, RSMo, of the Missouri sunset act:**

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

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

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

161.850. 1. By January 1, 2010, the department of elementary and secondary
2 **education shall develop and produce a publication entitled "The Parents' Bill of Rights"**
3 **that shall be designed to inform parents of children with an individualized education**
4 **program of their educational rights provided under federal and state law. The content of**

5 the publication shall not confer any right or rights beyond those conferred by federal or
6 state law and shall state that it is for informational purposes only. The department shall
7 post a copy of this publication on its web site. The publication shall contain the
8 department's contact information.

9 2. The publication shall contain, but may not be limited to, the following general
10 information presented in a clear and concise manner and the department shall ensure the
11 content is consistent with legal interpretations of existing federal and state law and provides
12 equitable treatment of all disability groups and interests:

13 (1) The right of parents to attend individualized education program meetings and
14 represent their child's interests;

15 (2) The right of parents to have an advocate or expert present at an individualized
16 education program meeting;

17 (3) The right of parents to receive a copy of the child's evaluation and to disagree
18 with its results and request one independent educational evaluation at public expense;

19 (4) The right of parents to provide a written report from outside sources as part of
20 the evaluation process;

21 (5) The right of parents to examine all school records pertaining to the child and be
22 provided with a copy of the individualized education program;

23 (6) The right of parents to disagree with the decision of the school district and the
24 individualized education program team and to pursue complaint procedures, including a
25 child complaint filed with the department of elementary and secondary education, state-
26 paid mediation, and other due process rights;

27 (7) The right of parents with a child with an individualized education program to
28 participate in reviews of such program, participate in any decision to change any aspects
29 of the individualized education program, and meet with school officials whenever a change
30 occurs in their child's education program or classroom placement;

31 (8) The right of a child to be placed in the least restrictive environment and be
32 placed in a general education classroom, to the greatest extent appropriate;

33 (9) The right of parents with limited English language proficiency to request an
34 accommodation to provide effective communications;

35 (10) The right of parents to have a free appropriate public education for their child
36 with an individualized education program designed to meet their child's unique needs,
37 which may include, but not be limited to, special education and related services such as
38 assistive technology devices and services, transportation, speech pathology services,
39 audiology services, interpreting services, psychological services, including behavioral
40 interventions, physical therapy, occupational therapy, recreation, including therapeutic

41 recreation, early identification and assessment of disabilities in children, counseling
42 services, including rehabilitation counseling, orientation and mobility services, school health
43 services, school nurse services, social work services, parent counseling and training, and
44 medical services for diagnostic or evaluation purposes.

45 **3. Each school district shall provide the parent or parents of a child with a copy of**
46 **this publication upon determining that a student qualifies for an individualized education**
47 **program, and at any such time as a school district is required under state or federal law to**
48 **provide the parent or parents with notice of procedural safeguards.**

49 **4. The department of elementary and secondary education shall review and revise**
50 **the content of the publication as necessary to ensure the content accurately summarizes**
51 **current federal and state law and shall promulgate rules and regulations necessary to**
52 **implement the provisions of this section, including but not limited to, the manner in which**
53 **the publication described in this section shall be distributed.**

54 **5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
55 **that is created under the authority delegated in this section shall become effective only if it**
56 **complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
57 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
58 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
59 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
60 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
61 **adopted after August 28, 2009, shall be invalid and void.**

162.014. No person shall be a candidate for or a member or director of the school
2 **board in any school district in this state if such person is registered or is required to be**
3 **registered as a sex offender under sections 589.400 to 589.425, RSMo.**

162.068. 1. Beginning July 1, 2010, for any employee who is required under section
2 **168.133, RSMo, to undergo a background check and register with the family care safety**
3 **registry, a school district shall include in the employment application a waiver that, when**
4 **signed by the applicant, shall permit the school district to access any closed records relating**
5 **to the applicant in the child abuse registry or information system if there are at least two**
6 **records or reports of unsubstantiated or unresolved incidents. The department of social**
7 **services shall develop the waiver form and cooperate with the department of elementary**
8 **and secondary education to ensure its distribution for use by school districts. No applicant**
9 **for employment shall be required to sign the waiver to be considered for employment.**

10 **2. By July 1, 2010, every school district shall adopt a written policy on information**
11 **that the district provides about former employees, both certificated and noncertificated, to**
12 **other potential employers. The policy shall include who is permitted to respond to requests**

13 for information from potential employers and the information the district would provide
14 when responding to such a request. The policy shall require that notice of this provision be
15 provided to all current employees and to all potential employers who contact the school
16 district regarding the possible employment of a school district employee.

17 3. Any school district employee who reports on or discusses employee job
18 performance for the purposes of making employment decisions that affect the safety and
19 overall well-being of students and who does so in conformity with district policy, in good
20 faith, and without malice shall not be subject to an action for civil damages as a result
21 thereof, and no cause of action shall arise against him or her as a result of his or her conduct
22 under this section. The attorney general shall defend such persons in any such action or
23 proceeding, except that if the attorney general represents the school district or the
24 department of elementary and secondary education in a pending licensing matter under
25 section 168.071, RSMo, the attorney general shall not represent the school district employee.

26 4. Notwithstanding the provisions of subsection 2 of this section, if a district that has
27 employed any employee whose job involves contact with children receives allegations of
28 sexual misconduct concerning the employee and dismisses the employee or allows the
29 employee to resign in lieu of being fired and fails to disclose the allegations of sexual
30 misconduct when furnishing a reference for the former employee, the district shall be
31 directly liable for damages to any student of a subsequent employing district who is found
32 by a court of competent jurisdiction to be a victim of the former employee's sexual
33 misconduct, and the district shall bear third-party liability to the employing district for a
34 failure to disclose the information.

162.069. 1. Every school district shall, by January 1, 2010, promulgate a written
2 policy concerning teacher-student communication and employee-student communication.
3 Such policy shall contain at least the following elements:

4 (1) Appropriate oral and nonverbal personal communication, which may be
5 combined with or included in any policy on sexual harassment; and

6 (2) Appropriate use of electronic media such as text messaging and Internet sites for
7 both instructional and personal purposes, with an element concerning use of social
8 networking sites no less stringent than the provisions of subsections 2, 3, and 4 of this
9 section.

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

11 (1) "Exclusive access", the information on the web site is available only to the owner
12 (teacher) and user (student) by mutual explicit consent and where third parties have no
13 access to the information on the web site absent an explicit consent agreement with the
14 owner (teacher);

15 (2) "Former student", any person who was at one time a student at the school at
16 which the teacher is employed and who is eighteen years of age or less and who has not
17 graduated;

18 (3) "Nonwork-related Internet site", any Internet web site or web page used by a
19 teacher primarily for personal purposes and not for educational purposes;

20 (4) "Work-related Internet site", any Internet web site or web pages used by a
21 teacher for educational purposes.

22 3. No teacher shall establish, maintain, or use a work-related Internet site unless
23 such site is available to school administrators and parents.

24 4. No teacher shall establish, maintain, or use a nonwork-related Internet site which
25 allows exclusive access with a current or former student.

26 5. Every school district shall, by July 1, 2010, include in its teacher and employee
27 training, a component that provides up-to-date and reliable information on identifying signs
28 of sexual abuse in children and danger signals of potentially abusive relationships between
29 children and adults. The training shall emphasize the importance of mandatory reporting
30 of abuse under section 210.115, RSMo, including the obligation of mandated reporters to
31 report suspected abuse by other mandated reporters, and how to establish an atmosphere
32 of trust so that students feel their school has concerned adults with whom they feel
33 comfortable discussing matters related to abuse.

 162.083. 1. The state board of education may appoint additional members to any
2 special administrative board appointed under section 162.081.

3 2. The state board of education may set a final term of office for any member of a
4 special administrative board, after which a successor member shall be elected by the voters
5 of the district.

6 (1) All final terms of office for members of the special administrative board
7 established under this section shall expire June thirtieth.

8 (2) The election of a successor member shall occur on the general municipal election
9 day immediately prior to the expiration of the final term of office.

10 (3) The election shall be conducted in a manner consistent with the election laws
11 applicable to the school district.

12 3. Nothing in this section shall be construed as barring an otherwise qualified
13 member of the special administrative board from standing for an elected term on the board.

14 4. If the state board of education appoints a successor member to replace the chair
15 of the special administrative board, the serving members of the special administrative board
16 shall be authorized to appoint a superintendent of schools and contract for his or her
17 services.

18 **5. On a date set by the state board of education, any district operating under the**
19 **governance of a special administrative board shall return to local governance, and continue**
20 **operation as a school district as otherwise authorized by law.**

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

162.215. 1. The school board of a district with its administrative headquarters
2 **located within a home rule city with more than forty-eight thousand but fewer than forty-**
3 **nine thousand inhabitants may authorize and commission school officers to enforce laws**
4 **relating to crimes committed on school premises, at school activities, and on school buses**
5 **operating within the school district only upon the execution of a memorandum of**
6 **understanding with each municipal law enforcement agency and county sheriff's office**
7 **which has law enforcement jurisdiction over the school district's premises and location of**
8 **school activities, provided that the memorandum shall not grant statewide arrest authority.**
9 **School officers shall be licensed peace officers, as defined in section 590.010, RSMo, and**
10 **shall comply with the provisions of chapter 590, RSMo. The powers and duties of a peace**
11 **officer shall continue throughout the employee's tenure as a school officer.**

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

162.431. 1. When it is necessary to change the boundary lines between seven-director
2 **school districts, in each district affected, ten percent of the voters by number of those voting for**

3 school board members in the last annual school election in each district may petition the district
4 boards of education in the districts affected, regardless of county lines, for a change in boundaries.
5 The question shall be submitted at the next election, as the term "election" is referenced and
6 defined in section 115.123, RSMo.

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

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

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

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

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

24

25 **For purposes of subdivision (2) of this subsection, "significant difference in the time**
26 **involved in transporting students" shall mean a difference of forty-five minutes or more per**
27 **trip in travel time. "Travel time" is the period of time required to transport a pupil from**
28 **the pupil's place of residence or other designated pickup point to the site of the pupil's**
29 **educational placement.**

30 4. [If the potential receiving district obtained a score consistent with the criteria for
31 classification of the district as accredited on its most recent annual performance report and the
32 potential sending district obtained a score consistent with the criteria for classification of the
33 district as unaccredited on its most recent annual performance report, the board shall approve the
34 proposed boundary change for the educational well-being of the children enrolled in the potential
35 sending district.

36 5.] Within twenty days after notification of appointment, the board of arbitration shall
37 meet and consider the necessity for the proposed changes and shall decide whether the boundaries
38 shall be changed as requested in the petition or be left unchanged, which decision shall be final.

39 The decision by the board of arbitration shall be rendered not more than thirty days after the
40 matter is referred to the board. The chairman of the board of arbitration shall transmit the
41 decision to the secretary of each district affected who shall enter the same upon the records of his
42 district and the boundaries shall thereafter be in accordance with the decision of the board of
43 arbitration. The members of the board of arbitration shall be allowed a fee of fifty dollars each,
44 to be paid at the time the appeal is made by the district taking the appeal or by the petitioners
45 should they institute the appeal.

46 [6.] 5. If the board of arbitration decides that the boundaries shall be left unchanged, no
47 new petition for the same, or substantially the same, boundary change between the same districts
48 shall be filed until after the expiration of two years from the date of the municipal election at
49 which the question was submitted to the voters of the districts.

162.492. 1. In all urban districts containing the greater part of the population of a city
2 which has more than three hundred thousand inhabitants the terms of the members of the board
3 of directors in office in 1967 shall continue until the end of the respective terms to which each
4 of them has been elected to office and in each case thereafter until the next school election be held
5 and until their successors, then elected, are duly qualified as provided in this section.

6 2. In each urban district designated in subsection 1, the election authority of the city in
7 which the greater portion of the school district lies, and of the county if the district includes
8 territory not within the city limits, shall serve ex officio as a redistricting commission. The
9 commission shall on or before November 1, 1969, divide the school district into six subdistricts,
10 all subdistricts being of compact and contiguous territory and as nearly equal in the number of
11 inhabitants as practicable and thereafter the board shall redistrict the district into subdivisions as
12 soon as practicable after each United States decennial census. In establishing the subdistricts each
13 member shall have one vote and a majority vote of the total membership of the commission is
14 required to make effective any action of the commission.

15 3. School elections for the election of directors shall be held on municipal election days
16 in each even-numbered year. At the election in 1970, one member of the board of directors shall
17 be elected by the voters of each subdistrict. The seven candidates, one from each of the
18 subdistricts, who receive a plurality of the votes cast by the voters of that subdistrict shall be
19 elected and the at-large candidate receiving a plurality of the at-large votes shall be elected. In
20 addition to other qualifications prescribed by law, each member elected from a subdistrict must
21 be a resident of the subdistrict from which he is elected. The subdistricts shall be numbered from
22 one to six and the directors elected from subdistricts one, three and five shall hold office for terms
23 of two years and until their successors are elected and qualified, and the directors elected from
24 subdistricts two, four and six shall hold office for terms of four years and until their successors
25 are elected and qualified. Every two years thereafter a member of the board of directors shall be

26 elected for a term of four years and until his successor is elected and qualified from each of the
27 three subdistricts having a member on the board of directors whose term expires in that year.
28 Those members of the board of directors who were in office in 1967 shall, when their terms of
29 office expire, be succeeded by the members of the board of directors elected from subdistricts.
30 In addition to the directors elected by the voters of each subdistrict, additional directors shall be
31 elected at large by the voters of the entire school district as follows: In 1970 one director at large
32 shall be elected for a two-year term. In 1972 one director at large shall be elected for a four-year
33 term. In 1974 two at-large directors shall be elected for a four-year term and thereafter in
34 alternative elections one director shall be elected for a four-year term and then two directors shall
35 be elected for a four-year term, so that from and after the 1970 election the board of directors not
36 including those members who were in office in 1967 shall consist of seven members until the
37 1974 election and thereafter the board shall consist of nine members. In those years in which one
38 at-large director is to be elected each voter may vote for one candidate and the candidate receiving
39 a plurality of votes cast shall be elected. In those years in which two at-large directors are to be
40 elected each voter may vote for two candidates and the two receiving the largest number of votes
41 cast shall be elected.

42 4. The six candidates, one from each of the subdistricts, who receive a plurality of the
43 votes cast by the voters of that subdistrict and the at-large candidates receiving a plurality of the
44 at-large votes shall be elected. The name of no candidate for nomination shall be printed on the
45 ballot unless the candidate has at least sixty days prior to the election filed a declaration of
46 candidacy with the secretary of the board of directors containing the signatures of at least two
47 hundred fifty registered voters who are residents of the subdistrict within which the candidate for
48 nomination to a subdistrict office resides, and in case of at-large candidates the signatures of at
49 least five hundred registered voters. The election authority shall determine the validity of all
50 signatures on declarations of candidacy.

51 5. In any election either for at-large candidates or candidates elected by the voters of
52 subdistricts, if there are more than two candidates, a majority of the votes are not required to elect
53 but the candidate having a plurality of the votes if there is only one office to be filled and the
54 candidates having the highest number of votes, if more than one office is to be filled, shall be
55 elected.

56 6. The names of all candidates shall appear upon the ballot without party designation and
57 in the order of the priority of the times of filing their petitions of nomination. No candidate may
58 file both at large and from a subdistrict and the names of all candidates shall appear only once on
59 the ballot, nor may any candidate file more than one declaration of candidacy. All declarations
60 shall designate the candidate's residence and whether the candidate is filing at large or from a
61 subdistrict and the numerical designation of the subdistrict or at-large area.

62 7. The provisions of all sections relating to seven-director school districts shall also apply
63 to and govern urban districts in cities of more than three hundred thousand inhabitants, to the
64 extent applicable and not in conflict with the provisions of those sections specifically relating to
65 such urban districts.

66 8. Vacancies which occur on the school board between the dates of election shall be filled
67 by [majority vote of the remaining members of the school board to serve until the time of the next
68 regular school board election. Subdistrict director vacancies shall be filled by appointment of a
69 resident of the subdistrict in which the vacancy occurs] **special election if such vacancy happens**
70 **more than six months prior to the time of holding a general municipal election, as provided**
71 **in section 115.121, RSMo. The state board of education shall order a special election to fill**
72 **such a vacancy. A letter from the commissioner of education, delivered by certified mail to**
73 **the election authority or authorities that would normally conduct an election for school**
74 **board members shall be the authority for the election authority or authorities to proceed**
75 **with election procedures. If a vacancy occurs less than six months prior to the time of**
76 **holding a general municipal election, no special election shall occur and the vacancy shall**
77 **be filled at the next general municipal election.**

78 9. During the legislative interim between the first regular session of the ninety-fifth
79 general assembly through January 29, 2010, of the second regular session of the ninety-fifth
80 assembly, the joint committee on education shall study the issue of governance in an urban
81 school district as identified in subsection 1 of this section. In studying this issue, the joint
82 committee may solicit input and information necessary to fulfill its obligation, including but
83 not limited to soliciting input and information from any state department, state agency,
84 school district, political subdivision of the state, teachers, administrators, school board
85 members, all interested parties concerned about governance within the urban school district
86 identified in subsection 1 of this section, and the general public. The joint committee shall
87 prepare a final report, together with its recommendations for any legislative action deemed
88 necessary for submission to the general assembly by December 31, 2009.

 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 gaming
9 commission fund created in section 313.835 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; or**
15 **(2) Nonsectarian community-based organizations located within a school district**
16 **classified as unaccredited by the state board of education.**
17 **4. If a school district becomes classified as provisionally accredited or accredited by**
18 **the state board of education, the school district may complete the length of an existing grant**
19 **and shall be eligible for one additional renewal for three years.**
20 **5. To receive a preschool placement under this section, a child shall be one or two**
21 **years away from kindergarten entry.**
22 **6. The Missouri preschool plus grant program shall comply with the standards**
23 **developed under section 161.213, RSMo. Public school grantees shall employ teachers with**
24 **a bachelor's degree. Nonsectarian community-based organizations may employ teachers**
25 **with at least an associate's degree provided such teachers demonstrate they are on the path**
26 **to obtaining a bachelor's degree within five years.**
27 **7. Families with incomes less than one hundred thirty percent of the federal poverty**
28 **guidelines shall receive free services through eligible grantees. Families with incomes at or**
29 **above one hundred thirty percent of the federal poverty guidelines may be charged a co-pay**
30 **on a sliding scale, as established by the department.**
31 **8. At least fifty percent of the preschool placements funded by the program shall be**
32 **offered through non-sectarian community-based organizations.**
33 **9. The department shall develop standards for teacher-pupil ratios, classroom size,**
34 **teacher training and educational attainment, and curriculum.**
35 **10. Grantees participating in the program shall give admission preference to**
36 **dependents of active duty military personnel.**
37 **11. School districts in which such pilot programs exist shall collect data about short-**
38 **term and long-term student performance so that the program may be evaluated on**
39 **quantitative measurements developed by the department. For purposes of this subsection,**
40 **"long-term" shall mean from point of entry to graduation from high school.**
41 **12. Grantees shall coordinate preschool programs with the nearest parents as**
42 **teachers site to ensure a continuum of care.**
43 **13. The department shall accept applications in a competitive bid process to begin**
44 **implementation of the program for the 2010-2011 school year.**

45 **14. The department shall promulgate rules and regulations necessary to implement**
46 **this section by January 1, 2010. Any rule or portion of a rule, as that term is defined in**
47 **section 536.010, RSMo, that is created under the authority delegated in this section shall**
48 **become effective only if it complies with and is subject to all of the provisions of chapter 536,**
49 **RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are**
50 **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**
53 **proposed or adopted after August 28, 2009, shall be invalid and void.**

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

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

67 **17. Pursuant to section 23.253, RSMo, of the Missouri sunset act:**

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

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

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

162.1250. 1. School districts shall receive state school funding under sections
2 **163.031, 163.043, and 163.087, RSMo, for resident students who are enrolled in the school**
3 **district and who are taking a virtual course or full-time virtual program offered by the**
4 **school district. The school district may offer instruction in a virtual setting using**
5 **technology, intranet, and Internet methods of communications that could take place outside**

6 of the regular school district facility. The school district may develop a virtual program for
7 any grade level, kindergarten through twelfth grade, with the courses available in
8 accordance with district policy to any resident student of the district who is enrolled in the
9 school district. Nothing in this section shall preclude a private, parochial, or home school
10 student residing within a school district offering virtual school courses from enrolling in the
11 school district in accordance with the combined enrollment provisions of section 167.031,
12 RSMo, for the purposes of participating in the virtual school courses.

13 2. Charter schools shall receive state school funding under section 160.415, RSMo,
14 for students enrolled in the charter school who are completing a virtual course or full-time
15 virtual program offered by the charter school. Charter schools may offer instruction in a
16 virtual setting using technology, intranet, and Internet methods of communications. The
17 charter school may develop a virtual program for any grade level, kindergarten through
18 twelfth grade, with the courses available in accordance with school policy and the charter
19 school's charter to any student enrolled in the charter school.

20 3. For purposes of calculation and distribution of state school funding, attendance
21 of a student enrolled in a district or charter school virtual class shall equal, upon course
22 completion, ninety-four percent of the hours of attendance possible for such class delivered
23 in the non-virtual program in the student's resident district or charter school. Course
24 completion shall be calculated in two increments, fifty percent completion and one hundred
25 percent completion, based on the student's completion of defined assignments and
26 assessments, with distribution of state funding to a school district or charter school at each
27 increment equal to forty-seven percent of hours of attendance possible for such course
28 delivered in the non-virtual program in a student's school district of residence or charter
29 school.

30 4. When courses are purchased from an outside vendor, the district or charter
31 school shall ensure that they are aligned with the show-me curriculum standards and
32 comply with state requirements for teacher certification. The state board of education
33 reserves the right to request information and materials sufficient to evaluate the online
34 course. Online classes should be considered like any other class offered by the school
35 district or charter school.

36 5. Any school district or charter school that offers instruction in a virtual setting,
37 develops a virtual course or courses, or develops a virtual program of instruction shall
38 ensure that the following standards are satisfied:

39 (1) The virtual course or virtual program utilizes appropriate content-specific tools
40 and software;

41 **(2) Orientation training is available for teachers, instructors, and students as**
42 **needed;**

43 **(3) Privacy policies are stated and made available to teachers, instructors, and**
44 **students;**

45 **(4) Academic integrity and Internet etiquette expectations regarding lesson**
46 **activities, discussions, electronic communications, and plagiarism are stated to teachers,**
47 **instructors, and students prior to the beginning of the virtual course or virtual program;**

48 **(5) Computer system requirements, including hardware, web browser, and software,**
49 **are specified to participants;**

50 **(6) The virtual course or virtual program architecture, software, and hardware**
51 **permit the online teacher or instructor to add content, activities, and assessments to extend**
52 **learning opportunities;**

53 **(7) The virtual course or virtual program makes resources available by alternative**
54 **means, including but not limited to, video and podcasts;**

55 **(8) Resources and notes are available for teachers and instructors in addition to**
56 **assessment and assignment answers and explanations;**

57 **(9) Technical support and course management are available to the virtual course or**
58 **virtual program teacher and school coordinator;**

59 **(10) The virtual course or virtual program includes assignments, projects, and**
60 **assessments that are aligned with students' different visual, auditory, and hands-on learning**
61 **styles;**

62 **(11) Demonstrates the ability to effectively use and incorporate subject-specific and**
63 **developmentally appropriate software in an online learning module; and**

64 **(12) Arranges media and content to help transfer knowledge most effectively in the**
65 **online environment.**

66 **6. Any special school district shall count any student's attendance in a virtual course**
67 **or program in the same manner as any other course or program.**

68 **7. A school district or charter school may contract with multiple providers of virtual**
69 **courses or virtual programs, provided they meet the criteria for virtual courses or virtual**
70 **programs under this section.**

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

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

5 (2) "Average daily attendance", the quotient or the sum of the quotients obtained by
6 dividing the total number of hours attended in a term by resident pupils between the ages of five

7 and twenty-one by the actual number of hours school was in session in that term. To the average
8 daily attendance of the following school term shall be added the full-time equivalent average daily
9 attendance of summer school students. "Full-time equivalent average daily attendance of summer
10 school students" shall be computed by dividing the total number of hours, except for physical
11 education hours that do not count as credit toward graduation for students in grades nine, ten,
12 eleven, and twelve, attended by all summer school pupils by the number of hours required in
13 section 160.011, RSMo, in the school term. For purposes of determining average daily attendance
14 under this subdivision, the term "resident pupil" shall include all children between the ages of five
15 and twenty-one who are residents of the school district and who are attending kindergarten
16 through grade twelve in such district. If a child is attending school in a district other than the
17 district of residence and the child's parent is teaching in the school district or is a regular
18 employee of the school district which the child is attending, then such child shall be considered
19 a resident pupil of the school district which the child is attending for such period of time when
20 the district of residence is not otherwise liable for tuition. Average daily attendance for students
21 below the age of five years for which a school district may receive state aid based on such
22 attendance shall be computed as regular school term attendance unless otherwise provided by law;

23 (3) "Current operating expenditures":

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

32 (b) In every fiscal year subsequent to fiscal year 2007, current operating expenditures
33 shall be the amount in paragraph (a) **of this subdivision** plus any increases in state funding
34 pursuant to sections 163.031 and 163.043 subsequent to fiscal year 2005, not to exceed five
35 percent, per recalculation, of the state revenue received by a district in the 2004-05 school year
36 from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share,
37 and free textbook payments for any district from the first preceding calculation of the state
38 adequacy target. **Beginning on July 1, 2010, current operating expenditures shall be the**
39 **amount in paragraph (a) of this subdivision plus any increases in state funding pursuant**
40 **to sections 163.031 and 163.043 subsequent to fiscal year 2005 received by a district in the**
41 **2004-05 school year from the foundation formula, line 14, gifted, remedial reading,**

42 **exceptional pupil aid, fair share, and free textbook payments for any district from the first**
43 **preceding calculation of the state adequacy target;**

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

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

50 (a) "County wage per job", the total county wage and salary disbursements divided by the
51 total county wage and salary employment for each county and the city of St. Louis as reported by
52 the Bureau of Economic Analysis of the United States Department of Commerce for the fourth
53 year preceding the payment year;

54 (b) "Regional wage per job":

55 a. The total Missouri wage and salary disbursements of the metropolitan area as defined
56 by the Office of Management and Budget divided by the total Missouri metropolitan wage and
57 salary employment for the metropolitan area for the county signified in the school district number
58 or the city of St. Louis, as reported by the Bureau of Economic Analysis of the United States
59 Department of Commerce for the fourth year preceding the payment year and recalculated upon
60 every decennial census to incorporate counties that are newly added to the description of
61 metropolitan areas; or if no such metropolitan area is established, then:

62 b. The total Missouri wage and salary disbursements of the micropolitan area as defined
63 by the Office of Management and Budget divided by the total Missouri micropolitan wage and
64 salary employment for the micropolitan area for the county signified in the school district number,
65 as reported by the Bureau of Economic Analysis of the United States Department of Commerce
66 for the fourth year preceding the payment year, if a micropolitan area for such county has been
67 established and recalculated upon every decennial census to incorporate counties that are newly
68 added to the description of micropolitan areas; or

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

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

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

75 (6) "Free and reduced lunch pupil count", the number of pupils eligible for free and
76 reduced lunch on the last Wednesday in January for the preceding school year who were enrolled

77 as students of the district, as approved by the department in accordance with applicable federal
78 regulations;

79 (7) "Free and reduced lunch threshold" shall be calculated by dividing the total free and
80 reduced lunch pupil count of every performance district that falls entirely above the bottom five
81 percent and entirely below the top five percent of average daily attendance, when such districts
82 are rank-ordered based on their current operating expenditures per average daily attendance, by
83 the total average daily attendance of all included performance districts;

84 (8) **"Gifted education pupil count", the number of pupils who qualify as "gifted"**
85 **under the definition of "gifted children" in section 162.675, RSMo, and who are enrolled**
86 **in a gifted education program provided by the district on the last Wednesday in January**
87 **for the immediately preceding academic year but not to exceed five percent of the district's**
88 **immediately preceding academic year enrollment; provided that this subdivision shall not**
89 **be construed to limit any district from identifying or in any manner providing gifted**
90 **education services to more than five percent of the district's enrolled pupils;**

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

103 [(9)] (10) "Limited English proficiency threshold" shall be calculated by dividing the total
104 limited English proficiency pupil count of every performance district that falls entirely above the
105 bottom five percent and entirely below the top five percent of average daily attendance, when such
106 districts are rank-ordered based on their current operating expenditures per average daily
107 attendance, by the total average daily attendance of all included performance districts;

108 [(10)] (11) "Local effort":

109 (a) For the fiscal year 2007 calculation, "local effort" shall be computed as the equalized
110 assessed valuation of the property of a school district in calendar year 2004 divided by one
111 hundred and multiplied by the performance levy less the percentage retained by the county
112 assessor and collector plus one hundred percent of the amount received in fiscal year 2005 for

113 school purposes from intangible taxes, fines, escheats, payments in lieu of taxes and receipts from
114 state-assessed railroad and utility tax, one hundred percent of the amount received for school
115 purposes pursuant to the merchants' and manufacturers' taxes under sections 150.010 to 150.370,
116 RSMo, one hundred percent of the amounts received for school purposes from federal properties
117 under sections 12.070 and 12.080, RSMo, except when such amounts are used in the calculation
118 of federal impact aid pursuant to P.L. 81-874, fifty percent of Proposition C revenues received
119 for school purposes from the school district trust fund under section 163.087, and one hundred
120 percent of any local earnings or income taxes received by the district for school purposes. Under
121 this paragraph, for a special district established under sections 162.815 to 162.940, RSMo, in a
122 county with a charter form of government and with more than one million inhabitants, a tax levy
123 of zero shall be utilized in lieu of the performance levy for the special school district;

124 (b) In every year subsequent to fiscal year 2007, "local effort" shall be the amount
125 calculated under paragraph (a) of this subdivision plus any increase in the amount received for
126 school purposes from fines. If a district's assessed valuation has decreased subsequent to the
127 calculation outlined in paragraph (a) of this subdivision, the district's local effort shall be
128 calculated using the district's current assessed valuation in lieu of the assessed valuation utilized
129 in ~~the~~ calculation outlined in paragraph (a) of this subdivision;

130 [(11)] (12) "Membership" shall be the average of:

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

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

145 [(12)] (13) "Operating levy for school purposes", the sum of tax rates levied for teachers'
146 and incidental funds plus the operating levy or sales tax equivalent pursuant to section 162.1100,
147 RSMo, of any transitional school district containing the school district, in the payment year, not

148 including any equalized operating levy for school purposes levied by a special school district in
149 which the district is located;

150 [(13)] (14) "Performance district", any district that has met all performance standards and
151 indicators as established by the department of elementary and secondary education for purposes
152 of accreditation under section 161.092, RSMo, and as reported on the final annual performance
153 report for that district each year;

154 [(14)] (15) "Performance levy", three dollars and forty-three cents;

155 [(15)] (16) "School purposes" pertains to teachers' and incidental funds;

156 [(16)] (17) "Special education pupil count", the number of public school students with
157 a current individualized education program **or services plan** and receiving services from the
158 resident district as of December first of the preceding school year, except for special education
159 services provided through a school district established under sections 162.815 to 162.940, RSMo,
160 in a county with a charter form of government and with more than one million inhabitants, in
161 which case the sum of the students in each district within the county exceeding the special
162 education threshold of each respective district within the county shall be counted within the
163 special district and not in the district of residence for purposes of distributing the state aid derived
164 from the special education pupil count;

165 [(17)] (18) "Special education threshold" shall be calculated by dividing the total special
166 education pupil count of every performance district that falls entirely above the bottom five
167 percent and entirely below the top five percent of average daily attendance, when such districts
168 are rank-ordered based on their current operating expenditures per average daily attendance, by
169 the total average daily attendance of all included performance districts;

170 [(18)] (19) "State adequacy target", the sum of the current operating expenditures of every
171 performance district that falls entirely above the bottom five percent and entirely below the top
172 five percent of average daily attendance, when such districts are rank-ordered based on their
173 current operating expenditures per average daily attendance, divided by the total average daily
174 attendance of all included performance districts [plus the total amount of funds placed in the
175 schools first elementary and secondary education improvement fund in the preceding fiscal year
176 divided by the total average daily attendance of all school districts for the preceding fiscal year].
177 The department of elementary and secondary education shall first calculate the state adequacy
178 target for fiscal year 2007 and recalculate the state adequacy target every two years using the most
179 current available data[; provided that the state adequacy target shall be recalculated every year to
180 reflect the per-pupil amount of funds placed in the schools first elementary and secondary
181 education improvement fund in the preceding fiscal year]. The recalculation shall never result
182 in a decrease from the previous state adequacy target amount, **and each recalculation shall**
183 **ensure that the recalculated figure is at least one hundred-two percent of the previous state**

184 **adequacy target amount.** Should a recalculation result in an increase in the state adequacy target
185 amount, fifty percent of that increase shall be included in the state adequacy target amount in the
186 year of recalculation, and fifty percent of that increase shall be included in the state adequacy
187 target amount in the subsequent year. The state adequacy target may be adjusted to accommodate
188 available appropriations;

189 [(19)] **(20)** "Teacher", any teacher, teacher-secretary, substitute teacher, supervisor,
190 principal, supervising principal, superintendent or assistant superintendent, school nurse, social
191 worker, counselor or librarian who shall, regularly, teach or be employed for no higher than grade
192 twelve more than one-half time in the public schools and who is certified under the laws
193 governing the certification of teachers in Missouri;

194 [(20)] **(21)** "Weighted average daily attendance", the average daily attendance plus the
195 product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that
196 exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths
197 multiplied by the number of special education pupil count that exceeds the special education
198 threshold, [and] plus the product of six-tenths multiplied by the number of limited English
199 proficiency pupil count that exceeds the limited English proficiency threshold, **and beginning**
200 **July 1, 2010, plus the product of twenty-five hundredths multiplied by the number of the**
201 **district's gifted education pupil count.** For special districts established under sections 162.815
202 to 162.940, RSMo, in a county with a charter form of government and with more than one million
203 inhabitants, weighted average daily attendance shall be the average daily attendance plus the
204 product of twenty-five hundredths multiplied by the free and reduced lunch pupil count that
205 exceeds the free and reduced lunch threshold, plus the product of seventy-five hundredths
206 multiplied by the sum of the special education pupil count that exceeds the threshold for each
207 county district, plus the product of six-tenths multiplied by the limited English proficiency pupil
208 count that exceeds the limited English proficiency threshold. None of the districts comprising a
209 special district established under sections 162.815 to 162.940, RSMo, in a county with a charter
210 form of government and with more than one million inhabitants, shall use any special education
211 pupil count in calculating their weighted average daily attendance.

163.031. 1. The department of elementary and secondary education shall calculate and
2 distribute to each school district qualified to receive state aid under section 163.021 an amount
3 determined by multiplying the district's weighted average daily attendance by the state adequacy
4 target, multiplying this product by the dollar value modifier for the district, and subtracting from
5 this product the district's local effort and, in years not governed under subsection 4 of this section,
6 subtracting payments from the classroom trust fund under section 163.043.

7 2. Other provisions of law to the contrary notwithstanding:

8 (1) For districts with an average daily attendance of more than three hundred fifty in the
9 school year preceding the payment year:

10 (a) For the 2006-07 school year, the state revenue per weighted average daily attendance
11 received by a district from the state aid calculation under subsections 1 and 4 of this section, as
12 applicable, and the classroom trust fund under section 163.043 shall not be less than the state
13 revenue received by a district in the 2005-06 school year from the foundation formula, line 14,
14 gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts
15 multiplied by the sum of one plus the product of one-third multiplied by the remainder of the
16 dollar value modifier minus one, and dividing this product by the weighted average daily
17 attendance computed for the 2005-06 school year;

18 (b) For the 2007-08 school year, the state revenue per weighted average daily attendance
19 received by a district from the state aid calculation under subsections 1 and 4 of this section, as
20 applicable, and the classroom trust fund under section 163.043 shall not be less than the state
21 revenue received by a district in the 2005-06 school year from the foundation formula, line 14,
22 gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts
23 multiplied by the sum of one plus the product of two-thirds multiplied by the remainder of the
24 dollar value modifier minus one, and dividing this product by the weighted average daily
25 attendance computed for the 2005-06 school year;

26 (c) For the 2008-09 school year, the state revenue per weighted average daily attendance
27 received by a district from the state aid calculation under subsections 1 and 4 of this section, as
28 applicable, and the classroom trust fund under section 163.043 shall not be less than the state
29 revenue received by a district in the 2005-06 school year from the foundation formula, line 14,
30 gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts
31 multiplied by the dollar value modifier, and dividing this product by the weighted average daily
32 attendance computed for the 2005-06 school year;

33 (d) For each year subsequent to the 2008-09 school year, the amount shall be no less than
34 that computed in paragraph (c) of this subdivision, multiplied by the weighted average daily
35 attendance pursuant to section 163.036, less any increase in revenue received from the classroom
36 trust fund under section 163.043;

37 (2) For districts with an average daily attendance of three hundred fifty or less in the
38 school year preceding the payment year:

39 (a) For the 2006-07 school year, the state revenue received by a district from the state aid
40 calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund
41 under section 163.043 shall not be less than the greater of state revenue received by a district in
42 the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial
43 reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the

44 sum of one plus the product of one-third multiplied by the remainder of the dollar value modifier
45 minus one;

46 (b) For the 2007-08 school year, the state revenue received by a district from the state aid
47 calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund
48 under section 163.043 shall not be less than the greater of state revenue received by a district in
49 the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial
50 reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the
51 sum of one plus the product of two-thirds multiplied by the remainder of the dollar value modifier
52 minus one;

53 (c) For the 2008-09 school year, the state revenue received by a district from the state aid
54 calculation under subsections 1 and 4 of this section, as applicable, and the classroom trust fund
55 under section 163.043 shall not be less than the greater of state revenue received by a district in
56 the 2004-05 or 2005-06 school year from the foundation formula, line 14, gifted, remedial
57 reading, exceptional pupil aid, fair share, and free textbook payment amounts multiplied by the
58 dollar value modifier;

59 (d) For each year subsequent to the 2008-09 school year, the amount shall be no less than
60 that computed in paragraph (c) of this subdivision;

61 (3) The department of elementary and secondary education shall make an addition in the
62 payment amount specified in subsection 1 of this section to assure compliance with the provisions
63 contained in this subsection.

64 3. School districts that meet the requirements of section 163.021 shall receive categorical
65 add-on revenue as provided in this subsection. The categorical add-on for the district shall be the
66 sum of: seventy-five percent of the district allowable transportation costs under section 163.161;
67 the career ladder entitlement for the district, as provided for in sections 168.500 to 168.515,
68 RSMo; the vocational education entitlement for the district, as provided for in section 167.332,
69 RSMo; and the district educational and screening program entitlements as provided for in sections
70 178.691 to 178.699, RSMo. The categorical add-on revenue amounts may be adjusted to
71 accommodate available appropriations.

72 4. In the 2006-07 school year and each school year thereafter for five years, those districts
73 entitled to receive state aid under the provisions of subsection 1 of this section shall receive state
74 aid in an amount as provided in this subsection.

75 (1) For the 2006-07 school year, the amount shall be fifteen percent of the amount of state
76 aid calculated for the district for the 2006-07 school year under the provisions of subsection 1 of
77 this section, plus eighty-five percent of the total amount of state revenue received by the district
78 for the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading,

79 exceptional pupil aid, fair share, and free textbook payments less any amounts received under
80 section 163.043.

81 (2) For the 2007-08 school year, the amount shall be thirty percent of the amount of state
82 aid calculated for the district for the 2007-08 school year under the provisions of subsection 1 of
83 this section, plus seventy percent of the total amount of state revenue received by the district for
84 the 2005-06 school year from the foundation formula, line 14, gifted, remedial reading,
85 exceptional pupil aid, fair share, and free textbook payments less any amounts received under
86 section 163.043.

87 (3) For the 2008-09 school year, the amount of state aid shall be forty-four percent of the
88 amount of state aid calculated for the district for the 2008-09 school year under the provisions of
89 subsection 1 of this section plus fifty-six percent of the total amount of state revenue received by
90 the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial
91 reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received
92 under section 163.043.

93 (4) For the 2009-10 school year, the amount of state aid shall be fifty-eight percent of the
94 amount of state aid calculated for the district for the 2009-10 school year under the provisions of
95 subsection 1 of this section plus forty-two percent of the total amount of state revenue received
96 by the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial
97 reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received
98 under section 163.043.

99 (5) For the 2010-11 school year, the amount of state aid shall be seventy-two percent of
100 the amount of state aid calculated for the district for the 2010-11 school year under the provisions
101 of subsection 1 of this section plus twenty-eight percent of the total amount of state revenue
102 received by the district for the 2005-06 school year from the foundation formula, line 14, gifted,
103 remedial reading, exceptional pupil aid, fair share, and free textbook payments less any amounts
104 received under section 163.043.

105 (6) For the 2011-12 school year, the amount of state aid shall be eighty-six percent of the
106 amount of state aid calculated for the district for the 2011-12 school year under the provisions of
107 subsection 1 of this section plus fourteen percent of the total amount of state revenue received by
108 the district for the 2005-06 school year from the foundation formula, line 14, gifted, remedial
109 reading, exceptional pupil aid, fair share, and free textbook payments less any amounts received
110 under section 163.043.

111 (7) (a) Notwithstanding subdivision (18) of section 163.011, the state adequacy target
112 may not be adjusted downward to accommodate available appropriations in any year governed
113 by this subsection.

(b) a. For the 2006-07 school year, if a school district experiences a decrease in summer school average daily attendance of more than twenty percent from the district's 2005-06 summer school average daily attendance, an amount equal to the product of the percent reduction that is in excess of twenty percent of the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's current year payment amount.

b. For the 2007-08 school year, if a school district experiences a decrease in summer school average daily attendance of more than thirty percent from the district's 2005-06 summer school average daily attendance, an amount equal to the product of the percent reduction that is in excess of thirty percent of the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's payment amount.

c. For the 2008-09 school year [through the 2011-12 school year], if a school district experiences a decrease in summer school average daily attendance of more than thirty-five percent from the district's 2005-06 summer school average daily attendance, an amount equal to the product of the percent reduction that is in excess of thirty-five percent of the district's summer school average daily attendance multiplied by the funds generated by the district's summer school program in the 2005-06 school year shall be subtracted from the district's payment amount.

d. Notwithstanding the provisions of this paragraph, no such reduction shall be made in the case of a district that is receiving a payment under section 163.044 or any district whose regular school term average daily attendance for the preceding year was three hundred fifty or less.

e. This paragraph shall not be construed to permit any reduction applied under this paragraph to result in any district receiving a current-year payment that is less than the amount calculated for such district under subsection 2 of this section.

(c) If a school district experiences a decrease in its gifted program enrollment of more than twenty percent from its 2005-06 gifted program enrollment in any year governed by this subsection, an amount equal to the product of the percent reduction in the district's gifted program enrollment multiplied by the funds generated by the district's gifted program in the 2005-06 school year shall be subtracted from the district's current year payment amount.

5. For any school district meeting the eligibility criteria for state aid as established in section 163.021, but which is considered an option district under section 163.042 and therefore receives no state aid, the commissioner of education shall present a plan to the superintendent of the school district for the waiver of rules and the duration of said waivers, in order to promote flexibility in the operations of the district and to enhance and encourage efficiency in the delivery of instructional services as provided in section 163.042.

6. (1) No less than seventy-five percent of the state revenue received under the provisions of subsections 1, 2, and 4 of this section shall be placed in the teachers' fund, and the remaining percent of such moneys shall be placed in the incidental fund. No less than seventy-five percent of one-half of the funds received from the school district trust fund distributed under section 163.087 shall be placed in the teachers' fund. One hundred percent of revenue received under the provisions of section 163.161 shall be placed in the incidental fund. One hundred percent of revenue received under the provisions of sections 168.500 to 168.515, RSMo, shall be placed in the teachers' fund.

(2) A school district shall spend for certificated compensation and tuition expenditures each year:

(a) An amount equal to at least seventy-five percent of the state revenue received under the provisions of subsections 1, 2, and 4 of this section;

(b) An amount equal to at least seventy-five percent of one-half of the funds received from the school district trust fund distributed under section 163.087 during the preceding school year; and

(c) Beginning in fiscal year 2008, as much as was spent per the second preceding year's weighted average daily attendance for certificated compensation and tuition expenditures the previous year from revenue produced by local and county tax sources in the teachers' fund, plus the amount of the incidental fund to teachers' fund transfer calculated to be local and county tax sources by dividing local and county tax sources in the incidental fund by total revenue in the incidental fund. In the event a district fails to comply with this provision, the amount by which the district fails to spend funds as provided herein shall be deducted from the district's state revenue received under the provisions of subsections 1, 2, and 4 of this section for the following year, provided that the state board of education may exempt a school district from this provision if the state board of education determines that circumstances warrant such exemption.

7. If a school district's annual audit discloses that students were inappropriately identified as eligible for free and reduced lunch, special education, or limited English proficiency and the district does not resolve the audit finding, the department of elementary and secondary education shall require that the amount of aid paid pursuant to the weighting for free and reduced lunch, special education, or limited English proficiency in the weighted average daily attendance on the inappropriately identified pupils be repaid by the district in the next school year and shall additionally impose a penalty of one hundred percent of such aid paid on such pupils, which penalty shall also be paid within the next school year. Such amounts may be repaid by the district through the withholding of the amount of state aid.

163.043. 1. For fiscal year 2007 and each subsequent fiscal year, the "Classroom Trust Fund", which is hereby created in the state treasury, shall be distributed by the state board of

3 education to each school district in this state qualified to receive state aid pursuant to section
4 163.021 on an average daily attendance basis.

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

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

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

9 (3) Technology enhancements or textbooks or instructional materials;

10 (4) School safety; or

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

12 3. The classroom trust fund shall consist of all moneys transferred to it under section
13 160.534, RSMo, all moneys otherwise appropriated or donated to it, and, notwithstanding any
14 other provision of law to the contrary, all unclaimed lottery prize money.

15 4. The provisions of this section shall not apply to any option district as defined in section
16 163.042.

17 **5. For the 2010-2011 school year and for each subsequent year, all proceeds a school**
18 **district receives from the classroom trust fund in excess of the amount the district received**
19 **from the classroom trust fund in the 2009-2010 school year shall be placed to the credit of**
20 **the district's teachers' and incidental funds.**

163.044. 1. Beginning with the 2007 fiscal year and each subsequent fiscal year, the
2 general assembly shall appropriate [fifteen] **twenty** million dollars to be directed in the following
3 manner to school districts with an average daily attendance **for the regular school year** of three
4 hundred fifty students or less in the school year preceding the payment year:

5 (1) [Ten] **Fifteen** million dollars, **of which five million shall be transferred from the**
6 **gaming proceeds for education fund as prescribed in section 160.534, RSMo,** shall be
7 distributed to the eligible districts in proportion to their average daily attendance **for the regular**
8 **school year;** and

9 (2) Five million dollars shall be directed to the eligible districts that have an operating
10 levy for school purposes in the current year equal to or greater than the performance levy and any
11 school districts which have an operating levy for school purposes in the current year less than the
12 performance levy solely due to a modification of such district's levy required under subdivision
13 (4) of subsection 5 of section 137.073, RSMo. A tax-rate-weighted average daily attendance shall
14 be calculated for each eligible district in proportion to its operating levy for school purposes for
15 the current year divided by the performance levy with that result multiplied by the district's
16 average daily attendance [in the] **for the regular** school year preceding the payment year. The
17 total appropriation pursuant to this subdivision shall then be divided by the sum of the
18 tax-rate-weighted average daily attendance of the eligible districts, and the resulting amount per

19 tax-rate-weighted average daily attendance shall be multiplied by each eligible district's
20 tax-rate-weighted average daily attendance to determine the amount to be paid to each eligible
21 district.

22 **2. Beginning with the 2011 fiscal year and each subsequent fiscal year, the general**
23 **assembly shall appropriate an amount transferred from the gaming proceeds for education**
24 **fund as provided in section 160.534, RSMo, to be directed in the following manner to school**
25 **districts with an average daily attendance for the regular school year of three hundred fifty-**
26 **one to and including four hundred forty-nine students in the school year preceding the**
27 **payment year, so that a school district with an average daily attendance for the regular**
28 **school year of three hundred fifty-one shall receive ninety-nine percent of the amount per**
29 **average daily attendance distributed under subdivision (1) of subsection 1 of this section**
30 **and the percentage factor shall decrease by one per each additional student in average daily**
31 **attendance as average daily attendance for the regular school year increases to and**
32 **including four hundred forty-nine.**

33 **3. The payment under this section shall not be transferred to the capital projects fund.**

34 **[3.] 4. Except as provided in subsection [2] 3 of this section, districts receiving payments**
35 **under this section may use the moneys for, including but not limited to, the following:**

- 36 (1) Distance learning;
37 (2) Extraordinary transportation costs;
38 (3) Rural teacher recruitment; and
39 (4) Student learning opportunities not available within the district.

163.095. 1. For any unaccredited district in a county with a charter form of
2 **government and with more than one million inhabitants that in school year 2005-2006 set**
3 **a portion of its operating levy in the capital projects fund when the entire operating levy**
4 **could have been set in the incidental fund, the department of elementary and secondary**
5 **education shall calculate the amount the district would have received in state foundation**
6 **formula revenue for the fiscal year 2006 had the district placed the entire operating levy**
7 **amount in the incidental fund and shall use this revised 2005-2006 calculated funding**
8 **amount in determining the distribution of foundation formula aid for the 2009-2010 school**
9 **year and subsequent years. The revised calculation shall not change the funding to the**
10 **district for any year prior to the 2009-2010 school year.**

11 **2. After the completion of the 2010-2011 fiscal year, the state auditor shall perform**
12 **a follow-up audit for the school district described in subsection 1 of this section to determine**
13 **to what extent the issues addressed in the district's 2007 audit have been addressed.**

14 **3. The school district shall obtain an independent appraisal prior to selling real**
15 **property.**

163.172. 1. [In school year 1994-95 and thereafter until school year 2006-07, the minimum
2 teacher's salary shall be eighteen thousand dollars. Beginning in school year 2006-07, the
3 minimum teacher's salary shall be twenty-two thousand dollars; in school year 2007-08, the
4 minimum teacher's salary shall be twenty-three thousand dollars;] **Beginning** in school year 2008-
5 09, the minimum teacher's salary shall be twenty-four thousand dollars; in school year 2009-10
6 [and thereafter,] the minimum teacher's salary shall be twenty-five thousand dollars [Beginning
7 in the school year 1996-97 until school year 2006-07, for any full-time teacher with a master's
8 degree and at least ten years' teaching experience in a public school or combination of public
9 schools, the minimum salary shall be twenty-four thousand dollars. Beginning in the school year
10 2006-07,] ; **in the school year 2010-11 the minimum teacher's salary shall be twenty-six**
11 **thousand dollars; in the school year 2011-12 the minimum teacher's salary shall be twenty-**
12 **seven thousand dollars; in the school year 2012-13 the minimum teacher's salary shall be**
13 **twenty-eight thousand dollars; in the school year 2013-14 and thereafter the minimum**
14 **teacher's salary shall be twenty-nine thousand dollars.** For any full-time teacher with a
15 master's degree [in an academic teaching field] and at least ten years' teaching experience in a
16 public school or combination of public schools, the minimum salary shall be [thirty thousand
17 dollars; in the 2007-08 school year such minimum salary shall be thirty-one thousand dollars;]
18 in the 2008-09 school year such minimum salary shall be thirty-two thousand dollars; and in the
19 2009-10 school year such minimum salary shall be thirty-three thousand dollars; **in the 2010-11**
20 **school year such minimum salary shall be thirty-four thousand dollars; in the 2011-12**
21 **school year such minimum salary shall be thirty-five thousand dollars: in the 2012-13**
22 **school year such minimum salary shall be thirty-six thousand dollars; and in the 2013-14**
23 **school year, and thereafter, the minimum salary shall be thirty seven thousand dollars.**

24 2. [Beginning with the budget requests for fiscal year 1991,] **As used in this section, the**
25 **following terms mean:**

26 (1) **"Full-time", a teacher working under school district contract or for a state**
27 **school for the severely handicapped, state school for the deaf, or state school for the blind**
28 **for all school days and hours eligible for attendance of students, including full-time**
29 **substitute teachers under contract;**

30 (2) **"Minimum salary supplement", the difference between the school district's**
31 **salary schedule and the minimum salary set out in subsection 3 of this section, based on**
32 **years of teaching experience and the most advanced academic degree held by the teacher;**

33 (3) **"Regular school term" as defined in subdivision (9) of section 160.011, RSMo;**

34 (4) **"Salary", the salary amount which appears on the teacher's contract for the**
35 **regular school term. Such term does not include supplements for extra duties, summer**
36 **school, career ladder, or extensions of the contract year. The minimum salary supplement**

37 shall be included in the calculation of "final average salary" under subdivision (8) of section
38 169.010, RSMo;

39 (5) "Teacher", all certificated school district personnel who are eligible for tenure
40 and are paid pursuant to the school district teacher salary schedule, including but not
41 limited to teachers, librarians, counselors, and career education instructors.

42 3. Subject to appropriation and beginning with the 2010-2011 school year, moneys
43 shall be appropriated for the purpose of paying public school teacher minimum salary
44 supplements in those districts meeting the qualifications established in subsection 4 of this
45 section. A participating school district shall be responsible only for the contracted amount
46 of a teacher's salary. If the appropriation of the general assembly is insufficient to pay the
47 total cost of all salary supplements, the minimum salary amount of subsection 4 of this
48 section shall be prorated until the amount appropriated is sufficient to make the payments
49 to all participating school districts.

50 4. To make application and qualify to begin receiving funds under this subsection,
51 a school district shall recognize all years of teacher experience, including but not limited to
52 employment in out-of-state schools, private schools, and public charter schools, regardless
53 of where a teacher is placed on a local salary schedule.

54 5. The commissioner of education shall present to the appropriate committees of the
55 general assembly information on the average Missouri teacher's salary, regional average salary
56 data, and national average salary data.

57 [3.] 6. All school salary information shall be public information.

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

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

65 7. The state board of education shall issue rules and regulations as necessary for the
66 efficient and effective implementation of this section. Any rule or portion of a rule, as that
67 term is defined in section 536.010, RSMo, that is created under the authority delegated in
68 this section shall become effective only if it complies with and is subject to all of the
69 provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section
70 and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general
71 assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to
72 disapprove and annul a rule are subsequently held unconstitutional, then the grant of

73 **rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be**
74 **invalid and void.**

165.011. 1. The following funds are created for the accounting of all school moneys:
2 teachers' fund, incidental fund, capital projects fund and debt service fund. The treasurer of the
3 school district shall open an account for each fund specified in this section, and all moneys
4 received from the county school fund and all moneys derived from taxation for teachers' wages
5 shall be placed to the credit of the teachers' fund. All tuition fees, state moneys received under
6 section 163.031, RSMo, and all other moneys received from the state except as herein provided
7 shall be placed to the credit of the teachers' and incidental funds at the discretion of the district
8 board of education, except as provided in subsection 6 of section 163.031, RSMo. Money
9 received from other districts for transportation and money derived from taxation for incidental
10 expenses shall be credited to the incidental fund. All money derived from taxation or received
11 from any other source for the erection of buildings or additions thereto and the remodeling or
12 reconstruction of buildings and the furnishing thereof, for the payment of lease-purchase
13 obligations, for the purchase of real estate, or from sale of real estate, schoolhouses or other
14 buildings of any kind, or school furniture, from insurance, from sale of bonds other than refunding
15 bonds shall be placed to the credit of the capital projects fund. All moneys derived from the sale
16 or lease of sites, buildings, facilities, furnishings, and equipment by a school district as authorized
17 under section 177.088, RSMo, shall be credited to the capital projects fund. Money derived from
18 taxation for the retirement of bonds and the payment of interest thereon shall be credited to the
19 debt service fund, which shall be maintained as a separate bank account. Receipts from
20 delinquent taxes shall be allocated to the several funds on the same basis as receipts from current
21 taxes, except that where the previous years' obligations of the district would be affected by such
22 distribution, the delinquent taxes shall be distributed according to the tax levies made for the years
23 in which the obligations were incurred. All refunds received shall be placed to the credit of the
24 fund from which the original expenditures were made. Money donated to the school districts
25 shall be placed to the credit of the fund where it can be expended to meet the purpose for which
26 it was donated and accepted. Money received from any other source whatsoever shall be placed
27 to the credit of the fund or funds designated by the board.

28 2. The school board may transfer any portion of the unrestricted balance remaining in the
29 incidental fund to the teachers' fund. Any district that uses an incidental fund transfer to pay for
30 more than twenty-five percent of the annual certificated compensation obligation of the district
31 and has an incidental fund balance on June thirtieth in any year in excess of fifty percent of the
32 combined incidental teachers' fund expenditures for the fiscal year just ended shall be required
33 to transfer the excess from the incidental fund to the teachers' fund. If a balance remains in the
34 debt service fund, after the total outstanding indebtedness for which the fund was levied is paid,

35 the board may transfer the unexpended balance to the capital projects fund. If a balance remains
36 in the bond proceeds after completion of the project for which the bonds were issued, the balance
37 shall be transferred from the incidental or capital projects fund to the debt service fund. After
38 making all placements of interest otherwise provided by law, a school district may transfer from
39 the capital projects fund to the incidental fund the interest earned from undesignated balances in
40 the capital projects fund. A school district may borrow from one of the following funds: teachers'
41 fund, incidental fund, or capital projects fund, as necessary to meet obligations in another of those
42 funds; provided that the full amount is repaid to the lending fund within the same fiscal year.

43 3. Tuition shall be paid from either the teachers' or incidental funds. Employee benefits
44 for certificated staff shall be paid from the teachers' fund.

45 4. Other provisions of law to the contrary notwithstanding, the school board of a school
46 district that meets the provisions of subsection 6 of section 163.031, RSMo, may transfer from
47 the incidental fund to the capital projects fund the sum of:

48 (1) The amount to be expended for transportation equipment that is considered an
49 allowable cost under state board of education rules for transportation reimbursements during the
50 current year; plus

51 (2) Any amount necessary to satisfy obligations of the capital projects fund for
52 state-approved area vocational-technical schools; plus

53 (3) Current year obligations for lease-purchase obligations entered into prior to January
54 1, 1997; plus

55 (4) The amount necessary to repay costs of one or more guaranteed energy savings
56 performance contracts to renovate buildings in the school district, provided that the contract is
57 only for energy conservation measures as defined in section 640.651, RSMo, and provided that
58 the contract specifies that no payment or total of payments shall be required from the school
59 district until at least an equal total amount of energy and energy-related operating savings and
60 payments from the vendor pursuant to the contract have been realized by the school district; plus

61 (5) An amount not to exceed the greater of:

62 (a) One hundred sixty-two thousand three hundred twenty-six dollars; or

63 (b) Seven percent of the state adequacy target multiplied by the district's weighted average
64 daily attendance, provided that transfer amounts in excess of current year obligations of the capital
65 projects fund authorized under this subdivision may be transferred only by a resolution of the
66 school board approved by a majority of the board members in office when the resolution is voted
67 on and identifying the specific capital projects to be funded directly by the district by the
68 transferred funds and an estimated expenditure date.

69 5. Beginning in the 2006-07 school year, a district meeting the provisions of subsection
70 6 of section 163.031, RSMo, and not making the transfer under subdivision (5) of subsection 4

71 of this section, nor making payments or expenditures related to obligations made under section
72 177.088, RSMo, may transfer from the incidental fund to the debt service fund or the capital
73 projects fund the greater of:

74 (1) The state aid received in the 2005-06 school year as a result of no more than eighteen
75 cents of the sum of the debt service and capital projects levy used in the foundation formula and
76 placed in the respective debt service or capital projects fund, whichever fund had the designated
77 tax levy; or

78 (2) Five percent of the state adequacy target multiplied by the district's weighted average
79 daily attendance.

80 6. Beginning in the 2006-07 school year, the department of elementary and secondary
81 education shall deduct from a school district's state aid calculated pursuant to section 163.031,
82 RSMo, an amount equal to the amount of any transfer of funds from the incidental fund to the
83 capital projects fund or debt service fund performed during the previous year in violation of this
84 section; except that the state aid shall be deducted over no more than five school years following
85 the school year of an unlawful transfer based on a plan from the district approved by the
86 commissioner of elementary and secondary education.

87 7. A school district may transfer unrestricted funds from the capital projects fund to the
88 incidental fund in any year in which that year's June thirtieth combined incidental and teachers'
89 funds unrestricted balance compared to the combined incidental and teachers' funds expenditures
90 would be less than ten percent without such transfer.

91 **8. The transfer limitations of subdivision (5) of subsection 4 of this section are**
92 **waived for the 2009-2010 and 2010-2011 school years to allow the district flexibility as it**
93 **expends money from the American Recovery and Reinvestment Act of 2009 limited to funds**
94 **received from such act, provided that transfer amounts in excess of current year obligations**
95 **of the capital projects fund authorized under subdivision (5) of subsection 4 of this section**
96 **may be transferred only by a resolution of the school board approved by a majority of the**
97 **board members in office when the resolution is voted on and identifying the specific capital**
98 **projects to be funded directly by the district by the transferred funds and an estimated**
99 **expenditure date.**

166.300. 1. As used in [this section] **sections 166.300 to 166.397**, the following [words
2 and phrases] **terms** shall mean:

3 (1) ["Capital improvement projects", expenditures for lands or existing buildings,
4 improvements of grounds, construction of buildings, additions to buildings, remodeling of
5 buildings and initial equipment purchases;

6 (2)] **"Department", the department of elementary and secondary education;**

7 (2) **"Renovation", the modernization or modification of any existing building that**
8 **will enhance the ability of such building to achieve its educational purposes, including but**
9 **not limited to renovation expenditures for health and safety issues, educational purposes,**
10 **architectural and engineering services, tests and inspection of lands or buildings, renovation**
11 **of existing buildings, and technology connectivity;**

12 (3) **"School [facility] building", a structure dedicated primarily to housing teachers and**
13 **students in the instructional process, but shall not include [buildings] athletic facilities and**
14 **facilities dedicated primarily to administrative and support functions within the school or the**
15 **school district.**

16 2. There is hereby created a [revolving] fund to be known as the "School Building
17 [Revolving] **Renovation Fund**". **All moneys in the school building revolving fund shall be**
18 **transferred to the credit of the school building renovation fund.** All forfeitures of assets
19 transferred pursuant to section 166.131, all gifts and bequests to such fund, and such moneys as
20 may be appropriated to the fund shall be deposited into the school building [revolving]
21 **renovation fund**[; except that no more than four hundred forty million dollars, in the aggregate,
22 shall be transferred to the fund]. **The fund shall be administered by the department in the**
23 **manner described in, and for the purposes described in, sections 166.300 to 166.397.**
24 **Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the**
25 **fund shall not be transferred to general revenue at the end of the biennium. All interest and**
26 **moneys of any kind earned on the fund shall be credited to the fund.**

27 3. **All moneys initially deposited into the school building renovation fund due to the**
28 **passage of the American Recovery and Reinvestment Act of 2009 shall be immediately**
29 **distributed to each public school district in the state for public school renovation projects**
30 **with the amounts distributed to be based on each district's pupil count for the previous**
31 **school year. Within sixty days of receiving such moneys, each school district shall submit**
32 **a plan to the department which includes a detailed proposal of specific allowed capital**
33 **improvement projects to which moneys will be put. All moneys received by a district under**
34 **this section shall be used within one year from receipt, and any moneys remaining at the end**
35 **of the one-year period shall be returned to the school building renovation fund for**
36 **allocation to school districts under the provisions of subsections 4 to 13 of this section. Upon**
37 **expiration of the one-year period, each school district shall submit a final report to the**
38 **department detailing the renovations made and shall include with this report a certified**
39 **statement by the school district's auditor that all funds received under the provisions of this**
40 **subsection were expended in accordance with program requirements.**

41 4. **After a fund balance has been established [by prior years' deposits and interest] due to**
42 **moneys from the American Recovery and Reinvestment Act of 2009 that were deposited in**

43 **the school building renovation fund, distributed to school districts, but ultimately not used**
44 **by districts within the one-year time period required under subsection 3 of this section,**
45 school districts may submit applications for [lease purchases] **matching grants** from the
46 [revolving] fund for [specific] **allowed capital improvement** projects consistent with rules and
47 regulations of the state board of education and [subsection 3 of] this section[, except that] .

48 **5. No school district may be permitted to [enter into a lease purchase] receive matching**
49 **funds from the school building [revolving] renovation fund without first submitting a long-range**
50 **capital improvements plan. Such plan shall include a detailed proposal of the specific allowed**
51 **capital improvement projects to which grant moneys will be put, and shall include the**
52 **specific manner in which the school district will provide for its matching portion, as such**
53 **matching portion is calculated under section 166.391. Such plan shall also calculate the**
54 **estimated amount of the state's portion of the matching funds, provided that the department**
55 **shall not provide a match of funds for any costs of a project in excess of the maximum per-**
56 **pupil amounts described in section 166.392. Anticipated district expenditures on projects**
57 **may exceed the maximum per-pupil amount, but in such cases the state portion of matching**
58 **funds shall be calculated solely on the maximum per-pupil amount stated in section 166.392.**
59 **The department shall review and approve such plans prior to issuing matching grants.**

60 [3.] **6. To be eligible for [a lease purchase authorized by this section:**

61 (1) **matching funds under sections 166.300 to 166.397** a school district shall meet the
62 minimum criteria for state aid and for increases in state aid established pursuant to section
63 163.021, RSMo[;

64 (2) A school district shall provide a program which is accredited by the state board of
65 education for grades kindergarten through twelve or for grades kindergarten through eight; and

66 (3) A school district shall have an equalized, assessed valuation per eligible pupil for the
67 preceding year which is less than the statewide average equalized, assessed valuation per eligible
68 pupil for the preceding year; and

69 (4) A school district shall have a bonded indebtedness which is no less than ninety percent
70 of the constitutional limitation on indebtedness pursuant to section 26(b) of article VI of the
71 Constitution of Missouri.

72 **4. Lease purchase applications shall be funded, as funds allow, first for all applications**
73 **pursuant to subdivision (1) of this subsection and then for applications pursuant to subdivision**
74 **(2) of this subsection and then for applications pursuant to subdivision (3) of this subsection, and**
75 **for funding of applications pursuant to a particular subdivision, applications shall be funded in**
76 **the order that the applications are received by the department. If two or more applications are**
77 **received on the same day, the district with the lowest appraised valuation per pupil shall be given**

78 priority. Ranking of the applications for offering of lease purchases shall be done in the following
79 order:

80 (1) Districts with capital replacement costs in excess of insurance proceeds due to facility
81 destruction caused by fire or natural disaster shall be ranked on the basis of percentage of bonding
82 capacity;

83 (2) Districts with a cumulative percentage growth in fall membership for the third through
84 the fifth preceding years in excess of twelve percent and which have a bonded indebtedness which
85 is no less than ninety percent of the constitutional limitation on indebtedness pursuant to section
86 26(b) of article VI of the Constitution of Missouri; and

87 (3) Districts with an equalized assessed valuation per pupil which is less than the
88 statewide average equalized assessed valuation per pupil and which have a bonded indebtedness
89 which is no less than ninety percent of the constitutional limitation on indebtedness pursuant to
90 section 26(b) of article VI of the Constitution of Missouri].

91 **7. (1) The department shall develop minimum state school building standards that**
92 **may be used as criteria to determine if a district qualifies for a renovation project. The**
93 **minimum state school building standards shall be met by any renovation project in order**
94 **to qualify for matching grant approval by the department.**

95 **(2) Any project funded with the proceeds from the Federal Stimulus Fund**
96 **established under section 30.1014, RSMo, shall comply with all federal criteria set forth in**
97 **the American Recovery and Reinvestment Act of 2009 as enacted by the 111th United States**
98 **Congress and all federal regulations and guidelines related thereto.**

99 **8. Matching grant applications for renovations shall be funded, as funds allow, first**
100 **for all applications under subdivision (1) of subsection 9 of this section, then, with the**
101 **remaining renovation funds, eighty percent of the funds shall be used on applications under**
102 **subdivision (2) of subsection 9 of this section, and twenty percent of the funds shall be used**
103 **on applications under subdivision (3) of subsection 9 of this section. If, at the conclusion of**
104 **the application period, there are funds available from either the allocation to subdivision**
105 **(2) or (3) of subsection 9 of this section, and if there is a greater need than can be met by**
106 **transferring the remainder of the unused allocation to the allocation of the other**
107 **subdivision, then the department may transfer funds to the allocation of the subdivision**
108 **with the greater need.**

109 **9. For purposes of this subsection, the age of the original building for which the**
110 **renovation grant is being sought shall be considered the age of the entire school building in**
111 **question, regardless of subsequent renovations prior to the grant application. Ranking of**
112 **the applications for offering of matching grants for renovation shall be done in the following**
113 **order:**

(1) Districts with renovation costs in excess of insurance proceeds due to school building destruction caused by natural or man-made disaster. Applications in this subdivision shall be funded in the order the applications are received by the department. If two or more applications are received on the same day, the district with the lowest assessed valuation per pupil shall be given priority;

(2) School facilities that are thirty-five years old or older, ranked from oldest to newest. If two or more buildings are the same age, the applications shall be funded in the order that the applications are received by the department. If two or more applications are received on the same day, the district with the lowest assessed valuation per pupil shall be given priority; and

(3) Buildings that are less than thirty-five years of age shall be ranked according to need, with the criteria for need developed by the department.

If a school district can demonstrate that a building that is fifty years old or older should be replaced instead of renovated, the replacement may be approved by the department with funding from renovation projects for buildings thirty-five years of age or older under subdivision (2) of this subsection. In order to approve a building replacement in lieu of renovation, the department may consider health and safety issues, a comparison of replacement or renovation costs, future energy savings, or other criteria developed by the department. It shall be the school district's responsibility to present information to the department, on department developed forms or format, to demonstrate the need for the building replacement.

10. Each district that:

(1) Receives approval of its grant application under the provisions of this section;

(2) Is eligible under the provisions of this section; and

(3) Qualifies, under the funding priorities and availabilities of this section, for funding;

shall receive notification from the department within thirty days of its approval, and the district shall obtain its portion of the matching funds mandated by section 166.391 within one year of the date of its receipt of the notification. Upon obtaining the required matching funds, the district shall submit notification to the department, for approval by the department on forms created by the department. Such notification shall be given within thirty days of obtaining the funds, or as soon as possible prior to the end of the one-year period, whichever occurs first. In the event the district fails to obtain all of its portion of the matching funds within the one-year period, the district shall forfeit its right to any state

150 **matching funds for the school year immediately following such failure, but the district shall**
151 **not be prohibited from resubmitting its application for the school year following such**
152 **occurrence. Any district receiving a renovation matching grant shall not be eligible for**
153 **another matching grant in any year unless all applications qualify under this section for**
154 **that year from districts which have not yet received a grant under this section are funded.**

155 [5.] 11. When **school** building replacement **or renovation** is caused by [fire or] natural
156 **or man-made** disaster, the requirement for a school district to have a long-range capital
157 improvements plan, **as required by subsection 4 of this section**, may be waived by the [state
158 board of education] **department**.

159 [6. Each school district participating in a lease purchase from the school building
160 revolving fund shall repay such lease purchase in no more than ten annual payments made on or
161 before June thirtieth of each year. The first such payment shall be due and payable on June
162 thirtieth of the first full fiscal year following receipt of lease purchase proceeds. Lease purchase
163 repayments shall be immediately deposited to the school building revolving fund by the
164 department. Interest charged to the school district shall not exceed three percent.

165 7. Any school district which fails to obligate the full amount of a loan from the school
166 building revolving fund for the allowable lease purchase must return the unobligated amount plus
167 interest earned to the department no later than June thirtieth of the second full fiscal year after
168 receipt of loan proceeds.

169 8. If a school district fails to make an annual payment to the school building revolving
170 fund after notice of nonpayment by the department, members of the board of education and the
171 school district's superintendent shall have violated section 162.091, RSMo, and the attorney
172 general of the state of Missouri shall be notified by the state board of education to begin
173 prosecution procedures.

174 9. All property purchased pursuant to a lease purchase from the school building revolving
175 fund shall remain the property of the state until such time as the lease purchase has been fully
176 repaid pursuant to this section. If a school district does not make an annual payment to the school
177 building revolving fund after notice of nonpayment by the department, the state board of
178 education may, if the delinquency exceeds one hundred eighty days, take possession of the
179 property. As a part of the lease purchase agreement, the school district shall agree to assume all
180 costs, obligations and liabilities for or arising out of establishment, operation and maintenance
181 of the lease purchase property. Other provisions of law to the contrary notwithstanding, neither
182 the state nor any state agency shall have any obligation for such costs, obligations or liabilities
183 unless and until the state board of education takes possession of the property pursuant to this
184 subsection upon a school district's failure to make annual payments as required in the lease
185 purchase agreement.

186 10. Any unobligated cash balance in the school building revolving fund as of the effective
187 date of this act, shall be transferred to aid the public schools of this state pursuant to section
188 163.031, RSMo. Any and all deposits made to the school building revolving fund after August
189 28, 2003, shall be immediately transferred to the state school moneys fund, pursuant to section
190 166.051.]

191 **12. The department shall be responsible for the publication of grant applications**
192 **that incorporate the criteria of this section and any additional criteria in accordance with**
193 **this section that the department deems appropriate. Such applications shall be first**
194 **published within sixty days of the effective date of this section, so that the initial**
195 **applications for such grants may be acted upon for the 2009-2010 school year.**

196 **13. State funds provided under this section shall not be used for lease purchases.**

166.391. For the purpose of calculating the matching portion for which a school
2 **district is responsible under section 166.300, each school district in this state shall be**
3 **assigned a local matching percentage under this section. All school districts in the state**
4 **shall be rank-ordered from lowest to highest based upon the district's equalized, assessed**
5 **valuation per-eligible pupil for the second preceding school year. Each district shall be**
6 **assigned a unique percentage on a sliding scale which assigns a local match percentage of**
7 **fifty percent to the lowest ranked district and a local match percentage of seventy-five**
8 **percent to the highest ranked district and assigns a unique percentage to all remaining**
9 **districts by assigning to districts percentages which are uniformly spaced across the interval**
10 **from fifty percent to seventy-five percent and based upon the rank ordering.**

166.392. 1. For renovation project grant applications under section 166.300, the
2 **department shall match funds with the applicant district up to the following maximum per-**
3 **pupil state match amounts for total renovation cost:**

4 **(1) Five thousand six hundred dollars per high school student to be housed in the**
5 **renovated school facility or facilities;**

6 **(2) Four thousand nine hundred dollars per middle school student to be housed in**
7 **the renovated school facility or facilities;**

8 **(3) Four thousand two hundred dollars per elementary school student to be housed**
9 **in the renovated school facility or facilities.**

10 **2. The department shall annually adjust the per-pupil apportionment in this section**
11 **to reflect construction cost changes. For this purpose, the department may adopt the use**
12 **of the Consumer Price Index for all Urban Consumers for the United States or its successor**
13 **index, as defined and officially recorded by the United States Department of Labor or its**
14 **successor entity or may adopt any other schedule of annual adjustment to accurately reflect**
15 **such cost changes.**

166.393. Moneys in the school building renovation fund shall be distributed between
2 the first and fifteenth day of July most immediately following the date on which the
3 department receives notification from an approved school district that such district has
4 obtained its portion of the required matching funds under section 166.300. The state board
5 of education shall certify the amounts to be distributed to the several school districts to the
6 commissioner of administration who shall issue the warrants therefor. The funds shall be
7 placed to the credit of the capital projects fund by the receiving school district in the
8 amount approved under sections 166.300 to 166.392. Such moneys shall be used by such
9 district solely for the capital construction or renovation project for which grant approval
10 was awarded and shall not be used to retire debt.

166.394. 1. If any completed allowed project costs more than the estimated final cost
2 submitted to the department by the district, then the district shall be responsible for all such
3 additional cost.

4 **2.** If any completed allowed project costs less than the estimated final cost submitted
5 to the department by the district, then the district shall return the department's percentage
6 of such excess funds, and the department shall deposit such funds in the school building
7 renovation fund established in section 166.300.

8 **3.** Upon completion of any project for which funds were granted under sections
9 166.300 to 166.397, the school district shall submit a final report to the department. The
10 department may require an audit of these reports or other district records to ensure that
11 all funds received under sections 166.300 to 166.397 are expended in accordance with
12 program requirements.

13 **4.** If the department, after the review of expenditures or audit has been conducted
14 under this section, determines that a school district failed to expend funds in accordance
15 with this chapter, the department shall notify the school district of the amount that must be
16 repaid to the department within sixty days. If the school district fails to make the required
17 payment within sixty days, the department shall notify the school board and the school
18 district in writing that an amount equal to the unused amount received by the school district
19 shall be withdrawn from such school district's total amount of state aid calculated under
20 chapter 163, RSMo, for certain subsequent school years, according to a withholding
21 schedule developed by the department for such district.

166.395. The use of state matching grant moneys by a school district shall not make
2 the department or this state liable for any tort, breach of contract, or any other action for
3 damages caused by a school district arising from an approved new construction or
4 renovation project by the district, including, but not limited to, contracts between the school
5 district and its construction contractors, construction managers, architects, or engineers.

166.396. 1. All title to all property acquired, constructed, or improved with grant moneys under sections 166.300 to 166.397 shall be held by the school district to which the department grants such moneys.

2. The applicant school district shall comply with all laws and rules pertaining to the construction, reconstruction, or alteration of, or addition to, school buildings.

166.397. The department of elementary and secondary education shall promulgate such rules and forms as are necessary for the operation of sections 166.300 to 166.397. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly under chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

167.018. 1. Sections 167.018 and 167.019 shall be known and may be cited as the "Foster Care Education Bill of Rights".

2. Each school district shall designate a staff person as the educational liaison for foster care children. The liaison shall do all of the following in an advisory capacity:

(1) Ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of foster children;

(2) Assist foster care pupils when transferring from one school to another or from one school district to another, by ensuring proper transfer of credits, records, and grades;

(3) Request school records, as provided in section 167.022, within two business days of placement of a foster care pupil in a school; and

(4) Submit school records of foster care pupils within three business days of receiving a request for school records, under subdivision (3) of this subsection.

167.019. 1. A child placing agency, as defined under section 210.481, RSMo, shall promote educational stability for foster care children by considering the child's school attendance area when making placement decisions. The foster care pupil shall have the right to remain enrolled in and attend his or her school of origin pending resolution of school placement disputes.

2. Each school district shall accept for credit full or partial course work satisfactorily completed by a pupil while attending a public school, nonpublic school, or nonsectarian school in accordance with district policies or regulations.

9 **3. If a pupil completes the graduation requirements of his or her school district of**
10 **residence while under the jurisdiction of the juvenile court as described in chapter 211,**
11 **RSMo, the school district of residence shall issue a diploma to the pupil.**

12 **4. School districts shall ensure that if a pupil in foster care is absent from school due**
13 **to a decision to change the placement of a pupil made by a court or child placing agency,**
14 **or due to a verified court appearance or related court-ordered activity, the grades and**
15 **credits of the pupil shall be calculated as of the date the pupil left school, and no lowering**
16 **of his or her grades shall occur as a result of the absence of the pupil under these**
17 **circumstances.**

18 **5. School districts, subject to federal law, shall be authorized to permit access of**
19 **pupil school records to any child placing agency for the purpose of fulfilling educational**
20 **case management responsibilities required by the juvenile officer or by law and to assist**
21 **with the school transfer or placement of a pupil.**

22 **6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
23 **that is created under the authority delegated in this section shall become effective only if it**
24 **complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
25 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
26 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
27 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
28 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
29 **adopted after August 28, 2009, shall be invalid and void.**

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

15 (1) A child who, to the satisfaction of the superintendent of public schools of the district
16 in which he resides, or if there is no superintendent then the chief school officer, is determined
17 to be mentally or physically incapacitated may be excused from attendance at school for the full
18 time required, or any part thereof;

19 (2) A child between fourteen years of age and the compulsory attendance age for the
20 district may be excused from attendance at school for the full time required, or any part thereof,
21 by the superintendent of public schools of the district, or if there is none then by a court of
22 competent jurisdiction, when legal employment has been obtained by the child and found to be
23 desirable, and after the parents or guardian of the child have been advised of the pending action;
24 or

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

28 2. (1) As used in sections 167.031 to 167.071, a "home school" is a school, whether
29 incorporated or unincorporated, that:

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

31 (b) Enrolls pupils between the ages of seven years and the compulsory attendance age for
32 the district, of which no more than four are unrelated by affinity or consanguinity in the third
33 degree; and

34 (c) Does not charge or receive consideration in the form of tuition, fees, or other
35 remuneration in a genuine and fair exchange for provision of instruction.

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

38 (a) Maintain the following records:

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

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

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

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

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

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

50 3. Nothing in this section shall require a private, parochial, parish or home school to
51 include in its curriculum any concept, topic, or practice in conflict with the school's religious
52 doctrines or to exclude from its curriculum any concept, topic, or practice consistent with the
53 school's religious doctrines. Any other provision of the law to the contrary notwithstanding, all
54 departments or agencies of the state of Missouri shall be prohibited from dictating through rule,
55 regulation or other device any statewide curriculum for private, parochial, parish or home schools.

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

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

64 6. As used in sections 167.031 to 167.051, the term "compulsory attendance age for the
65 district" shall mean:

66 (1) Seventeen years of age for any metropolitan school district for which the school board
67 adopts a resolution to establish such compulsory attendance age; provided that such resolution
68 shall take effect no earlier than the school year next following the school year during which the
69 resolution is adopted; and

70 (2) [Sixteen years of age] **Having successfully completed sixteen credits towards high**
71 **school graduation** in all other cases. The school board of a metropolitan school district for
72 which the compulsory attendance age is seventeen years may adopt a resolution to lower the
73 compulsory attendance age to sixteen years; provided that such resolution shall take effect no
74 earlier than the school year next following the school year during which the resolution is adopted.

167.126. 1. Children who are admitted to programs or facilities of the department of
2 mental health or whose domicile is one school district in Missouri but who reside in another
3 school district in Missouri as a result of placement arranged by or approved by the department of
4 mental health, the department of social services or placement arranged by or ordered by a court
5 of competent jurisdiction shall have a right to be provided the educational services as provided
6 by law and shall not be denied admission to any appropriate regular public school or special
7 school district program or program operated by the state board of education, as the case may be,
8 where the child actually resides because of such admission or placement; provided, however, that
9 nothing in this section shall prevent the department of mental health, the department of social
10 services or a court of competent jurisdiction from otherwise providing or procuring educational
11 services for such child.

12 2. Each school district or special school district constituting the domicile of any child for
13 whom educational services are provided or procured under this section shall pay toward the
14 per-pupil costs for educational services for such child. A school district which is not a special
15 school district shall pay an amount equal to the average sum produced per child by the local tax
16 effort of the district of domicile. A special school district shall pay an amount not to exceed the
17 average sum produced per child by the local tax efforts of the domiciliary districts.

18 3. When educational services have been provided by the school district or special school
19 district in which a child actually resides, **including a child who temporarily resides in a**
20 **children's hospital licensed under chapter 197, RSMo, for rendering health care services**
21 **to children under the age of eighteen for more than three days**, other than the district of
22 domicile, the amounts as provided in subsection 2 **of this section** for which the domiciliary school
23 district or special school district is responsible shall be paid by such district directly to the serving
24 district. The school district, or special school district, as the case may be, shall send a written
25 voucher for payment to the regular or special district constituting the domicile of the child served
26 and the domiciliary school district or special school district receiving such voucher shall pay the
27 district providing or procuring the services an amount not to exceed the average sum produced
28 per child by the local tax efforts of the domiciliary districts. In the event the responsible district
29 fails to pay the appropriate amount to the district within ninety days after a voucher is submitted,
30 the state department of elementary and secondary education shall deduct the appropriate amount
31 due from the next payments of any state financial aid due that district and shall pay the same to
32 the appropriate district.

33 4. In cases where a child whose domicile is in one district is placed in programs or
34 facilities operated by the department of mental health or resides in another district pursuant to
35 assignment by that department or is placed by the department of social services or a court of
36 competent jurisdiction into any type of publicly contracted residential site in Missouri, the
37 department of elementary and secondary education shall, as soon as funds are appropriated, pay
38 the serving district from funds appropriated for that purpose the amount by which the per-pupil
39 costs of the educational services exceeds the amounts received from the domiciliary district
40 except that any other state money received by the serving district by virtue of rendering such
41 service shall reduce the balance due.

42 5. Institutions providing a place of residence for children whose parents or guardians do
43 not reside in the district in which the institution is located shall have authority to enroll such
44 children in a program in the district or special district in which the institution is located and such
45 enrollment shall be subject to the provisions of subsections 2 and 3 of this section. The
46 provisions of this subsection shall not apply to placement authorized pursuant to subsection 1 of
47 this section or if the placement occurred for the sole purpose of enrollment in the district or

48 special district. "Institution" as used in this subsection means a facility organized under the laws
49 of Missouri for the purpose of providing care and treatment of juveniles.

50 6. Children residing in institutions providing a place of residence for three or more such
51 children whose domicile is not in the state of Missouri may be admitted to schools or programs
52 provided on a contractual basis between the school district, special district or state department or
53 agency and the proper department or agency, or persons in the state where domicile is maintained.
54 Such contracts shall not be permitted to place any financial burden whatsoever upon the state of
55 Missouri, its political subdivisions, school districts or taxpayers.

56 7. For purposes of this section the domicile of the child shall be the school district where
57 the child would have been educated if the child had not been placed in a different school district.
58 No provision of this section shall be construed to deny any child domiciled in Missouri
59 appropriate and necessary, gratuitous public services.

60 8. For the purpose of distributing state aid under section 163.031, RSMo, a child
61 receiving educational services provided by the district in which the child actually resides, other
62 than the district of domicile, shall be included in average daily attendance, as defined under
63 section 163.011, RSMo, of the district providing the educational services for the child.

64 9. Each school district or special school district where the child actually resides, other
65 than the district of domicile, may receive payment from the department of elementary and
66 secondary education, in lieu of receiving the local tax effort from the domiciliary school district.
67 Such payments from the department shall be subject to appropriation and shall only be made for
68 children that have been placed in a school other than the domiciliary school district by a state
69 agency or a court of competent jurisdiction and from whom excess educational costs are billed
70 to the department of elementary and secondary education.

167.151. 1. The school board of any district, in its discretion, may admit to the school
2 pupils not entitled to free instruction and prescribe the tuition fee to be paid by them, except as
3 provided in sections 167.121 and 167.131.

4 2. Orphan children, children with only one parent living, and children whose parents do
5 not contribute to their support--if the children are between the ages of six and twenty years and
6 are unable to pay tuition--may attend the schools of any district in the state in which they have a
7 permanent or temporary home without paying a tuition fee.

8 3. Any person who pays a school tax in any other district than that in which he resides
9 may send his children to any public school in the district in which the tax is paid and receive as
10 a credit on the amount charged for tuition the amount of the school tax paid to the district; except
11 that any person who owns real estate of which eighty acres or more are used for agricultural
12 purposes and upon which his residence is situated may send his children to public school in any
13 school district in which a part of such real estate, contiguous to that upon which his residence is

14 situated, lies and shall not be charged tuition therefor; so long as thirty-five percent of the real
15 estate is located in the school district of choice. The school district of choice shall count the
16 children in its average daily attendance for the purpose of distribution of state aid through the
17 foundation formula.

18 4. Any owner of agricultural land who, pursuant to subsection 3 of this section, has the
19 option of sending his children to the public schools of more than one district shall exercise such
20 option as provided in this subsection. Such person shall send written notice to all school districts
21 involved specifying to which school district his children will attend by June thirtieth in which
22 such a school year begins. If notification is not received, such children shall attend the school in
23 which the majority of his property lies. Such person shall not send any of his children to the
24 public schools of any district other than the one to which he has sent notice pursuant to this
25 subsection in that school year or in which the majority of his property lies without paying tuition
26 to such school district.

27 5. If a pupil is attending school in a district other than the district of residence and the
28 pupil's parent is teaching in the school district or is a regular employee of the school district which
29 the pupil is attending, then the district in which the pupil attends school shall allow the pupil to
30 attend school upon payment of tuition in the same manner in which the district allows other pupils
31 not entitled to free instruction to attend school in the district. The provisions of this subsection
32 shall apply only to pupils attending school in a district [which has an enrollment in excess of
33 thirteen thousand pupils and not in excess of fifteen thousand pupils and which district is located
34 in a county of the first classification with a charter form of government which has a population
35 in excess of six hundred thousand persons and not in excess of nine hundred thousand persons]
36 **with its administrative headquarters located in a home rule city with more than seventy**
37 **thousand but fewer than seventy-three thousand inhabitants and partially located in any**
38 **county with a charter form of government and with more than six hundred thousand but**
39 **fewer than seven hundred thousand inhabitants.**

167.275. 1. Effective January 1, 1991, all public and nonpublic secondary schools shall
2 report to the state literacy hot line office in Jefferson City the name, mailing address and
3 telephone number of all students sixteen years of age or older who drop out of school for any
4 reason other than to attend another school, college or university, or enlist in the armed services.
5 Such reports shall be made either by using the telephone hot line number or on forms developed
6 by the department of elementary and secondary education. Upon such notification, the state
7 literacy hot line office shall contact the student who has been reported and refer that student to
8 the nearest location that provides adult basic education instruction leading to the completion of
9 a general educational development certificate.

10 **2. All records and reports from or based upon the reports required by this section**
11 **shall be made available by free electronic record on the department's web site or otherwise**
12 **on the first business day of each month. The names of the students who drop out and any**
13 **other information which might identify such students shall not be included in the records**
14 **and reports made available by free electronic media.**

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

2 **(1) "Moderate physical activity", low to medium impact physical exertion designed**
3 **to increase an individual's heart rate to rise to at least seventy-five percent of his or her**
4 **maximum heart rate. Activities in this category may include, but are not limited to,**
5 **running, calisthenics, aerobic exercise, etc.;**

6 **(2) "Physical education", instruction in healthy active living by a teacher certificated**
7 **to teach physical education structured in such a way that it is a regularly scheduled class**
8 **for students;**

9 **(3) "Recess", a structured play environment outside of regular classroom**
10 **instructional activities, where students are allowed to engage in supervised safe active free**
11 **play.**

12 **2. Beginning with the school year 2010-2011:**

13 **(1) School districts shall ensure that students in elementary schools participate in**
14 **moderate physical activity for the entire school year, including students in alternative**
15 **education programs. Students in the elementary schools shall participate in moderate**
16 **physical activity for an average of one hundred fifty minutes per five-day school week, or**
17 **an average of thirty minutes per day. Students with disabilities shall participate in**
18 **moderate physical activity to the extent appropriate as determined by the provisions of the**
19 **Individuals with Disabilities Education Act, or Section 504 of the Rehabilitation Act;**

20 **(2) Each year the commissioner of education shall select for recognition students,**
21 **schools and school districts that are considered to have achieved improvement in fitness;**

22 **(3) Students in middle schools may at the school's discretion participate in at least**
23 **two hundred twenty-five minutes of physical activity per school week;**

24 **(4) A minimum of one recess period of twenty minutes per day shall be provided for**
25 **children in elementary schools, which may be incorporated into the lunch period.**

26

27 **Any requirement of this section above the state minimum physical education requirement**
28 **may be met by additional physical education instruction, or by other activities approved by**
29 **the individual school district under the direction of any certificated teacher or**
30 **administrator or other school employee under the supervision of a certificated teacher or**
31 **administrator.**

168.021. 1. Certificates of license to teach in the public schools of the state shall be
2 granted as follows:

3 (1) By the state board, under rules and regulations prescribed by it:

4 (a) Upon the basis of college credit;

5 (b) Upon the basis of examination;

6 (2) By the state board, under rules and regulations prescribed by the state board with
7 advice from the advisory council established by section 168.015 to any individual who presents
8 to the state board a valid doctoral degree from an accredited institution of higher education
9 accredited by a regional accrediting association such as North Central Association. Such
10 certificate shall be limited to the major area of postgraduate study of the holder, shall be issued
11 only after successful completion of the examination required for graduation pursuant to rules
12 adopted by the state board of education, and shall be restricted to those certificates established
13 pursuant to subdivision (1) of subsection 3 of this section;

14 (3) By the state board, which shall issue the professional certificate classification in both
15 the general and specialized areas most closely aligned with the current areas of certification
16 approved by the state board, commensurate with the years of teaching experience of the applicant,
17 and based upon the following criteria:

18 (a) Recommendation of a state-approved baccalaureate-level teacher preparation program;

19 (b) Successful attainment of the Missouri qualifying score on the exit assessment for
20 teachers or administrators designated by the state board of education. Applicants who have not
21 successfully achieved a qualifying score on the designated examinations will be issued a two-year
22 nonrenewable provisional certificate; and

23 (c) Upon completion of a background check **as prescribed in section 168.133** and
24 possession of a valid teaching certificate in the state from which the applicant's teacher
25 preparation program was completed; [or]

26 (4) **By the state board, under rules prescribed by it, on the basis of a relevant**
27 **bachelor's degree, or higher degree, and a passing score for the designated exit examination,**
28 **for individuals whose academic degree and professional experience are suitable to provide**
29 **a basis for instruction solely in the subject matter of banking or financial responsibility, at**
30 **the discretion of the state board. Such certificate shall be limited to the major area of study**
31 **of the holder and shall be restricted to those certificates established under subdivision (1)**
32 **of subsection 3 of this section. Holders of certificates granted under this subdivision shall**
33 **be exempt from the teacher tenure act under sections 168.102 to 168.130 and each school**
34 **district shall have the decision-making authority on whether to hire the holders of such**
35 **certificates; or**

36 (5) By the state board, under rules and regulations prescribed by it, on the basis of
37 certification by the American Board for Certification of Teacher Excellence (ABCTE) and
38 verification of ability to work with children as demonstrated by sixty contact hours in any one of
39 the following areas as validated by the school principal: sixty contact hours in the classroom, of
40 which at least forty-five must be teaching; sixty contact hours as a substitute teacher, with at least
41 thirty consecutive hours in the same classroom; sixty contact hours of teaching in a private school;
42 or sixty contact hours of teaching as a paraprofessional, for an initial four-year ABCTE certificate
43 of license to teach, except that such certificate shall not be granted for the areas of early childhood
44 education, elementary education, or special education. Upon the completion of the requirements
45 listed in paragraphs (a), (b), (c), and (d) of this subdivision, an applicant shall be eligible to apply
46 for a career continuous professional certificate under subdivision (2) of subsection 3 of this
47 section:

48 (a) Completion of thirty contact hours of professional development within four years,
49 which may include hours spent in class in an appropriate college curriculum;

50 (b) Validated completion of two years of the mentoring program of the American Board
51 for Certification of Teacher Excellence or a district mentoring program approved by the state
52 board of education;

53 (c) Attainment of a successful performance-based teacher evaluation; and

54 (d) Participate in a beginning teacher assistance program.

55 2. All valid teaching certificates issued pursuant to law or state board policies and
56 regulations prior to September 1, 1988, shall be exempt from the professional development
57 requirements of this section and shall continue in effect until they expire, are revoked or
58 suspended, as provided by law. When such certificates are required to be renewed, the state board
59 or its designee shall grant to each holder of such a certificate the certificate most nearly equivalent
60 to the one so held. Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II, or continuous
61 professional certificate shall, upon expiration of his or her current certificate, be issued the
62 appropriate level of certificate based upon the classification system established pursuant to
63 subsection 3 of this section.

64 3. Certificates of license to teach in the public schools of the state shall be based upon
65 minimum requirements prescribed by the state board of education **which shall include successful**
66 **completion of a background check as prescribed in section 168.133.** The state board shall
67 provide for the following levels of professional certification: an initial professional certificate and
68 a career continuous professional certificate.

69 (1) The initial professional certificate shall be issued upon completion of requirements
70 established by the state board of education and shall be valid based upon verification of actual

71 teaching within a specified time period established by the state board of education. The state
72 board shall require holders of the four-year initial professional certificate to:

73 (a) Participate in a mentoring program approved and provided by the district for a
74 minimum of two years;

75 (b) Complete thirty contact hours of professional development, which may include hours
76 spent in class in an appropriate college curriculum, **or for holders of a certificate under**
77 **subdivision (4) of subsection 1 of this section, an amount of professional development in**
78 **proportion to the certificate holder's hours in the classroom, if the certificate holder is**
79 **employed less than full-time; and**

80 (c) Participate in a beginning teacher assistance program;

81 (2) (a) The career continuous professional certificate shall be issued upon verification
82 of completion of four years of teaching under the initial professional certificate and upon
83 verification of the completion of the requirements articulated in paragraphs (a), (b), and (c) of
84 subdivision (1) of this subsection or paragraphs (a), (b), (c), and (d) of subdivision [(4)] (5) of
85 subsection 1 of this section.

86 (b) The career continuous professional certificate shall be continuous based upon
87 verification of actual employment in an educational position as provided for in state board
88 guidelines and completion of fifteen contact hours of professional development per year which
89 may include hours spent in class in an appropriate college curriculum. Should the possessor of
90 a valid career continuous professional certificate fail, in any given year, to meet the fifteen-hour
91 professional development requirement, the possessor may, within two years, make up the missing
92 hours. In order to make up for missing hours, the possessor shall first complete the fifteen-hour
93 requirement for the current year and then may count hours in excess of the current year
94 requirement as make-up hours. Should the possessor fail to make up the missing hours within
95 two years, the certificate shall become inactive. In order to reactivate the certificate, the possessor
96 shall complete twenty-four contact hours of professional development which may include hours
97 spent in the classroom in an appropriate college curriculum within the six months prior to or after
98 reactivating his or her certificate. The requirements of this paragraph shall be monitored and
99 verified by the local school district which employs the holder of the career continuous
100 professional certificate.

101 (c) A holder of a career continuous professional certificate shall be exempt from the
102 professional development contact hour requirements of paragraph (b) of this subdivision if such
103 teacher has a local professional development plan in place within such teacher's school district
104 and meets two of the three following criteria:

105 a. Has ten years of teaching experience as defined by the state board of education;

106 b. Possesses a master's degree; or

c. Obtains a rigorous national certification as approved by the state board of education.

4. Policies and procedures shall be established by which a teacher who was not retained due to a reduction in force may retain the current level of certification. There shall also be established policies and procedures allowing a teacher who has not been employed in an educational position for three years or more to reactivate his or her last level of certification by completing twenty-four contact hours of professional development which may include hours spent in the classroom in an appropriate college curriculum within the six months prior to or after reactivating his or her certificate.

5. The state board shall, upon [an appropriate] **completion of a background check as prescribed in section 168.133**, issue a professional certificate classification in the areas most closely aligned with an applicant's current areas of certification, commensurate with the years of teaching experience of the applicant, to any person who is hired to teach in a public school in this state and who possesses a valid teaching certificate from another state **or certification under subdivision (4) of subsection 1 of this section**, provided that the certificate holder shall annually complete the state board's requirements for such level of certification, and shall establish policies by which residents of states other than the state of Missouri may be assessed a fee for a certificate license to teach in the public schools of Missouri. Such fee shall be in an amount sufficient to recover any or all costs associated with the issuing of a certificate of license to teach. The board shall promulgate rules to authorize the issuance of a provisional certificate of license, which shall allow the holder to assume classroom duties pending the completion of a criminal background check under section 168.133, for any applicant who:

- (1) Is the spouse of a member of the armed forces stationed in Missouri;
- (2) Relocated from another state within one year of the date of application;
- (3) Underwent a criminal background check in order to be issued a teaching certificate of license from another state; and
- (4) Otherwise qualifies under this section.

6. The state board may assess to holders of an initial professional certificate a fee, to be deposited into the excellence in education revolving fund established pursuant to section 160.268, RSMo, for the issuance of the career continuous professional certificate. However, such fee shall not exceed the combined costs of issuance and any criminal background check required as a condition of issuance. Applicants for the initial ABCTE certificate shall be responsible for any fees associated with the program leading to the issuance of the certificate, but nothing in this section shall prohibit a district from developing a policy that permits fee reimbursement.

7. Any member of the public school retirement system of Missouri who entered covered employment with ten or more years of educational experience in another state or states and held a certificate issued by another state and subsequently worked in a school district covered by the

143 public school retirement system of Missouri for ten or more years who later became certificated
144 in Missouri shall have that certificate dated back to his or her original date of employment in a
145 Missouri public school.

146 8. The provisions of subdivision [(4)] (5) of subsection 1 of this section, as well as any
147 other provision of this section relating to the American Board for Certification of Teacher
148 Excellence, shall terminate on August 28, 2014.

168.071. 1. The state board of education may refuse to issue or renew a certificate, or
2 may, upon hearing, discipline the holder of a certificate of license to teach for the following
3 causes:

4 (1) A certificate holder or applicant for a certificate has pleaded to or been found guilty
5 of a felony or crime involving moral turpitude under the laws of this state, any other state, of the
6 United States, or any other country, whether or not sentence is imposed;

7 (2) The certification was obtained through use of fraud, deception, misrepresentation or
8 bribery;

9 (3) There is evidence of incompetence, immorality, or neglect of duty by the certificate
10 holder;

11 (4) A certificate holder has been subject to disciplinary action relating to certification
12 issued by another state, territory, federal agency, or country upon grounds for which discipline is
13 authorized in this section; or

14 (5) If charges are filed by the local board of education, based upon the annulling of a
15 written contract with the local board of education, for reasons other than election to the general
16 assembly, without the consent of the majority of the members of the board that is a party to the
17 contract.

18 2. A public school district may file charges seeking the discipline of a holder of a
19 certificate of license to teach based upon any cause or combination of causes outlined in
20 subsection 1 of this section, including annulment of a written contract. Charges shall be in
21 writing, specify the basis for the charges, and be signed by the chief administrative officer of the
22 district, or by the president of the board of education as authorized by a majority of the board of
23 education. The board of education may also petition the office of the attorney general to file
24 charges on behalf of the school district for any cause other than annulment of contract, with
25 acceptance of the petition at the discretion of the attorney general.

26 3. The department of elementary and secondary education may file charges seeking the
27 discipline of a holder of a certificate of license to teach based upon any cause or combination of
28 causes outlined in subsection 1 of this section, other than annulment of contract. Charges shall
29 be in writing, specify the basis for the charges, and be signed by legal counsel representing the
30 department of elementary and secondary education.

31 4. If the underlying conduct or actions which are the basis for charges filed pursuant to
32 this section are also the subject of a pending criminal charge against the person holding such
33 certificate, the certificate holder may request, in writing, a delayed hearing on advice of counsel
34 under the fifth amendment of the Constitution of the United States. Based upon such a request,
35 no hearing shall be held until after a trial has been completed on this criminal charge.

36 5. The certificate holder shall be given not less than thirty days' notice of any hearing held
37 pursuant to this section.

38 6. Other provisions of this section notwithstanding, the certificate of license to teach shall
39 be revoked or, in the case of an applicant, a certificate shall not be issued, if the certificate holder
40 or applicant has pleaded guilty to or been found guilty of any of the following offenses established
41 pursuant to Missouri law or offenses of a similar nature established under the laws of any other
42 state or of the United States, or any other country, whether or not the sentence is imposed:

43 (1) Any dangerous felony as defined in section 556.061, RSMo, or murder in the first
44 degree **under section 565.020, RSMo;**

45 (2) Any of the following sexual offenses: rape **under section 566.030, RSMo;** statutory
46 rape in the first degree **under section 566.032, RSMo;** statutory rape in the second degree **under**
47 **section 566.034, RSMo;** sexual assault **under section 566.040, RSMo;** forcible sodomy **under**
48 **section 566.060, RSMo;** statutory sodomy in the first degree **under section 566.062, RSMo;**
49 statutory sodomy in the second degree **under section 566.064, RSMo;** child molestation in the
50 first degree **under section 566.067, RSMo;** child molestation in the second degree **under section**
51 **566.068, RSMo;** deviate sexual assault **under section 566.070, RSMo;** sexual misconduct
52 involving a child **under section 566.083, RSMo;** sexual contact with a student while on public
53 school property **under section 566.086, RSMo;** sexual misconduct in the first degree **under**
54 **section 566.090, RSMo;** sexual misconduct in the second degree **under section 566.093,**
55 **RSMo;** sexual misconduct in the third degree **under section 566.095, RSMo;** sexual abuse
56 **under section 565.100, RSMo;** enticement of a child **under section 566.151, RSMo;** or
57 attempting to entice a child;

58 (3) Any of the following offenses against the family and related offenses: incest **under**
59 **section 568.020, RSMo;** abandonment of child in the first degree **under section 568.030, RSMo;**
60 abandonment of child in the second degree **under section 568.032, RSMo;** endangering the
61 welfare of a child in the first degree **under section 568.045, RSMo;** abuse of a child **under**
62 **section 568.060, RSMo;** child used in a sexual performance **under section 568.080, RSMo;**
63 promoting sexual performance by a child **under section 568.090, RSMo;** or trafficking in
64 children **under section 568.175, RSMo;** and

65 (4) Any of the following offenses involving child pornography and related offenses:
66 promoting obscenity in the first degree **under section 573.020, RSMo;** promoting obscenity in

67 the second degree when the penalty is enhanced to a class D felony **under section 573.030,**
68 **RSMo**; promoting child pornography in the first degree **under section 573.025, RSMo**;
69 promoting child pornography in the second degree **under section 573.035, RSMo**; possession
70 of child pornography [in the first degree] **under section 573.037, RSMo**; [possession of child
71 pornography in the second degree; furnishing child pornography to a minor;] furnishing
72 pornographic materials to minors **under section 573.040, RSMo**; or coercing acceptance of
73 obscene material **under section 573.065, RSMo**.

74 7. When a certificate holder pleads guilty or is found guilty of any offense that would
75 authorize the state board of education to seek discipline against that holder's certificate of license
76 to teach, the local board of education or the department of elementary and secondary education
77 shall immediately provide written notice to the state board of education and the attorney general
78 regarding the plea of guilty or finding of guilty.

79 8. The certificate holder whose certificate was revoked pursuant to subsection 6 of this
80 section may appeal such revocation to the state board of education. Notice of this appeal must
81 be received by the commissioner of education within ninety days of notice of revocation pursuant
82 to this subsection. Failure of the certificate holder to notify the commissioner of the intent to
83 appeal waives all rights to appeal the revocation. Upon notice of the certificate holder's intent to
84 appeal, an appeal hearing shall be held by a hearing officer designated by the commissioner of
85 education, with the final decision made by the state board of education, based upon the record of
86 that hearing. The certificate holder shall be given not less than thirty days' notice of the hearing,
87 and an opportunity to be heard by the hearing officer, together with witnesses.

88 9. In the case of any certificate holder who has surrendered or failed to renew his or her
89 certificate of license to teach, the state board of education may refuse to issue or renew, or may
90 suspend or revoke, such certificate for any of the reasons contained in this section.

91 10. In those cases where the charges filed pursuant to this section are based upon an
92 allegation of misconduct involving a minor child, the hearing officer may accept into the record
93 the sworn testimony of the minor child relating to the misconduct received in any court or
94 administrative hearing.

95 11. Hearings, appeals or other matters involving certificate holders, licensees or
96 applicants pursuant to this section may be informally resolved by consent agreement or agreed
97 settlement or voluntary surrender of the certificate of license pursuant to the rules promulgated
98 by the state board of education.

99 12. The final decision of the state board of education is subject to judicial review pursuant
100 to sections 536.100 to 536.140, RSMo.

101 13. A certificate of license to teach to an individual who has been convicted of a felony
102 or crime involving moral turpitude, whether or not sentence is imposed, shall be issued only upon

103 motion of the state board of education adopted by a unanimous affirmative vote of those members
104 present and voting.

168.110. The board of education of a school district may modify an indefinite contract
2 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

11 The modifications shall be effective at the beginning of the next school year. All teachers affected
12 by the modification shall be furnished written copies of the modifications within thirty days after
13 their adoption by the board of education.

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. **Personnel who have successfully undergone**
10 **a criminal background check and a check of the family care safety registry as part of the**
11 **professional license application process under section 168.021 and who have received**
12 **clearance on the checks within the past year shall be considered to have completed the**
13 **background check requirement.**

14 2. In order to facilitate the criminal history background check [on any person employed
15 after January 1, 2005], the applicant shall submit [two sets] **a set** of fingerprints collected pursuant
16 to standards determined by the Missouri highway patrol. [One set of] **The** fingerprints shall be
17 used by the highway patrol to search the criminal history repository [and the family care safety
18 registry pursuant to sections 210.900 to 210.936, RSMo,] and [the second set] shall be forwarded
19 to the Federal Bureau of Investigation for searching the federal criminal history files. **In addition**
20 **to the state and federal criminal background check, any employee employed after July 1,**
21 **2010, and required by the provisions of subsection 1 of this section to undergo a criminal**

22 **background check shall be required to register with the family care safety registry under**
23 **the provisions of sections 210.900 to 210.936, RSMo.**

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

30 4. **The department of elementary and secondary education shall facilitate an annual**
31 **check of employed persons holding current active certificates under section 168.021 against**
32 **criminal history records in the central repository under section 43.530, RSMo, the sexual**
33 **offender registry under sections 589.400 to 589.475, RSMo, and child abuse central registry**
34 **under sections 210.900 to 210.936, RSMo. The department of elementary and secondary**
35 **education shall facilitate procedures for school districts to submit personnel information**
36 **annually for persons employed by the school districts who do not hold a current valid**
37 **certificate who are required by subsection 1 of this section to undergo a criminal**
38 **background check, sexual offender registry check, and child abuse central registry check.**
39 **The Missouri state highway patrol shall provide ongoing electronic updates to criminal**
40 **history background checks of those persons previously submitted, both those who have an**
41 **active certificate and those that do not have an active certificate, by the department of**
42 **elementary and secondary education. This shall fulfill the annual check against the**
43 **criminal history records in the central repository under section 43.530, RSMo.**

44 5. The school district may adopt a policy to provide for reimbursement of expenses
45 incurred by an employee for state and federal criminal history information pursuant to section
46 43.530, RSMo.

47 [5.] 6. If, as a result of the criminal history background check mandated by this section,
48 it is determined that the holder of a certificate issued pursuant to section 168.021 has pled guilty
49 or nolo contendere to, or been found guilty of a crime or offense listed in section 168.071, or a
50 similar crime or offense committed in another state, the United States, or any other country,
51 regardless of imposition of sentence, such information shall be reported to the department of
52 elementary and secondary education.

53 [6.] 7. Any school official making a report to the department of elementary and secondary
54 education in conformity with this section shall not be subject to civil liability for such action.

55 [7.] 8. For any teacher who is employed by a school district on a substitute or part-time
56 basis within one year of such teacher's retirement from a Missouri school, the state of Missouri
57 shall not require such teacher to be subject to any additional background checks prior to having

58 contact with pupils. Nothing in this subsection shall be construed as prohibiting or otherwise
59 restricting a school district from requiring additional background checks for such teachers
60 employed by the school district.

61 **9. A criminal background check and fingerprint collection conducted under**
62 **subsections 1 and 2 of this section shall be valid for at least a period of one year and**
63 **transferrable from one school district to another district. A teacher's change and type of**
64 **certification shall have no effect on the transferability or validity of such records.**

65 [8.] **10.** Nothing in this section shall be construed to alter the standards for suspension,
66 denial, or revocation of a certificate issued pursuant to this chapter.

67 [9.] **11.** The state board of education may promulgate rules for criminal history
68 background checks made pursuant to this section. Any rule or portion of a rule, as that term is
69 defined in section 536.010, RSMo, that is created under the authority delegated in this section
70 shall become effective only if it complies with and is subject to all of the provisions of chapter
71 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
72 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536,
73 RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently
74 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
75 after January 1, 2005, shall be invalid and void.

168.221. 1. The first five years of employment of all teachers entering the employment
2 of the metropolitan school district shall be deemed a period of probation during which period all
3 appointments of teachers shall expire at the end of each school year. During the probationary
4 period any probationary teacher whose work is unsatisfactory shall be furnished by the
5 superintendent of schools with a written statement setting forth the nature of his incompetency.
6 If improvement satisfactory to the superintendent is not made within one semester after the receipt
7 of the statement, the probationary teacher shall be dismissed. The semester granted the
8 probationary teacher in which to improve shall not in any case be a means of prolonging the
9 probationary period beyond five years and six months from the date on which the teacher entered
10 the employ of the board of education. The superintendent of schools on or before the fifteenth
11 day of April in each year shall notify probationary teachers who will not be retained by the school
12 district of the termination of their services. Any probationary teacher who is not so notified shall
13 be deemed to have been appointed for the next school year. Any principal who prior to becoming
14 a principal had attained permanent employee status as a teacher shall upon ceasing to be a
15 principal have a right to resume his or her permanent teacher position with the time served as a
16 principal being treated as if such time had been served as a teacher for the purpose of calculating
17 seniority and pay scale. The rights and duties and remuneration of a teacher who was formerly

18 a principal shall be the same as any other teacher with the same level of qualifications and time
19 of service.

20 2. After completion of satisfactory probationary services, appointments of teachers shall
21 become permanent, subject to removal for any one or more causes herein described and to the
22 right of the board to terminate the services of all who attain the age of compulsory retirement
23 fixed by the retirement system. In determining the duration of the probationary period of
24 employment in this section specified, the time of service rendered as a substitute teacher shall not
25 be included.

26 3. No teacher whose appointment has become permanent may be removed except for one
27 or more of the following causes: immorality, inefficiency in line of duty, violation of the
28 published regulations of the school district, violation of the laws of Missouri governing the public
29 schools of the state, or physical or mental condition which incapacitates him for instructing or
30 associating with children, and then only by a vote of not less than a majority of all the members
31 of the board, upon written charges presented by the superintendent of schools, to be heard by the
32 board after thirty days' notice, with copy of the charges served upon the person against whom they
33 are preferred, who shall have the privilege of being present, together with counsel, offering
34 evidence and making defense thereto. Notifications received by an employee during a vacation
35 period shall be considered as received on the first day of the school term following. At the
36 request of any person so charged the hearing shall be public. The action and decision of the board
37 upon the charges shall be final. Pending the hearing of the charges, the person charged may be
38 suspended if the rules of the board so prescribe, but in the event the board does not by a majority
39 vote of all the members remove the teacher upon charges presented by the superintendent, the
40 person shall not suffer any loss of salary by reason of the suspension. Inefficiency in line of duty
41 is cause for dismissal only after the teacher has been notified in writing at least one semester prior
42 to the presentment of charges against him by the superintendent. The notification shall specify
43 the nature of the inefficiency with such particularity as to enable the teacher to be informed of the
44 nature of his inefficiency.

45 4. No teacher whose appointment has become permanent shall be demoted nor shall his
46 salary be reduced unless the same procedure is followed as herein stated for the removal of the
47 teacher because of inefficiency in line of duty, and any teacher whose salary is reduced or who
48 is demoted may waive the presentment of charges against him by the superintendent and a hearing
49 thereon by the board. The foregoing provision shall apply only to permanent teachers prior to the
50 compulsory retirement age under the retirement system. Nothing herein contained shall in any
51 way restrict or limit the power of the board of education to make reductions in the number of
52 teachers or principals, or both, because of insufficient funds, decrease in pupil enrollment, or
53 abolition of particular subjects or courses of instruction, except that the abolition of particular

54 subjects or courses of instruction shall not cause those teachers who have been teaching the
55 subjects or giving the courses of instruction to be placed on leave of absence as herein provided
56 who are qualified to teach other subjects or courses of instruction, if positions are available for
57 the teachers in the other subjects or courses of instruction.

58 5. Whenever it is necessary to decrease the number of teachers because of insufficient
59 funds or a substantial decrease of pupil population within the school district, the board of
60 education upon recommendation of the superintendent of schools may cause the necessary
61 number of teachers beginning with those serving probationary periods to be placed on leave of
62 absence without pay, but only in the inverse order of their appointment. Nothing herein stated
63 shall prevent a readjustment by the board of education of existing salary schedules. No teacher
64 placed on a leave of absence shall be precluded from securing other employment during the period
65 of the leave of absence. Each teacher placed on leave of absence shall be reinstated in inverse
66 order of his placement on leave of absence. Such reemployment shall not result in a loss of status
67 or credit for previous years of service. No new appointments shall be made while there are
68 available teachers on leave of absence who are seventy years of age or less and who are
69 adequately qualified to fill the vacancy unless the teachers fail to advise the superintendent of
70 schools within thirty days from the date of notification by the superintendent of schools that
71 positions are available to them that they will return to employment and will assume the duties of
72 the position to which appointed not later than the beginning of the school year next following the
73 date of the notice by the superintendent of schools.

74 6. If any regulation which deals with the promotion of [either] teachers is amended by
75 increasing the qualifications necessary to be met before a teacher is eligible for promotion, the
76 amendment shall fix an effective date which shall allow a reasonable length of time within which
77 teachers may become qualified for promotion under the regulations.

78 **7. A teacher whose appointment has become permanent may give up the right to a**
79 **permanent appointment to participate in the teacher choice compensation package under**
80 **sections 168.745 to 168.750.**

168.251. 1. All employees of a metropolitan school district shall be appointed and
2 promoted under rules and regulations prescribed by the board of education of the school district.
3 The rules shall be complementary to the provisions of sections 168.251 to 168.291 as to the
4 removal, discharge, suspension without pay or demotion of permanent employees and not in
5 derogation thereof. The word "employee" or "employees" as used in this section means all
6 employees, male or female, except certificated employees.

7 2. All appointments and promotions of noncertificated employees shall be made in the
8 case of appointment by examination, and in case of promotion by length and character of service.

9 Examinations for appointments shall be conducted by the director of personnel under regulations
10 to be made by the board.

11 **3. Sections 168.251 to 168.291 shall not apply to employees hired after August 28,**
12 **2009.**

168.745. 1. There is hereby created the "Teacher Choice Compensation Package"
2 **to permit performance-based salary stipends upon the decision of the teacher in a**
3 **metropolitan school district as described in section 168.747, to reward teachers for**
4 **objectively demonstrated superior performance.**

5 **2. There is hereby created the "Teacher Choice Compensation Fund" in the state**
6 **treasury. The fund shall be administered by the department of elementary and secondary**
7 **education. The state treasurer shall be custodian of the fund and may approve**
8 **disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo.**

9 **3. The teacher choice compensation fund shall consist of all moneys transferred to**
10 **it under this section, and all moneys otherwise appropriated to or donated to it.**
11 **Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys**
12 **remaining in the fund at the end of the biennium shall not revert to the credit of the general**
13 **revenue fund. The state treasurer shall invest moneys in the fund in the same manner as**
14 **other funds are invested. Any interest and moneys earned on such investments shall be**
15 **credited to the fund.**

16 **4. The general assembly shall annually appropriate five million dollars to the fund**
17 **created in this section.**

168.747. 1. To be eligible for the teacher choice compensation package, all classroom
2 **personnel in a metropolitan school district reported as a code forty, fifty, or sixty through**
3 **the core data system of the department of elementary and secondary education shall opt out**
4 **of his or her indefinite contract under section 168.221 for the duration of employment with**
5 **the district. A teacher may decide to end his or her eligibility for the teacher choice stipend**
6 **but may not resume permanent teacher status with that district. A probationary teacher**
7 **may opt out of consideration for a permanent contract in the second or subsequent years**
8 **of employment by the district to participate in the teacher choice compensation package but**
9 **may not return to permanent status in that district or resume the process for qualification**
10 **for an indefinite contract in that district. A teacher who has chosen the teacher choice**
11 **compensation package and changes employment to another district may choose to resume**
12 **the process for qualification for an indefinite contract in that district. The teacher choice**
13 **compensation package shall only be available for teachers in a metropolitan school district.**

14 **2. Teachers shall qualify annually in October for the stipends described in section**
15 **168.749. Stipends shall be offered in five thousand dollar increments, up to fifteen thousand**

16 dollars, but shall not exceed fifty percent of a teacher's base salary, before deductions for
17 retirement but including designated pay for additional duties such as coaching, sponsoring,
18 or mentoring. Any stipend received under section 168.749 shall be in addition to the base
19 salary to which the teacher would otherwise be entitled. Teachers receiving the stipend
20 shall receive any pay and benefits received by teachers of similar training, experience, and
21 duties. Such stipends shall not be considered compensation for retirement purposes.

22 3. Subject to appropriation, the department of elementary and secondary education
23 shall make a payment to the district in the amount of the stipend, to be delivered as a lump
24 sum in January following the October of qualification. If the amount appropriated is not
25 enough to fund the total of five thousand dollar increment payments, the department may
26 prorate the payments.

27 4. Every person employed by the district in a teaching position, regardless of the
28 certification status of the person, who qualifies under any of the indicators listed in section
29 168.749 is eligible for the teacher choice compensation package. Teachers who are
30 employed less than full-time are eligible for teacher choice stipends on a pro-rated basis.
31 Any teacher who is dismissed for cause who has otherwise qualified for a teacher choice
32 stipend shall forfeit the stipend for that year.

168.749. 1. Beginning with school year 2010-2011, teachers who elect to participate
2 in the teacher choice compensation package shall be eligible for stipends based on the
3 following criteria:

4 (1) Score on a value-added test instrument or instruments. Such instruments shall
5 be defined as those which give a reliable measurement of the skills and knowledge
6 transferred to students during the time they are in a teacher's classroom and shall be
7 selected by the school district from one or more of the following assessments:

8 (a) A list of recognized value-added instruments developed by the department of
9 elementary and secondary education;

10 (b) Scores on the statewide assessments established under section 160.518, RSMo,
11 may be used for this purpose, and the department of elementary and secondary education
12 shall develop a procedure for identifying the value added by teachers that addresses the fact
13 that not all subjects are tested at all grade levels each year under the state assessment
14 program;

15 (c) Scores on annual tests required by the federal Elementary and Secondary
16 Education Act reauthorization of 2002 for third through eighth grade may be used as value-
17 added instruments if found appropriate after consideration and approval by the state board
18 of education;

19 (d) A district may choose an instrument after a public hearing of the district board
20 of education on the matter, with the reasons for the selection entered upon the minutes of
21 the meeting; provided, however, that this option shall not be available to districts after
22 scores are established for paragraphs (a), (b), and (c) of this subdivision;

23 (2) Evaluations by principals or other administrators with expertise to evaluate
24 classroom performance;

25 (3) Evaluations by parents and by students at their appropriate developmental level.

26

27 Model instruments for these evaluations shall be developed or identified by the department
28 of elementary and secondary education. Districts may use such models, may use other
29 existing models, or may develop their own instruments. A district that develops its own
30 instrument shall not use that instrument as its sole method of evaluation.

31 2. The department of elementary and secondary education shall develop criteria for
32 determining eligibility for stipend increments, including a range of target scores on
33 assessments for use by the districts. The test-score options listed in subdivision (1) of
34 subsection 1 of this section shall be given higher weight than the evaluation options listed
35 in subdivisions (2) and (3) of subsection 1 of this section. The decision of individual districts
36 about the qualifications for each increment based on the evaluations listed in subdivisions
37 (2) and (3) of subsection 1 of this section and for value-added instruments for which target
38 scores have not been developed by the department of elementary and secondary education
39 may address the district's unique characteristics but shall require demonstrably superior
40 performance on the part of the teacher, based primarily on improved student achievement
41 while taking into account classroom demographics including but not limited to students'
42 abilities, special needs, and class size.

168.750. Any rule or portion of a rule, as that term is defined in section 536.010,
2 RSMo, that is created under the authority delegated in sections 168.745 to 168.749 shall
3 become effective only if it complies with and is subject to all of the provisions of chapter 536,
4 RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
5 nonseverable and if any of the powers vested with the general assembly pursuant to chapter
6 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are
7 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
8 proposed or adopted after August 28, 2009, shall be invalid and void.

169.020. 1. For the purpose of providing retirement allowances and other benefits for
2 public school teachers, there is hereby created and established a retirement system which shall be
3 a body corporate, shall be under the management of a board of trustees herein described, and shall
4 be known as "The Public School Retirement System of Missouri". Such system shall, by and in

5 such name, sue and be sued, transact all of its business, invest all of its funds, and hold all of its
6 cash, securities, and other property. The system so created shall include all school districts in this
7 state, except those in cities that had populations of four hundred thousand or more according to
8 the latest United States decennial census, and such others as are or hereafter may be included in
9 a similar system or in similar systems established by law and made operative; provided, that
10 teachers in school districts of more than four hundred thousand inhabitants who are or may
11 become members of a local retirement system may become members of this system with the same
12 legal benefits as accrue to present members of such state system on the terms and under the
13 conditions provided for in section 169.021. The system hereby established shall begin operations
14 on the first day of July next following the date upon which sections 169.010 to 169.130 shall take
15 effect.

16 2. The general administration and the responsibility for the proper operation of the
17 retirement system and for making effective the provisions of sections 169.010 to 169.141 are
18 hereby vested in a board of trustees of seven persons as follows: four persons to be elected as
19 trustees by the members and retired members of the public school retirement system created by
20 sections 169.010 to 169.141 and the public education employee retirement system created by
21 sections 169.600 to 169.715; and three members appointed by the governor with the advice and
22 consent of the senate. The first member appointed by the governor shall replace the commissioner
23 of education for a term beginning August 28, 1998. The other two members shall be appointed
24 by the governor at the time each member's, who was appointed by the state board of education,
25 term expires.

26 3. Trustees appointed and elected shall be chosen for terms of four years from the first
27 day of July next following their appointment or election, except that one of the elected trustees
28 shall be a member of the public education employee retirement system and shall be initially
29 elected for a term of three years from July 1, 1991. The initial term of one other elected trustee
30 shall commence on July 1, 1992.

31 4. Trustees appointed by the governor shall be residents of school districts included in the
32 retirement system, but not employees of such districts or a state employee or a state elected
33 official. At least one trustee so appointed shall be a retired member of the public school
34 retirement system or the public education employee retirement system. Three elected trustees
35 shall be members of the public school retirement system and one elected trustee shall be a
36 member of the public education employee retirement system.

37 5. The elections of the trustees shall be arranged for, managed and conducted by the board
38 of trustees of the retirement system.

39 6. If a vacancy occurs in the office of trustee, the vacancy shall be filled for the unexpired
40 term in the same manner as the office was previously filled.

41 7. Trustees of the retirement system shall serve without compensation but they shall be
42 reimbursed for expenses necessarily incurred through service on the board of trustees.

43 8. Each trustee shall be commissioned by the governor, and before entering upon the
44 duties of the trustee's office, shall take and subscribe to an oath or affirmation to support the
45 Constitution of the United States, and of the state of Missouri and to demean himself or herself
46 faithfully in the trustee's office. Such oath as subscribed to shall be filed in the office of secretary
47 of state of this state.

48 9. Each trustee shall be entitled to one vote in the board of trustees. Four votes shall be
49 necessary for a decision by the trustees at any meeting of the board of trustees. Unless otherwise
50 expressly provided herein, a meeting need not be called or held to make any decision on a matter
51 before the board. Each member must be sent by the executive director a copy of the matter to be
52 decided with full information from the files of the board of trustees. The unanimous decision of
53 four trustees may decide the issue by signing a document declaring their decision and sending
54 such written instrument to the executive director of the board, provided that no other member of
55 the board of trustees shall send a dissenting decision to the executive director of the board within
56 fifteen days after such document and information was mailed to the trustee. If any member is not
57 in agreement with four members the matter is to be passed on at a regular board meeting or a
58 special meeting called for the purpose.

59 10. The board of trustees shall elect one of their number as chairman, and shall employ
60 a full-time executive director, not one of their number, who shall be the executive officer of the
61 board. Other employees of the board shall be chosen only upon the recommendation of the
62 executive director.

63 11. The board of trustees shall employ an actuary who shall be its technical advisor on
64 matters regarding the operation of the retirement system, and shall perform such duties as are
65 essential in connection therewith, including the recommendation for adoption by the board of
66 mortality and other necessary tables, and the recommendation of the level rate of contributions
67 required for operation of the system.

68 12. As soon as practicable after the establishment of the retirement system, and annually
69 thereafter, the actuary shall make a valuation of the system's assets and liabilities on the basis of
70 such tables as have been adopted.

71 13. At least once in the three-year period following the establishment of the retirement
72 system, and in each five-year period thereafter, the board of trustees shall cause to be made an
73 actuarial investigation into the mortality, service, and compensation experience of the members
74 and beneficiaries of the system, and shall make any changes in the mortality, service, and other
75 tables then in use which the results of the investigation show to be necessary.

76 14. Subject to the limitations of sections 169.010 to 169.141 and 169.600 to 169.715, the
77 board of trustees shall formulate and adopt rules and regulations for the government of its own
78 proceedings and for the administration of the retirement system.

79 15. The board of trustees shall determine and decide all questions of doubt as to what
80 constitutes employment within the meaning of sections 169.010 to 169.141 and 169.600 to
81 169.715, the amount of benefits to be paid to members, retired members, beneficiaries and
82 survivors and the amount of contributions to be paid by employer and employee. The executive
83 director shall notify by certified mail both employer and member, retired member, beneficiary or
84 survivor interested in such determination. Any member, retired member, beneficiary or survivor,
85 district or employer adversely affected by such determination, at any time within thirty days after
86 being notified of such determination, may appeal to the circuit court of Cole County. Such appeal
87 shall be tried and determined anew in the circuit court and such court shall hear and consider any
88 and all competent testimony relative to the issues in the case, which may be offered by either party
89 thereto. The circuit court shall determine the rights of the parties under sections 169.010 to
90 169.141 and 169.600 to 169.715 using the same standard provided in section 536.150, RSMo, and
91 the judgment or order of such circuit court shall be binding upon the parties and the board shall
92 carry out such judgment or order unless an appeal is taken from such decision of the circuit court.
93 Appeals may be had from the circuit court by the employer, member, retired member, beneficiary,
94 survivor or the board, in the manner provided by the civil code.

95 16. The board of trustees shall keep a record of all its proceedings, which shall be open
96 to public inspection. It shall prepare annually a comprehensive annual financial report, the
97 financial section of which shall be prepared in accordance with applicable accounting standards
98 and shall include the independent auditor's opinion letter. The report shall also include
99 information on the actuarial status and the investments of the system. The reports shall be
100 preserved by the executive director and made available for public inspection.

101 17. The board of trustees shall provide for the maintenance of an individual account with
102 each member, setting forth such data as may be necessary for a ready determination of the
103 member's earnings, contributions, and interest accumulations. It shall also collect and keep in
104 convenient form such data as shall be necessary for the preparation of the required mortality and
105 service tables and for the compilation of such other information as shall be required for the
106 valuation of the system's assets and liabilities. All individually identifiable information pertaining
107 to members, retirees, beneficiaries and survivors shall be confidential.

108 18. The board of trustees shall meet regularly at least twice each year, with the dates of
109 such meetings to be designated in the rules and regulations adopted by the board. Such other
110 meetings as are deemed necessary may be called by the chairman of the board or by any four
111 members acting jointly.

112 19. The headquarters of the retirement system shall be in Jefferson City, where suitable
113 office space, utilities and other services and equipment necessary for the operation of the system
114 shall be provided by the board of trustees and all costs shall be paid from funds of the system.
115 All suits [in which] **or proceedings directly or indirectly against** the board of trustees, the
116 board's members or employees or the retirement system established by sections 169.010 to
117 169.141 or 169.600 to 169.715 [are parties] shall be brought in Cole County.

118 20. The board may appoint an attorney or firm of attorneys to be the legal advisor to the
119 board and to represent the board in legal proceedings, however, if the board does not make such
120 an appointment, the attorney general shall be the legal advisor of the board of trustees, and shall
121 represent the board in all legal proceedings.

122 21. The board of trustees shall arrange for adequate surety bonds covering the executive
123 director. When approved by the board, such bonds shall be deposited in the office of the secretary
124 of state of this state.

125 22. The board shall arrange for annual audits of the records and accounts of the system
126 by a firm of certified public accountants, the state auditor shall review the audit of the records and
127 accounts of the system at least once every three years and shall report the results to the board of
128 trustees and the governor.

129 23. The board by its rules may establish an interest charge to be paid by the employer on
130 any payments of contributions which are delinquent. The rate charged shall not exceed the
131 actuarially assumed rate of return on invested funds of the pertinent system.

169.040. 1. All funds arising from the operation of sections 169.010 to 169.141 shall
2 belong to the retirement system herein created and shall be controlled by the board of trustees of
3 that system which board shall provide for the collection of such funds, shall see that they are
4 safely preserved, and shall permit their disbursement only for the purposes herein authorized.
5 Such funds and all other funds received by the retirement system are declared and shall be deemed
6 to be the moneys and funds of the retirement system and not revenue collected or moneys received
7 by the state and shall not be commingled with state funds.

8 2. The board shall invest all funds under its control which are in excess of a safe operating
9 balance. The funds shall be invested only in those investments which a prudent person acting in
10 a like capacity and familiar with these matters would use in the conduct of an enterprise of a like
11 character and with like aims, as provided in section 105.688, RSMo. The board of trustees may
12 delegate to duly appointed investment counselors authority to act in place of the board in the
13 investment and reinvestment of all or part of the moneys of the system, and may also delegate to
14 such counselors the authority to act in place of the board in the holding, purchasing, selling,
15 assigning, transferring or disposing of any or all of the securities and investments in which such
16 moneys shall have been invested, as well as the proceeds of such investments and such moneys.

17 Such investment counselors shall be registered as investment advisors with the United States
18 Securities and Exchange Commission. In exercising or delegating its investment powers and
19 authority, members of the board shall exercise ordinary business care and prudence under the facts
20 and circumstances prevailing at the time of the action or decision. No member of the board shall
21 be liable for any action taken or omitted with respect to the exercise of, or delegation of, these
22 powers and authority if such member shall have discharged the duties of his or her position in
23 good faith and with that degree of diligence, care and skill which a prudent person acting in a like
24 capacity and familiar with these matters would use in the conduct of an enterprise of a like
25 character and with like aims.

26 **3. Notwithstanding the provisions of section 105.662, RSMo, the board may set up**
27 **and maintain a public school and education employee retirement systems of Missouri**
28 **investment fund account in which investment and reinvestment of all or part of the moneys**
29 **of the system may be placed and be available for investment purposes. For the purpose of**
30 **investing the funds of the retirement system, the funds may be combined with the funds of**
31 **the public education employee retirement system of Missouri, but the funds of each system**
32 **shall be accounted for separately and for all other reporting purposes shall be separate.**
33 **The board of trustees may promulgate such rules and regulations consistent with the**
34 **provisions of sections 169.040 and 169.630 as deemed necessary for its proper**
35 **administration, pursuant to the provisions of this section and this chapter. Any rule or**
36 **portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the**
37 **authority delegated in this section shall become effective only if it complies with and is**
38 **subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,**
39 **RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers**
40 **vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the**
41 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**
42 **then the grant of rulemaking authority and any rule proposed or adopted after August 28,**
43 **2009, shall be invalid and void.**

44 **4.** No investment transaction authorized by the board shall be handled by any company
45 or firm in which a member of the board has an interest, nor shall any member of the board profit
46 directly or indirectly from any such investment. All investments shall be made for the account of
47 the retirement system, and any securities or other properties obtained by the board of trustees may
48 be held by a custodian in the name of the retirement system, or in the name of a nominee in order
49 to facilitate the expeditious transfer of such securities or other property. Such securities or other
50 properties which are not available in registered form may be held in bearer form or in book entry
51 form. The retirement system is further authorized to deposit, or have deposited for its account,
52 eligible securities in a central depository system or clearing corporation or in a federal reserve

53 bank under a book entry system as defined in the Uniform Commercial Code, sections 400.8-102
54 and 400.8-109, RSMo. When such eligible securities of the retirement system are so deposited
55 with a central depository system they may be merged and held in the name of the nominee of such
56 securities depository and title to such securities may be transferred by bookkeeping entry on the
57 books of such securities depository or federal reserve bank without physical delivery of the
58 certificates or documents representing such securities.

59 [4.] 5. With appropriate safeguards against loss by the system in any contingency, the
60 board may designate a bank or trust company to serve as a depository of system funds and
61 intermediary in the investment of those funds and payment of system obligations.

62 [5.] 6. All retirement allowances or other periodic payments paid by the board shall be
63 paid to recipients of such payments by electronic funds transfer, unless another method has been
64 determined by the board to be appropriate. Each recipient of retirement allowances or other
65 periodic payments shall designate a financial institution or other authorized payment agent and
66 provide the board information necessary for the recipient to receive electronic funds transfer
67 payments through the institution or agent designated. This subsection shall apply to retirement
68 allowances and other periodic payments first paid on or after January 1, 1998, and shall apply to
69 all retirement allowances and other periodic payments on and after January 1, 1999.

70 [6.] 7. The board of trustees may deliberate about, or make tentative or final decisions on,
71 investments or other financial matters in a closed meeting under chapter 610, RSMo, if disclosure
72 of the deliberations or decisions would jeopardize the ability to implement a decision or to
73 achieve investment objectives. A record of the retirement system that discloses deliberations
74 about, or a tentative decision on, investments or other financial matters is not a public record
75 under chapter 610, RSMo, to the extent and so long as its disclosure would jeopardize the ability
76 to implement a decision or to achieve investment objectives.

169.056. 1. Members who have accrued at least one year of membership service credit
2 for employment in a position covered by this retirement system and who have covered
3 employment with this retirement system following the service for which credit is being purchased
4 may purchase membership service credit under the circumstances, terms and conditions provided
5 in this section. With respect to each such purchase authorized by this section the following
6 provisions apply:

7 (1) The purchase shall be effected by the member paying to the retirement system the
8 amount the member would have contributed and the amount the employer would have contributed
9 had such member been an employee for the number of years for which the member is electing to
10 purchase credit, and had the member's compensation during such period been the highest annual
11 salary rate on record with the retirement system on the date of election to purchase credit. For
12 purposes of this section, "annual salary rate" means the annual salary rate for full-time service for

13 the position of employment. The contribution rate used in determining the amount to be paid
14 shall be the contribution rate in effect on the date of election to purchase credit. Notwithstanding
15 the provisions of this subsection, for all elections to purchase credit received by the retirement
16 system on or after January 1, 2006, the member shall receive credit based on the amount paid by
17 the member for such credit and received by the retirement system by the close of business on June
18 thirtieth of each year. In lieu of charging the member interest on such purchase of credit, the
19 amount to be paid by the member for any remaining credit the member has elected to purchase
20 but has not paid for by [June] **September** thirtieth of each year shall be recalculated on the
21 following [July] **October** first using the contribution rate in effect on that July first and the
22 highest salary of record for the member as of that July first. For all elections to purchase credit
23 received by the retirement system prior to January 1, 2006, the retirement system shall determine
24 the cost of such purchase using the calculation method in effect for elections to purchase credit
25 received by the retirement system on or after January 1, 2006, provided that the member shall
26 have a one-time, irrevocable option to continue to have the cost of such purchase be determined
27 using the calculation method in effect at the time of such election to purchase such credit. To be
28 effective, such option must be elected by the member on a form approved by the retirement
29 system and such form must be received by the retirement system by the close of business on June
30 30, 2006. The retirement system [reserves the right to] **may prohibit a purchase, impose**
31 **additional requirements for making a purchase, or** limit the amount of credit purchased [by
32 the member in any year if the amounts paid by the member in that year would exceed any
33 applicable contribution limits set forth in] **if necessary for the retirement system to comply**
34 **with federal law, including but not limited to, the provisions of Section 415 of Title 26 of the**
35 **United States Code. The board of trustees may promulgate such rules and regulations**
36 **consistent with the provisions of this section deemed necessary for its proper administration,**
37 **pursuant to the provisions of this section and this chapter. Any rule or portion of a rule,**
38 **as that term is defined in section 536.010, RSMo, that is created under the authority**
39 **delegated in this section shall become effective only if it complies with and is subject to all**
40 **of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This**
41 **section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the**
42 **general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or**
43 **to disapprove and annul a rule are subsequently held unconstitutional, then the grant of**
44 **rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be**
45 **invalid and void;**

46 (2) Membership service credit purchased pursuant to this section shall be deemed to be
47 membership service in Missouri for purposes of subsection [7] **8** of section 169.070;

48 (3) An election to purchase membership service credit pursuant to this section and
49 payment for the purchase shall be completed prior to termination of membership with the
50 retirement system with interest on the unpaid balance;

51 (4) Members may purchase membership service credit in increments of one-tenth of a
52 year, and multiple elections to purchase may be made;

53 (5) Additional terms and conditions applicable to purchase made pursuant to this section
54 including, but not limited to, minimum payments, payment schedules and provisions applicable
55 when a member fails to complete payment may be set by rules of the board.

56 2. Membership service credit shall not be allowed pursuant to this section or sections
57 169.570 and 169.577 which exceeds in length the member's membership service credit for
58 employment in a position covered by this system, and in no event may the member receive
59 membership service credit with both this system and another public retirement system for the
60 same service.

61 3. A member who was employed for at least twenty hours per week on a regular basis by
62 a public school district, public community college, public college, or public university, either
63 inside or outside of this state, may elect to purchase equivalent membership service credit.

64 4. A member who has served in the armed forces of the United States of America and
65 who was discharged or separated from the armed forces by other than a dishonorable discharge
66 may elect to purchase membership service for the period of active duty service in the armed
67 forces.

68 5. Any member granted unpaid maternity or paternity leave for a period, from a position
69 covered by the retirement system, who returned to employment in such a position, may elect to
70 purchase membership service credit for the period of leave.

71 6. Any member who is or was certified as a vocational-technical teacher on the basis of
72 having a college degree or who was required to have a period of work experience of at least two
73 years in the area of the subject being taught in order to qualify for such certification may, upon
74 written application to the board, purchase equivalent membership service credit for such work
75 experience which shall not exceed the two years necessary for certification if the work experience
76 was in the area that the member taught or is teaching and was completed in two years.

77 7. Any member who had membership service credit with the public education employee
78 retirement system of Missouri governed by sections 169.600 to 169.715 but which membership
79 service credit was forfeited by withdrawal or refund may elect to purchase credit for such service.
80 The public education employee retirement system of Missouri shall transfer to this system an
81 amount equal to the employer contributions for the forfeited service being purchased, plus
82 interest, which shall be applied to reduce the amount the member would otherwise pay for the
83 purchase, provided that the amount transferred shall not exceed one-half of the purchase cost.

84 8. A member may elect to purchase membership service credit for service rendered while
85 on leave from an employer, as defined in section 169.010, for a not-for-profit corporation or
86 agency whose primary purpose is support of education or education research, if the member was
87 employed by that organization to serve twenty or more hours per week on a regular basis.

88 9. A member who was employed by a private school, private community college, private
89 college, or private university, either inside or outside of this state, for at least twenty hours per
90 week on a regular basis, may elect to purchase equivalent membership service credit for such
91 service rendered.

92 10. A member who was employed in nonfederal public employment for at least twenty
93 hours a week on a regular basis shall be permitted to purchase equivalent creditable service in the
94 retirement system for such employment subject to provisions of this section.

95 11. A member who, while eighteen years of age or older, was employed in a position
96 covered by Social Security for at least twenty hours a week on a regular basis shall be permitted
97 to purchase equivalent creditable service in the retirement system for such employment subject
98 to provisions of this section.

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

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

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

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

25 (6) Between July 1, 1998, and July 1, 2013, two and twenty-five-hundredths percent of
26 the member's final average salary for each year of membership service, if the member's creditable
27 service is twenty-six years or more but less than twenty-seven years, and the member has not
28 attained age fifty-five;

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

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

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

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

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

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

45 3. (1) In lieu of the retirement allowance provided either in subsection 1 or 2 of this
46 section, collectively called "option 1", a member whose creditable service is twenty-five years or
47 more or who has attained the age of fifty-five with five or more years of creditable service may
48 elect in the member's application for retirement to receive the actuarial equivalent of the member's
49 retirement allowance in reduced monthly payments for life during retirement with the provision
50 that:

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

57 OR

58 Option 3. Upon the death of the member three-fourths of the reduced retirement
59 allowance shall be continued throughout the life of and paid to such person as has an insurable
60 interest in the life of the member and as the member shall have nominated in an election of the
61 option, and provided further that if the person so nominated dies before the retired member, the
62 retirement allowance will be increased to the amount the retired member would be receiving had
63 the member elected option 1;

64 OR

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

71 OR

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

84 OR

85 Option 6. Upon the death of the member prior to the member having received sixty
86 monthly payments of the member's reduced allowance, the remainder of the sixty monthly
87 payments of the reduced allowance shall be paid to such beneficiary as the member shall have
88 nominated in the member's election of the option or in a subsequent nomination. If there is no
89 beneficiary so nominated who survives the member for the remainder of the sixty monthly
90 payments, the total of the remainder of such sixty monthly payments shall be paid to the
91 **surviving spouse, surviving children in equal shares, surviving parents in equal shares, or**
92 **estate of the last person, in that order of precedence**, to receive a monthly allowance **in a lump**

93 **sum payment.** If the total of the sixty payments paid to the retired individual and the beneficiary
94 of the retired individual is less than the total of the member's accumulated contributions, the
95 difference shall be paid to the beneficiary in a lump sum.

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

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

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

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

128 shares, or [(4)] estate of the beneficiary, in that order of precedence, unless the retired individual
129 designates a different recipient with the board at or after retirement.

130 **5. If a member dies and their financial institution is unable to accept the final**
131 **payment or payments due to the member, the final payment or payments shall be paid to**
132 **the beneficiary of the member or, if there is no beneficiary, to the surviving spouse,**
133 **surviving children in equal shares, surviving parents in equal shares, or estate of the**
134 **member, in that order of precedence, unless otherwise stated. If the beneficiary of a**
135 **deceased member dies and their financial institution is unable to accept the final payment**
136 **or payments, the final payment or payments shall be paid to the surviving spouse, surviving**
137 **children in equal shares, surviving parents in equal shares, or estate of the member, in that**
138 **order of precedence, unless otherwise stated.**

139 **6.** If a member dies before receiving a retirement allowance, the member's accumulated
140 contributions at the time of the death of the member shall be paid to the beneficiary of the member
141 or, if there is no beneficiary, to the [(1)] surviving spouse, [(2)] surviving children in equal shares,
142 [(3)] surviving parents in equal shares, or [(4)] to the estate of the member, in that order of
143 precedence; except that, no such payment shall be made if the beneficiary elects option 2 in
144 subsection 3 of this section, unless the beneficiary dies before having received benefits pursuant
145 to that subsection equal to the accumulated contributions of the member, in which case the
146 amount of accumulated contributions in excess of the total benefits paid pursuant to that
147 subsection shall be paid to the [(1)] surviving spouse, [(2)] surviving children in equal shares,
148 [(3)] surviving parents in equal shares, or [(4)] estate of the beneficiary, in that order of
149 precedence.

150 **[6.] 7.** If a member ceases to be a public school employee as herein defined and certifies
151 to the board of trustees that such cessation is permanent, or if the membership of the person is
152 otherwise terminated, the member shall be paid the member's accumulated contributions with
153 interest.

154 **[7.] 8.** Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary, if
155 a member ceases to be a public school employee after acquiring five or more years of membership
156 service in Missouri, the member may at the option of the member leave the member's
157 contributions with the retirement system and claim a retirement allowance any time after reaching
158 the minimum age for voluntary retirement. When the member's claim is presented to the board,
159 the member shall be granted an allowance as provided in sections 169.010 to 169.141 on the basis
160 of the member's age, years of service, and the provisions of the law in effect at the time the
161 member requests the member's retirement to become effective.

162 **[8.] 9.** The retirement allowance of a member retired because of disability shall be
163 nine-tenths of the allowance to which the member's creditable service would entitle the member

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

170 [9.] **10.** Notwithstanding any provisions of sections 169.010 to 169.141 to the contrary,
171 from October 13, 1961, the contribution rate pursuant to sections 169.010 to 169.141 shall be
172 multiplied by the factor of two-thirds for any member of the system for whom federal Old Age
173 and Survivors Insurance tax is paid from state or local tax funds on account of the member's
174 employment entitling the person to membership in the system. The monetary benefits for a
175 member who elected not to exercise an option to pay into the system a retroactive contribution
176 of four percent on that part of the member's annual salary rate which was in excess of four
177 thousand eight hundred dollars but not in excess of eight thousand four hundred dollars for each
178 year of employment in a position covered by this system between July 1, 1957, and July 1, 1961,
179 as provided in subsection 10 of this section as it appears in RSMo, 1969, shall be the sum of:

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

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

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

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

191 [10.] **11.** The monetary benefits for each other member for whom federal Old Age and
192 Survivors Insurance tax is or was paid at any time from state or local funds on account of the
193 member's employment entitling the member to membership in the system shall be the sum of:

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

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

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

201 [11.] **12.** Any retired member of the system who was retired prior to September 1, 1972,
202 or beneficiary receiving payments under option 1 or option 2 of subsection 3 of this section, as
203 such option existed prior to September 1, 1972, will be eligible to receive an increase in the
204 retirement allowance of the member of two percent for each year, or major fraction of more than
205 one-half of a year, which the retired member has been retired prior to July 1, 1975. This increased
206 amount shall be payable commencing with January, 1976, and shall thereafter be referred to as
207 the member's retirement allowance. The increase provided for in this subsection shall not affect
208 the retired member's eligibility for compensation provided for in section 169.580 or 169.585, nor
209 shall the amount being paid pursuant to these sections be reduced because of any increases
210 provided for in this section.

211 [12.] **13.** If the board of trustees determines that the cost of living, as measured by
212 generally accepted standards, increases two percent or more in the preceding fiscal year, the board
213 shall increase the retirement allowances which the retired members or beneficiaries are receiving
214 by two percent of the amount being received by the retired member or the beneficiary at the time
215 the annual increase is granted by the board with the provision that the increases provided for in
216 this subsection shall not become effective until the fourth January first following the member's
217 retirement or January 1, 1977, whichever later occurs, or in the case of any member retiring on
218 or after July 1, 2000, the increase provided for in this subsection shall not become effective until
219 the third January first following the member's retirement, or in the case of any member retiring
220 on or after July 1, 2001, the increase provided for in this subsection shall not become effective
221 until the second January first following the member's retirement. Commencing with January 1,
222 1992, if the board of trustees determines that the cost of living has increased five percent or more
223 in the preceding fiscal year, the board shall increase the retirement allowances by five percent.
224 The total of the increases granted to a retired member or the beneficiary after December 31, 1976,
225 may not exceed eighty percent of the retirement allowance established at retirement or as
226 previously adjusted by other subsections. If the cost of living increases less than five percent, the
227 board of trustees may determine the percentage of increase to be made in retirement allowances,
228 but at no time can the increase exceed five percent per year. If the cost of living decreases in a
229 fiscal year, there will be no increase in allowances for retired members on the following January
230 first.

231 [13.] **14.** The board of trustees may reduce the amounts which have been granted as
232 increases to a member pursuant to subsection [12] **13** of this section if the cost of living, as
233 determined by the board and as measured by generally accepted standards, is less than the cost

234 of living was at the time of the first increase granted to the member; except that, the reductions
235 shall not exceed the amount of increases which have been made to the member's allowance after
236 December 31, 1976.

237 [14.] **15.** Any application for retirement shall include a sworn statement by the member
238 certifying that the spouse of the member at the time the application was completed was aware of
239 the application and the plan of retirement elected in the application.

240 [15.] **16.** Notwithstanding any other provision of law, any person retired prior to
241 September 28, 1983, who is receiving a reduced retirement allowance under option 1 or option
242 2 of subsection 3 of this section, as such option existed prior to September 28, 1983, and whose
243 beneficiary nominated to receive continued retirement allowance payments under the elected
244 option dies or has died, shall upon application to the board of trustees have his or her retirement
245 allowance increased to the amount he or she would have been receiving had the option not been
246 elected, actuarially adjusted to recognize any excessive benefits which would have been paid to
247 him or her up to the time of application.

248 [16.] **17.** Benefits paid pursuant to the provisions of the public school retirement system
249 of Missouri shall not exceed the limitations of Section 415 of Title 26 of the United States Code
250 except as provided pursuant to this subsection. Notwithstanding any other law to the contrary,
251 the board of trustees may establish a benefit plan pursuant to Section 415(m) of Title 26 of the
252 United States Code. Such plan shall be created solely for the purpose described in Section
253 415(m)(3)(A) of Title 26 of the United States Code. The board of trustees may promulgate
254 regulations necessary to implement the provisions of this subsection and to create and administer
255 such benefit plan.

256 [17.] **18.** Notwithstanding any other provision of law to the contrary, any person retired
257 before, on, or after May 26, 1994, shall be made, constituted, appointed and employed by the
258 board as a special consultant on the matters of education, retirement and aging, and upon request
259 shall give written or oral opinions to the board in response to such requests. As compensation for
260 such duties the person shall receive an amount based on the person's years of service so that the
261 total amount received pursuant to sections 169.010 to 169.141 shall be at least the minimum
262 amounts specified in subdivisions (1) to (4) of this subsection. In determining the minimum
263 amount to be received, the amounts in subdivisions (3) and (4) of this subsection shall be adjusted
264 in accordance with the actuarial adjustment, if any, that was applied to the person's retirement
265 allowance. In determining the minimum amount to be received, beginning September 1, 1996,
266 the amounts in subdivisions (1) and (2) of this subsection shall be adjusted in accordance with the
267 actuarial adjustment, if any, that was applied to the person's retirement allowance due to election
268 of an optional form of retirement having a continued monthly payment after the person's death.
269 Notwithstanding any other provision of law to the contrary, no person retired before, on, or after

270 May 26, 1994, and no beneficiary of such a person, shall receive a retirement benefit pursuant to
271 sections 169.010 to 169.141 based on the person's years of service less than the following
272 amounts:

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

277 [18.] **19.** Notwithstanding any other provisions of law to the contrary, any person retired
278 prior to May 26, 1994, and any designated beneficiary of such a retired member who was
279 deceased prior to July 1, 1999, shall be made, constituted, appointed and employed by the board
280 as a special consultant on the matters of education, retirement or aging and upon request shall give
281 written or oral opinions to the board in response to such requests. Beginning September 1, 1996,
282 as compensation for such service, the member shall have added, pursuant to this subsection, to
283 the member's monthly annuity as provided by this section a dollar amount equal to the lesser of
284 sixty dollars or the product of two dollars multiplied by the member's number of years of
285 creditable service. Beginning September 1, 1999, the designated beneficiary of the deceased
286 member shall as compensation for such service have added, pursuant to this subsection, to the
287 monthly annuity as provided by this section a dollar amount equal to the lesser of sixty dollars or
288 the product of two dollars multiplied by the member's number of years of creditable service. The
289 total compensation provided by this section including the compensation provided by this
290 subsection shall be used in calculating any future cost-of-living adjustments provided by
291 subsection 12 of this section.

292 [19.] **20.** Any member who has retired prior to July 1, 1998, and the designated
293 beneficiary of a deceased retired member shall be made, constituted, appointed and employed by
294 the board as a special consultant on the matters of education, retirement and aging, and upon
295 request shall give written or oral opinions to the board in response to such requests. As
296 compensation for such duties the person shall receive a payment equivalent to eight and
297 seven-tenths percent of the previous month's benefit, which shall be added to the member's or
298 beneficiary's monthly annuity and which shall not be subject to the provisions of subsections [12
299 and] **13 and 14** of this section for the purposes of the limit on the total amount of increases which
300 may be received.

301 [20.] **21.** Any member who has retired shall be made, constituted, appointed and
302 employed by the board as a special consultant on the matters of education, retirement and aging,
303 and upon request shall give written or oral opinions to the board in response to such request. As
304 compensation for such duties, the beneficiary of the retired member, or, if there is no beneficiary,
305 the [(1)] surviving spouse, [(2)] surviving children in equal shares, [(3)] surviving parents in equal

306 shares, or [(4)] estate of the retired member, in that order of precedence, shall receive as a part of
307 compensation for these duties a death benefit of five thousand dollars.

308 [21.] **22.** Any member who has retired prior to July 1, 1999, and the designated
309 beneficiary of a retired member who was deceased prior to July 1, 1999, shall be made,
310 constituted, appointed and employed by the board as a special consultant on the matters of
311 education, retirement and aging, and upon request shall give written or oral opinions to the board
312 in response to such requests. As compensation for such duties, the person shall have added,
313 pursuant to this subsection, to the monthly annuity as provided by this section a dollar amount
314 equal to five dollars times the member's number of years of creditable service.

315 [22.] **23.** Any member who has retired prior to July 1, 2000, and the designated
316 beneficiary of a deceased retired member shall be made, constituted, appointed and employed by
317 the board as a special consultant on the matters of education, retirement and aging, and upon
318 request shall give written or oral opinions to the board in response to such requests. As
319 compensation for such duties, the person shall receive a payment equivalent to three and
320 five-tenths percent of the previous month's benefit, which shall be added to the member or
321 beneficiary's monthly annuity and which shall not be subject to the provisions of subsections [12
322 and] **13 and 14** of this section for the purposes of the limit on the total amount of increases which
323 may be received.

324 [23.] **24.** Any member who has retired prior to July 1, 2001, and the designated
325 beneficiary of a deceased retired member shall be made, constituted, appointed and employed by
326 the board as a special consultant on the matters of education, retirement and aging, and upon
327 request shall give written or oral opinions to the board in response to such requests. As
328 compensation for such duties, the person shall receive a dollar amount equal to three dollars times
329 the member's number of years of creditable service, which shall be added to the member's or
330 beneficiary's monthly annuity and which shall not be subject to the provisions of subsections [12
331 and] **13 and 14** of this section for the purposes of the limit on the total amount of increases which
332 may be received.

169.073. 1. Any member eligible for a retirement allowance pursuant to section 169.070
2 and who has not previously received a retirement allowance, including an allowance under
3 disability retirement under section 169.070, and whose sum of age and creditable service equals
4 eighty-six years or more or whose creditable service is thirty-three years or more or whose age
5 is sixty-three years or more and who has eight years or more of creditable service may elect a
6 distribution under the partial lump sum option plan provided in this section if the member notifies
7 the retirement system on the application for retirement.

8 2. A member entitled to make an election pursuant to this section may elect to receive a
9 lump sum distribution in addition to the member's monthly retirement allowance pursuant to

10 section 169.070, as reduced pursuant to this section. Such member may elect the amount of the
11 member's lump sum distribution from one, but not more than one, of the following options:

12 (1) A lump sum amount equal to twelve times the retirement allowance the member
13 would receive if no election were made pursuant to this section and the member had chosen
14 option 1 pursuant to section 169.070;

15 (2) A lump sum amount equal to twenty-four times the retirement allowance the member
16 would receive if no election were made pursuant to this section and the member had chosen
17 option 1 pursuant to section 169.070; or

18 (3) A lump sum amount equal to thirty-six times the retirement allowance the member
19 would receive if no election were made pursuant to this section and the member had chosen
20 option 1 pursuant to section 169.070.

21 3. When a member makes an election to receive a lump sum distribution pursuant to this
22 section, the retirement allowance that the member would have received in the absence of the
23 election shall be reduced on an actuarially equivalent basis to reflect the payment of the lump sum
24 distribution and the reduced retirement allowance shall be the member's retirement allowance
25 thereafter for all purposes in relation to retirement allowance amounts pursuant to section
26 169.070. A retirement allowance increased due to the death of a person nominated by the member
27 to receive benefits pursuant to the provisions of option 2, 3, or 4 of subsection 3 of section
28 169.070 shall be increased pursuant to such provisions to the amount the retired member would
29 be receiving had the retired member elected option 1 as actuarially reduced due to the lump sum
30 distribution made pursuant to this section. Any payment of accumulated contributions pursuant
31 to the provisions of sections 169.010 to 169.141 shall be reduced by the amount of any lump sum
32 distribution made pursuant to this section in addition to any other reductions required by sections
33 169.010 to 169.141.

34 4. If the member dies before receiving a lump sum distribution pursuant to this section,
35 the lump sum distribution shall be paid in accordance with rules adopted by the board of trustees.

36 5. Benefits paid pursuant to this section, in addition to all other provisions of the public
37 school retirement system of Missouri, shall not exceed the limitations of Section 415 of Title 26
38 of the United States Code except as provided in subsection [16] 17 of section 169.070.

169.075. 1. Certain survivors specified in this section and meeting the requirements of
2 this section may elect to forfeit any payments payable pursuant to subsection 3 or [5] 6 of section
3 169.070 and to receive certain other benefits described in this section upon the death of a member
4 prior to retirement, except retirement with disability benefits, whose period of creditable service
5 in districts included in the retirement system is (1) five years or more, or (2) two years but less
6 than five years and who dies (a) while teaching in a district included in the retirement system, or
7 (b) as a result of an injury or sickness incurred while teaching in such a district and within one

8 year of the commencement of such injury or sickness, or (c) while eligible for a disability
9 retirement allowance hereunder.

10 2. Upon an election pursuant to subsection 1 of this section, a surviving spouse sixty years
11 of age, or upon attainment of age sixty, or a surviving spouse who has been totally and
12 permanently disabled for not less than five years immediately preceding the death of a member
13 if designated as the sole beneficiary, and if married to the member at least three years, and if
14 living with such member at the time of the member's death, shall be entitled to a monthly payment
15 equal to twenty percent of one-twelfth of the annual salary rate on which the member contributed
16 for the member's last full year of creditable service as a teacher in a district included in the
17 retirement system until death or recovery prior to age sixty from the disability which qualified the
18 spouse for the benefit, whichever first occurs; provided that the monthly payment shall not be less
19 than five hundred seventy-five dollars or more than eight hundred sixty dollars. A surviving
20 spouse, who is eligible for benefits pursuant to this subsection and also pursuant to subsection 3
21 of this section may receive benefits only pursuant to subsection 3 of this section as long as the
22 surviving spouse remains eligible pursuant to both subsections, but shall not be disqualified for
23 the benefit provided in this subsection because the surviving spouse may have received payments
24 pursuant to subsection 3 of this section. Beginning August 28, 2001, a surviving spouse who
25 otherwise meets the requirements of this subsection but who remarried prior to August 28, 1995,
26 shall be entitled, upon an election pursuant to subsection 1 of this section, to any remaining
27 benefits that would otherwise have been received had the surviving spouse not remarried before
28 the change in law permitting remarried surviving spouses to continue receiving benefits. Such
29 surviving spouses may, upon application, become special consultants whose benefit will be to
30 receive the remaining benefits described in this subsection. No benefit shall be paid to such
31 surviving spouse unless he or she files a valid application for such benefit with the retirement
32 system postmarked on or before June 30, 2002. In no event shall any retroactive benefits be paid.

33 3. Upon an election pursuant to subsection 1 of this section, a surviving spouse, if
34 designated as the sole beneficiary, who has in the surviving spouse's care a dependent unmarried
35 child, including a stepchild or adopted child, of the deceased member, under eighteen years of
36 age, shall be entitled to a monthly payment equal to twenty percent of one-twelfth of the annual
37 salary rate on which the member contributed for the member's last full year of creditable service
38 as a teacher in a district included in the retirement system until the surviving spouse's death, or
39 the first date when no such dependent unmarried child under age eighteen, or age twenty-four if
40 the child is enrolled in school on a full-time basis, remains in the surviving spouse's care,
41 whichever first occurs; provided that the monthly payment shall not be less than five hundred
42 seventy-five dollars or more than eight hundred sixty dollars. In addition the surviving spouse
43 shall be entitled to a monthly payment equal to one-half this amount, provided that the monthly

44 payment shall not be less than three hundred dollars, for each such dependent unmarried child
45 under eighteen years of age, or age twenty-four if the child is enrolled in school on a full-time
46 basis, who remains in the surviving spouse's care. Further, in addition to the monthly payment
47 to the surviving spouse as provided for in this subsection, each dependent unmarried child under
48 the age of eighteen years of the deceased member not in the care of such surviving spouse shall
49 be entitled to a monthly payment equal to one-half of the surviving spouse's monthly payment
50 which shall be paid to the child's primary custodial parent or legal guardian; provided that the
51 payment because of an unmarried dependent child shall be made until the child attains age
52 twenty-four if the child is enrolled in school on a full-time basis; provided, however, that the total
53 of all monthly payments to the surviving spouse, primary custodial parent or legal guardian,
54 including payments for such dependent unmarried children, shall in no event exceed two thousand
55 one hundred sixty dollars, the amount of the children's share to be allocated equally as to each
56 dependent unmarried child eligible to receive payments pursuant to this subsection.

57 4. Upon an election pursuant to subsection 1 of this section if the designated beneficiary
58 is a dependent unmarried child as defined in this section or automatically upon the death of a
59 surviving spouse receiving benefits pursuant to subsection 3 of this section, each surviving
60 dependent unmarried child, including a stepchild or adopted child, of the deceased member, under
61 eighteen years of age, or such a child under age twenty-four if the child is enrolled in school on
62 a full-time basis, shall be entitled to a monthly payment equal to sixteen and two-thirds percent
63 of one-twelfth of the annual salary rate on which the member contributed for the member's last
64 full year of creditable service as a teacher in a district included in the retirement system until
65 death, marriage, adoption, or attainment of age eighteen or age twenty-four if enrolled in school
66 on a full-time basis, whichever first occurs; provided that the monthly payment shall not be less
67 than five hundred dollars or more than seven hundred twenty dollars, and provided further that
68 any child of the deceased member who is disabled before attainment of age eighteen because of
69 a physical or mental impairment which renders the child unable to engage in any substantial
70 gainful activity and which disability continues after the child has attained age eighteen shall be
71 entitled to a like monthly payment, until death, marriage, adoption, or recovery from the
72 disability, whichever first occurs; provided, however, that the total of all monthly payments to the
73 surviving dependent unmarried children shall in no event exceed two thousand one hundred sixty
74 dollars.

75 5. In lieu of receiving any benefit or lump sum from the retirement system, the designated
76 beneficiary may elect under subsection 1 of this section to direct that each surviving dependent
77 unmarried child, including a stepchild or adopted child, of the deceased member, under eighteen
78 years of age, or such a child under age twenty-four if the child is enrolled in school on a full-time
79 basis, shall be entitled to a monthly payment equal to sixteen and two-thirds percent of

80 one-twelfth of the annual salary rate on which the member contributed for the member's last full
81 year of creditable service as a teacher in a district included in the retirement system until death,
82 marriage, adoption, or attainment of age eighteen or age twenty-four if enrolled in school on a
83 full-time basis, whichever first occurs; provided that the monthly payment shall not be less than
84 five hundred dollars or more than seven hundred twenty dollars, and provided further that any
85 child of the deceased member who is disabled before attainment of age eighteen because of a
86 physical or mental impairment which renders the child unable to engage in any substantial gainful
87 activity and which disability continues after the child has attained age eighteen shall be entitled
88 to a like monthly payment, until death, marriage, adoption, or recovery from the disability,
89 whichever first occurs; provided, however, that the total of all monthly payments to the surviving
90 dependent unmarried children shall in no event exceed two thousand one hundred sixty dollars.

91 6. Upon an election pursuant to subsection 1 of this section, a surviving dependent parent
92 of the deceased member, over sixty-five years of age or upon attainment of age sixty-five if
93 designated as the sole beneficiary, provided such dependent parent was receiving at least one-half
94 of the parent's support from such member at the time of the member's death and provided the
95 parent files proof of such support within two years of such death, shall be entitled to a monthly
96 payment equal to sixteen and two-thirds percent of one-twelfth of the annual salary rate on which
97 the member contributed for the member's last full year as a teacher in a district included in the
98 retirement system until death; provided that the monthly payment shall not be less than five
99 hundred dollars or more than seven hundred twenty dollars. If the other parent also is a
100 dependent, as defined in this section, the same amount shall be paid to each until death.

101 7. All else in this section to the contrary notwithstanding, a survivor may not be eligible
102 to benefit pursuant to this section because of more than one terminated membership, and be it
103 further provided that the board of trustees shall determine and decide all questions of doubt as to
104 what constitutes dependency within the meaning of this section.

105 8. The provisions added to subsection 3 of this section in 1991 are intended to clarify the
106 scope and meaning of this section as originally enacted and shall be applied in all cases in which
107 such an election has occurred or will occur.

108 9. After July 1, 2000, all benefits payable pursuant to subsections 1 to 8 of this section
109 shall be payable to eligible current and future survivor beneficiaries in accordance with this
110 section.

111 10. The system shall pay a monthly retirement allowance for the month in which a retired
112 member, beneficiary or survivor receiving a retirement allowance or survivor benefit dies.

113 11. If the total of all payments made under this section is less than the total of the
114 member's accumulated contributions, the difference shall be paid to the person making the

115 election under subsection 1 of this section. If such person does not survive until all payments are
116 made under this section, such difference shall be paid in accordance with section 169.076.

169.090. Neither the funds belonging to the retirement system nor any benefit accrued or
2 accruing to any person under the provisions of sections 169.010 to 169.130 shall be subject to
3 execution, garnishment, attachment or any other process whatsoever, nor shall they be assignable,
4 except **in a proceeding instituted for spousal maintenance or child support and** as in sections
5 169.010 to 169.130 specifically provided.

169.130. 1. Any person, duly certified under the law governing the certification of
2 teachers, employed full time as a teacher by the division of youth services prior to August 13,
3 1986, who did not become a member of the Missouri state employees' retirement system under
4 section 104.342, RSMo, is a member of the public school retirement system of Missouri. Any
5 such person who becomes a member before the end of the school year next following July 18,
6 1948, may claim and receive credit for prior service. The contributions required to be made by
7 the member's employer shall be paid from appropriations to the institution by which the member
8 is employed.

9 2. Any person, duly certified under the law governing the certification of teachers,
10 employed full time as a teacher by a division of the state department of social services prior to
11 August 13, 1986, who did not become a member of the Missouri state employees' retirement
12 system under section 104.342, RSMo, who renders services in a school whose standards of
13 education are set and which is supervised by a public school officer of the county in which the
14 school is located, by the department of elementary and secondary education or by the coordinating
15 board for higher education is a member of the public school retirement system of Missouri. Any
16 such member who becomes a member before the end of the school year next following August
17 29, 1953, may claim and receive credit for prior service.

18 3. Any person, duly certified under the law governing the certification of teachers,
19 employed full time as a teacher by the section of inmate education of the department of
20 corrections prior to August 13, 1986, who did not become a member of the Missouri state
21 employees' retirement system under section 104.342, RSMo, is a member of the public school
22 retirement system of Missouri. Any such person who becomes a member before the end of the
23 school year next following August 29, 1959, may claim and receive credit for prior service. For
24 purposes of this subsection "prior service" means service rendered by a member of the retirement
25 system before the system becomes operative with respect to persons employed by the section of
26 inmate education, and may include service rendered by a member of the armed forces during a
27 period of war, if the member was a teacher at the time he was inducted, for which credit has been
28 approved by the board of trustees.

29 4. Any person, duly certificated under the law governing the certification of teachers,
30 employed full time by any statewide nonprofit educational association or organization serving on
31 an educational professional basis through its membership the active members of the public school
32 retirement system of Missouri or the public school districts maintaining high schools in this state,
33 may be a member of the public school retirement system of Missouri. Any such person who
34 becomes a member before July 1, 1955, may claim and receive credit for prior service. The
35 contributions required to be made by the member's employer shall be paid by the association or
36 organization. **After June 30, 2010, no additional nonprofit educational associations or**
37 **organizations may have their employees become members of the public school retirement**
38 **system of Missouri or the public education employee retirement system of Missouri.**

39 5. Any person, duly certificated under the law governing the certification of teachers,
40 employed full time, and whose duties include participation in the educational program of the
41 department of mental health, in either a teaching or supervisory teaching capacity prior to August
42 13, 1986, who did not become a member of the Missouri state employees' retirement system under
43 section 104.342, RSMo, shall, after August 7, 1969, be a member of the public school retirement
44 system, but any such person whose employment with the department of mental health commenced
45 prior to August 7, 1969, may elect not to become a member by so notifying the department of
46 mental health in writing within thirty days after August 7, 1969.

 169.560. 1. Any person retired and currently receiving a retirement allowance pursuant
2 to sections 169.010 to 169.141, other than for disability, may be employed in any capacity in a
3 district included in the retirement system created by those sections on either a part-time or
4 temporary-substitute basis not to exceed a total of five hundred fifty hours in any one school year,
5 and through such employment may earn up to fifty percent of the annual compensation payable
6 under the employing district's salary schedule for the position or positions filled by the retiree,
7 given such person's level of experience and education, without a discontinuance of the person's
8 retirement allowance. If the employing school district does not utilize a salary schedule, or if the
9 position in question is not subject to the employing district's salary schedule, a retiree employed
10 in accordance with the provisions of this section may earn up to fifty percent of the annual
11 compensation paid to the person or persons who last held such position or positions. If the
12 position or positions did not previously exist, the compensation limit shall be determined in
13 accordance with rules duly adopted by the board of trustees of the retirement system; provided
14 that, it shall not exceed fifty percent of the annual compensation payable for the position in the
15 employing school district that is most comparable to the position filled by the retiree. In any case
16 where a retiree fills more than one position during the school year, the fifty-percent limit on
17 permitted earning shall be based solely on the annual compensation of the highest paid position
18 occupied by the retiree for at least one-fifth of the total hours worked during the year. **The limits**

19 **provided in this subsection shall be applied on a pro-rata basis to a retiree's hours of work**
20 **and earnings after the retiree's effective date of retirement during the school year that the**
21 **member retires as determined in accordance with rules and regulations adopted by the**
22 **board of trustees of the retirement system established pursuant to sections 169.010 to**
23 **169.141. Such a person shall not contribute to the retirement system or to the public education**
24 **employee retirement system established by sections 169.600 to 169.715 and shall not accrue any**
25 **creditable service with the retirement system because of earnings during such period of**
26 **employment.**

27 **2. If a person exceeds either limit of subsection 1 of this section, the person shall not**
28 **be eligible to receive the person's retirement allowance for any month during which either**
29 **limit has been exceeded throughout the remainder of that school year. If such a person is**
30 **employed in any capacity by such a district [on a regular, full-time basis,] so that the person**
31 **would be eligible for membership in the retirement system or the public education employee**
32 **retirement system established by sections 169.600 to 169.715, the person shall become a**
33 **member of the appropriate system and shall not be eligible to receive the person's retirement**
34 **allowance for any month during which the person is so employed and the person and the**
35 **employer shall contribute to the retirement system under section 169.030 or to the public**
36 **education employee retirement system under section 169.620.**

37 **3. A member shall terminate employment with an employer covered by the**
38 **retirement system before being eligible to receive a benefit under sections 169.010 to**
39 **169.141. A member shall not be deemed to have terminated employment if the member is**
40 **employed in any capacity by an employer covered by the public school retirement system**
41 **of Missouri or the public education employee retirement system of Missouri or receives any**
42 **remuneration from any source for any work performed for such a district as a consultant,**
43 **contractor, specialist, or employee of any other employer within one month after his or her**
44 **effective date of retirement. The member shall be required to repay any benefit payments**
45 **paid if it is determined that the member did not terminate employment covered by the**
46 **retirement system.**

169.630. 1. All funds arising from the operation of sections 169.600 to 169.715 shall
2 belong to the retirement system created in sections 169.600 to 169.715 and shall be controlled by
3 the board of trustees and that board shall provide for the collection of these funds, see that they
4 are safely preserved, and shall permit their disbursement only for the purposes authorized in
5 sections 169.600 to 169.715. These funds are declared and shall be deemed to be the moneys and
6 funds of this retirement system and not general funds of the state and shall not be commingled
7 with any state funds or other retirement funds. Solely for the purpose of investing the funds of
8 the retirement system, the funds may be combined with the funds of the public school retirement

9 system of Missouri, but the funds of each system shall be accounted for separately and for all
10 other purposes shall be separate.

11 2. The board shall invest all funds under its control which are in excess of a safe operating
12 balance. The investment shall be made only in securities authorized and pursuant to the same
13 standards set for investment by section 169.040.

14 3. **Notwithstanding the provisions of section 105.662, RSMo, the board may set up**
15 **and maintain a public school and education employee retirement systems of Missouri**
16 **investment fund account in which investment and reinvestment of all or part of the moneys**
17 **of the system may be placed and be available for investment purposes. For the purpose of**
18 **investing the funds of the retirement system, the funds may be combined with the funds of**
19 **the public school retirement system of Missouri, but the funds of each system shall be**
20 **accounted for separately and for all other reporting purposes shall be separate. The board**
21 **of trustees may promulgate such rules and regulations consistent with the provisions of**
22 **sections 169.040 and 169.630 as deemed necessary for its proper administration, pursuant**
23 **to the provisions of this section and this chapter. Any rule or portion of a rule, as that term**
24 **is defined in section 536.010, RSMo, that is created under the authority delegated in this**
25 **section shall become effective only if it complies with and is subject to all of the provisions**
26 **of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter**
27 **536, RSMo, are nonseverable and if any of the powers vested with the general assembly**
28 **pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and**
29 **annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority**
30 **and any rule proposed or adopted after August 28, 2009, shall be invalid and void.**

31 4. No investment transaction authorized by the board shall be handled by any company
32 or firm in which a member of the board has an interest, nor shall any member of the board profit
33 directly or indirectly from any such investment. All investments shall be made for the account of
34 the retirement system, and any securities or other properties obtained by the board of trustees may
35 be held by a custodian in the name of the retirement system, or in the name of a nominee in order
36 to facilitate the expeditious transfer of such securities or other property. Such securities or other
37 properties which are not available in registered form may be held in bearer form or in book entry
38 form. The retirement system is further authorized to deposit, or have deposited for its account,
39 eligible securities in a central depository system or clearing corporation or in a federal reserve
40 bank under a book entry system as defined in the Uniform Commercial Code, sections 400.8-102
41 and 400.8-108, RSMo. When such eligible securities of the retirement system are so deposited
42 with a central depository system, the securities may be merged and held in the name of the
43 nominee of such securities depository and title to such securities may be transferred by

44 bookkeeping entry on the books of such securities depository or federal reserve bank without
45 physical delivery of the certificates or documents representing such securities.

46 [4.] 5. With appropriate safeguards against loss by the system in any contingency, the
47 board may designate a bank or trust company to serve as a depository of system funds and
48 intermediary in the investment of those funds and payment of system obligations.

49 [5.] 6. All retirement allowances or other periodic payments paid by the board shall be
50 paid to recipients of such payments by electronic funds transfer, unless another method has been
51 determined by the board to be appropriate. Each recipient of retirement allowances or other
52 periodic payments shall designate a financial institution or other authorized payment agent and
53 provide the board information necessary for the recipient to receive electronic funds transfer
54 payments through the institution or agent designated. This subsection shall apply to retirement
55 allowances and other periodic payments first paid on or after January 1, 1998, and shall apply to
56 all retirement allowances and other periodic payments on and after January 1, 1999.

57 [6.] 7. The board of trustees may deliberate about, or make tentative or final decisions on,
58 investments or other financial matters in a closed meeting under chapter 610, RSMo, if disclosure
59 of the deliberations or decisions would jeopardize the ability to implement a decision or to
60 achieve investment objectives. A record of the retirement system that discloses deliberations
61 about, or a tentative or final decision on, investments or other financial matters is not a public
62 record under chapter 610, RSMo, to the extent and so long as its disclosure would jeopardize the
63 ability to implement a decision or to achieve investment objectives.

169.650. 1. On and after October 13, 1965, all employees as defined in section 169.600
2 of districts included in this retirement system shall be members of the system by virtue of their
3 employment, and all persons who had five years of prior service who were employees of districts
4 included in sections 169.600 to 169.710 during the school year next preceding October 13, 1965,
5 but who ceased to be employees prior to October 13, 1965, because of physical disability, shall
6 be members of this system by virtue of that prior service. Individuals who qualify as independent
7 contractors under the common law and are treated as such by their employer shall not be
8 considered employees for purposes of membership in or contributions to the retirement system.

9 2. Any member who rendered service prior to November 1, 1965, as an employee as
10 defined in section 169.600 in a district or community college district included in the system may
11 claim credit for that service by filing with the board of trustees a complete and detailed record of
12 the service for which the credit is claimed, together with such supporting evidence as the board
13 may require for verification of the record. To the extent that the board finds the record correct,
14 it shall credit the claimant with prior service and shall notify the claimant of its decision.

15 3. Membership shall be terminated by failure of a member to earn any membership
16 service credit as a public school employee under this system for five consecutive school years,
17 by death, withdrawal of contributions, or retirement.

18 4. If a member withdraws or is refunded the member's contributions, the member shall
19 thereby forfeit any creditable service the member may have; provided, however, if such person
20 again becomes a member of the system, the member may elect prior to retirement to reinstate any
21 creditable service forfeited at the times of previous withdrawals or refunds. The reinstatement
22 shall be effected by the member paying to the retirement system, with interest, the amount of
23 accumulated contributions withdrawn by the member or refunded to the member with respect to
24 the service being reinstated. A member may reinstate less than the total service previously
25 forfeited, in accordance with rules promulgated by the board of trustees. The payment shall be
26 completed prior to termination of membership with the retirement system with interest on the
27 unpaid balance; provided, however, that if a member is retired on disability before completing
28 such payments, the balance due, with interest, shall be deducted from the member's disability
29 retirement allowance.

30 5. Any person who is an employee of any statewide nonprofit educational association or
31 organization serving the active membership of the public education employee retirement system
32 of Missouri and who works at least twenty hours per week on a regular basis in a position which
33 is not covered by the public school retirement system of Missouri may be a member of the public
34 education employee retirement system of Missouri. Certificated employees of such statewide
35 nonprofit educational association or organization may not be members of the public school
36 retirement system of Missouri unless such association or organization makes separate application
37 pursuant to subsection 4 of section 169.130. The contributions required to be made by the
38 employee will be deducted from salary and matched by the association or organization. **After**
39 **June 30, 2010, no additional nonprofit educational associations or organizations may have**
40 **their employee become members of the public school retirement system of Missouri or the**
41 **public education employee retirement system of Missouri.**

169.655. 1. Members who have accrued at least one year of membership service credit
2 for employment in a position covered by this retirement system and who have covered
3 employment with this retirement system following the service for which credit is being purchased
4 may purchase membership service credit under the circumstances, terms and conditions provided
5 in this section. With respect to each such purchase authorized by this section the following
6 provisions apply:

7 (1) The purchase shall be effected by the member paying to the retirement system the
8 amount the member would have contributed and the amount the employer would have contributed
9 had such member been an employee for the number of years for which the member is electing to

10 purchase credit, and had the member's compensation during such period been the highest annual
11 salary rate on record with the retirement system on the date of election to purchase credit. The
12 contribution rate used in determining the amount to be paid shall be the contribution rate in effect
13 on the date of election to purchase credit. Notwithstanding the provisions of this subsection, for
14 all elections to purchase credit received by the retirement system on or after January 1, 2006, the
15 member shall receive credit based on the amount paid by the member for such credit and received
16 by the retirement system by the close of business on June thirtieth of each year. In lieu of
17 charging the member interest on such purchase of credit, the amount to be paid by the member
18 for any remaining credit the member has elected to purchase but has not paid for by [June]
19 **September** thirtieth of each year shall be recalculated on the following [July] **October** first using
20 the contribution rate in effect on that July first and the highest salary of record for the member as
21 of that July first. For all elections to purchase credit received by the retirement system prior to
22 January 1, 2006, the retirement system shall determine the cost of such purchase using the
23 calculation method in effect for elections to purchase credit received by the retirement system on
24 or after January 1, 2006, provided that the member shall have a one-time, irrevocable option to
25 continue to have the cost of such purchase be determined using the calculation method in effect
26 at the time of such election to purchase such credit. To be effective, such option must be elected
27 by the member on a form approved by the retirement system and such form must be received by
28 the retirement system by the close of business on June 30, 2006. The retirement system reserves
29 the right to **prohibit a purchase, impose additional requirements for making a purchase, or**
30 **limit the amount of credit purchased [by the member in any year if the amounts paid by the**
31 **member in that year would exceed any applicable contribution limits set forth in] if necessary for**
32 **the retirement system to comply with federal law, including but not limited to, the**
33 **provisions of Section 415 of Title 26 of the United States Code. The board of trustees may**
34 **promulgate such rules and regulations consistent with the provisions of this section deemed**
35 **necessary for its proper administration, pursuant to the provisions of this section and this**
36 **chapter. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
37 **that is created under the authority delegated in this section shall become effective only if it**
38 **complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
39 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
40 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
41 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
42 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
43 **adopted after August 28, 2009, shall be invalid and void;**

44 (2) Membership service credit purchased pursuant to this section shall be deemed to be
45 membership service as defined in subdivision (10) of section 169.600;

46 (3) An election to purchase membership service credit pursuant to this section and
47 payment for the purchase shall be completed prior to termination of membership with the
48 retirement system with interest on the unpaid balance;

49 (4) Members may purchase membership service credit in increments of one-tenth of a
50 year, and multiple elections to purchase may be made;

51 (5) Additional terms and conditions applicable to purchases made pursuant to this section
52 including, but not limited to, minimum payments, payment schedules and provisions applicable
53 when a member fails to complete payment may be set by rules of the board.

54 2. Membership service credit shall not be allowed pursuant to this section or sections
55 169.570 and 169.577 which exceeds in length the member's membership service credit for
56 employment in a position covered by this system, and in no event may the member receive
57 membership service credit with both this system and another public retirement system for the
58 same service.

59 3. A member who was employed for at least twenty hours per week on a regular basis by
60 a public school district, public community college, public college, or public university, either
61 inside or outside of this state, may elect to purchase equivalent membership service credit.

62 4. A member who has served in the armed forces of the United States of America and
63 who was discharged or separated from the armed forces by other than a dishonorable discharge
64 may elect to purchase membership service credit for the period of active duty service in the armed
65 forces.

66 5. Any member granted unpaid maternity or paternity leave for a period, from a position
67 covered by the retirement system, who returned to employment in such a position, may elect to
68 purchase membership service credit for the period of leave.

69 6. Any member who is or was certified as a vocational-technical teacher on the basis of
70 having a college degree or who was required to have a period of work experience of at least two
71 years in the area of the subject being taught in order to qualify for such certification may, upon
72 written application to the board, purchase equivalent membership service credit for such work
73 experience which shall not exceed the two years necessary for certification if the work experience
74 was in the area that the member taught or is teaching and was completed in two years.

75 7. Any member who had membership service credit with the public school retirement
76 system of Missouri governed by sections 169.010 to 169.141 but which membership service credit
77 was forfeited by withdrawal or refund may elect to purchase credit for such service. The public
78 school retirement system of Missouri shall transfer to this system an amount equal to the employer
79 contributions for the forfeited service being purchased, plus interest, which shall be applied to
80 reduce the amount the member would otherwise pay for the purchase, provided that the amount
81 transferred shall not exceed one-half of the purchase cost.

82 8. A member may elect to purchase membership service credit for service rendered while
83 on leave from an employer, as defined in section 169.600, for a not-for-profit corporation or
84 agency whose primary purpose is support of education or education research if the member was
85 employed by that organization to serve twenty or more hours per week on a regular basis.

86 9. A member who was employed by a private school, private community college, private
87 college, or private university, either inside or outside of this state, for at least twenty or more
88 hours per week on a regular basis, may elect to purchase membership service credit for such
89 service rendered.

90 10. A member who was employed in nonfederal public employment for at least twenty
91 hours a week on a regular basis shall be permitted to purchase equivalent creditable service in the
92 retirement system for such employment subject to provisions of this section.

93 11. A member who, while eighteen years of age or older, was employed in a position
94 covered by Social Security for at least twenty hours a week on a regular basis shall be permitted
95 to purchase equivalent creditable service in the retirement system for such employment subject
96 to provisions of this section.

 169.660. 1. On and after the first day of July next following the operative date, any
2 member who is sixty or more years of age and who has at least five years of creditable service,
3 or who has attained age fifty-five and has at least twenty-five years of creditable service, or who
4 has at least thirty years of creditable service regardless of age may retire and receive the full
5 retirement benefits based on the member's creditable service. A member whose creditable service
6 at retirement is less than five years shall not be entitled to a retirement allowance but shall be
7 entitled to receive the member's contributions.

8 2. Any person retired and currently receiving a retirement allowance pursuant to sections
9 169.600 to 169.715, other than for disability, may be employed on either a part-time or
10 temporary-substitute basis by a district included in the retirement system not to exceed a total of
11 five hundred fifty hours in any one school year, without a discontinuance of the person's
12 retirement allowance. **The limit provided in this section shall be applied on a pro-rata basis**
13 **to a retiree's hours of work after the retiree's effective date of retirement during the school**
14 **year that the member retires as determined in accordance with rules and regulations duly**
15 **adopted by the board of trustees of the retirement system.** Such a person shall not contribute
16 to the retirement system, or to the public school retirement system established by sections 169.010
17 to 169.141, **shall not accrue any creditable service with the retirement system** because of
18 earnings during such period of employment.

19 3. **If a person exceeds the limit of subsection 2 of this section, the person shall not**
20 **be eligible to receive the person's retirement allowance for any month during which the**
21 **limit has been exceeded throughout the remainder of that school year.** If such a person is

22 employed in any capacity by such a district [on a regular, full-time basis, or the person's part-time
23 or temporary-substitute service in any capacity exceeds five hundred fifty hours in any one school
24 year] **so that the person would be eligible for membership in the public school retirement**
25 **system established by sections 169.010 to 169.141 or the public education employee**
26 **retirement system established by sections 169.600 to 169.715**, the person shall not be eligible
27 to receive the person's retirement allowance for any month during which the person is so
28 employed **and the person and the employer shall contribute to the public school retirement**
29 **system under section 169.030 or to the public education retirement system under section**
30 **169.620.**

31 **4. A member shall terminate employment with an employer covered by the**
32 **retirement system before being eligible to receive a benefit under sections 169.600 to**
33 **169.715. A member shall not be deemed to have terminated employment if the member is**
34 **employed in any capacity by an employer covered by the public school retirement system**
35 **of Missouri or the public education employee retirement system of Missouri or receives any**
36 **remuneration from any source for any work performed for such a district as a consultant,**
37 **contractor, specialist, or employee of any other employer within one month after his or her**
38 **effective date of retirement. The member shall be required to repay any benefit payments**
39 **paid if it is determined that the member did not terminate employment covered by the**
40 **retirement system.**

41 [3.] **5.** The system shall pay a monthly retirement allowance for the month in which a
42 retired member or beneficiary receiving a retirement allowance dies.

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 such
12 average compensation was computed, for each year of membership service credit for services
13 rendered prior to July 1, 1973, plus six-tenths of the amount payable for a year of membership
14 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 less
29 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 or
35 more or whose sum of age and creditable service is eighty years or more, shall receive a temporary
36 retirement allowance equivalent to eight-tenths of one percent of the member's final average
37 salary multiplied by the member's years of service until such time as the member reaches the
38 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 the
43 annual increase is granted by the board; provided that, the increase provided in this subsection
44 shall not become effective until the fourth January first following a member's retirement or
45 January 1, 1982, whichever occurs later, and the total of the increases granted to a retired member
46 or the beneficiary after December 31, 1981, may not exceed eighty percent of the retirement
47 allowance established at retirement or as previously adjusted by other provisions of law. If the
48 cost of living increases less than five percent, the board of trustees may determine the percentage
49 of increase to be made in retirement allowances, but at no time can the increase exceed five

50 percent per year. If the cost of living decreases in a fiscal year, there will be no increase in
51 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 the
56 amount of increases which have been made to the member's allowance after December 31, 1981.

57 4. (1) In lieu of the retirement allowance provided in subsection 1 of this section, called
58 "option 1", a member whose creditable service is twenty-five years or more or who has attained
59 age fifty-five with five or more years of creditable service may elect, in the application for
60 retirement, to receive the actuarial equivalent of the member's retirement allowance in reduced
61 monthly payments for life during retirement with the provision that:

62 Option 2. Upon the member's death, the reduced retirement allowance shall be continued
63 throughout the life of and paid to such person as has an insurable interest in the life of the member
64 as the member shall have nominated in the member's election of the option, and provided further
65 that if the person so nominated dies before the retired member, the retirement allowance will be
66 increased to the amount the retired member would be receiving had the member elected option
67 1;

68 OR

69 Option 3. Upon the death of the member three-fourths of the reduced retirement
70 allowance shall be continued throughout the life of and paid to such person as has an insurable
71 interest in the life of the member and as the member shall have nominated in an election of the
72 option, and provided further that if the person so nominated dies before the retired member, the
73 retirement allowance will be increased to the amount the retired member would be receiving had
74 the member elected option 1;

75 OR

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

82 OR

83 Option 5. Upon the death of the member prior to the member having received one
84 hundred twenty monthly payments of the member's reduced allowance, the remainder of the one
85 hundred twenty monthly payments of the reduced allowance shall be paid to such beneficiary as

86 the member shall have nominated in the member's election of the option or in a subsequent
87 nomination. If there is no beneficiary so nominated who survives the member for the remainder
88 of the one hundred twenty monthly payments, the reserve for the remainder of such one hundred
89 twenty monthly payments shall be paid to the **surviving spouse, surviving children in equal**
90 **shares, surviving parents in equal shares, or** estate of the last person, **in that order of**
91 **precedence**, to receive a monthly allowance **in a lump sum payment**. If the total of the one
92 hundred twenty payments paid to the retired individual and the beneficiary of the retired
93 individual is less than the total of the member's accumulated contributions, the difference shall
94 be paid to the beneficiary in a lump sum;

95 OR

96 Option 6. Upon the death of the member prior to the member having received sixty
97 monthly payments of the member's reduced allowance, the remainder of the sixty monthly
98 payments of the reduced allowance shall be paid to such beneficiary as the member shall have
99 nominated in the member's election of the option or in a subsequent nomination. If there is no
100 beneficiary so nominated who survives the member for the remainder of the sixty monthly
101 payments, the reserve for the remainder of such sixty monthly payments shall be paid to the
102 **surviving spouse, surviving children in equal shares, surviving parents in equal shares, or**
103 estate of the last person, **in that order of precedence**, to receive a monthly allowance **in a lump**
104 **sum payment**. If the total of the sixty payments paid to the retired individual and the beneficiary
105 of the retired individual is less than the total of the member's accumulated contributions, the
106 difference shall be paid to the beneficiary in a lump sum;

107 OR

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

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

118 (a) If the member or a person retired on disability retirement dies after attaining age
119 fifty-five and acquiring five or more years of creditable service or after acquiring twenty-five or
120 more years of creditable service and before retirement, except retirement with disability benefits,
121 and the person named by the member as the member's beneficiary has an insurable interest in the

122 life of the deceased member, the designated beneficiary may elect to receive either survivorship
123 payments under option 2 or a payment of the member's accumulated contributions. If
124 survivorship benefits under option 2 are elected and the member at the time of death would have
125 been eligible to receive an actuarial equivalent of the member's retirement allowance, the
126 designated beneficiary may further elect to defer the option 2 payments until the date the member
127 would have been eligible to receive the retirement allowance provided in subsection 1 of this
128 section.

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

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

149 **6. If a member dies and their financial institution is unable to accept the final**
150 **payment or payments due to the member, the final payment or payments shall be paid to**
151 **the beneficiary of the member or, if there is no beneficiary, to the surviving spouse,**
152 **surviving children in equal shares, surviving parents in equal shares, or estate of the**
153 **member, in that order of precedence, unless otherwise stated. If the beneficiary of a**
154 **deceased member dies and their financial institution is unable to accept the final payment**
155 **or payments, the final payment or payments shall be paid to the surviving spouse, surviving**
156 **children in equal shares, surviving parents in equal shares, or estate of the member, in that**
157 **order of precedence, unless otherwise stated.**

158 **7.** If a member dies before receiving a retirement allowance, the member's accumulated
159 contributions at the time of the member's death shall be paid to the member's beneficiary or, if
160 there is no beneficiary, to the [(1)] surviving spouse, [(2)] surviving children in equal shares, [(3)]
161 surviving parents in equal shares, or [(4)] to the member's estate; provided, however, that no such
162 payment shall be made if the beneficiary elects option 2 in subsection 4 of this section, unless the
163 beneficiary dies before having received benefits pursuant to that subsection equal to the
164 accumulated contributions of the member, in which case the amount of accumulated contributions
165 in excess of the total benefits paid pursuant to that subsection shall be paid to the [(1)] surviving
166 spouse, [(2)] surviving children in equal shares, [(3)] surviving parents in equal shares, or [(4)]
167 estate of the beneficiary, in that order of precedence.

168 [7.] **8.** If a member ceases to be an employee as defined in section 169.600 and certifies
169 to the board of trustees that such cessation is permanent or if the person's membership is
170 otherwise terminated, the person shall be paid the person's accumulated contributions with
171 interest.

172 [8.] **9.** Notwithstanding any provisions of sections 169.600 to 169.715 to the contrary, if
173 a member ceases to be an employee as defined in section 169.600 after acquiring five or more
174 years of creditable service, the member may, at the option of the member, leave the member's
175 contributions with the retirement system and claim a retirement allowance any time after the
176 member reaches the minimum age for voluntary retirement. When the member's claim is
177 presented to the board, the member shall be granted an allowance as provided in sections 169.600
178 to 169.715 on the basis of the member's age and years of service.

179 [9.] **10.** The retirement allowance of a member retired because of disability shall be
180 nine-tenths of the allowance to which the member's creditable service would entitle the member
181 if the member's age were sixty.

182 [10.] **11.** Notwithstanding any provisions of sections 169.600 to 169.715 to the contrary,
183 any member who is a member prior to October 13, 1969, may elect to have the member's
184 retirement allowance computed in accordance with sections 169.600 to 169.715 as they existed
185 prior to October 13, 1969.

186 [11.] **12.** Any application for retirement shall include a sworn statement by the member
187 certifying that the spouse of the member at the time the application was completed was aware of
188 the application and the plan of retirement elected in the application.

189 [12.] **13.** Notwithstanding any other provision of law, any person retired prior to August
190 14, 1984, who is receiving a reduced retirement allowance under option 1 or 2 of subsection 4 of
191 this section, as the option existed prior to August 14, 1984, and whose beneficiary nominated to
192 receive continued retirement allowance payments under the elected option dies or has died, shall
193 upon application to the board of trustees have the person's retirement allowance increased to the

194 amount the person would have been receiving had the person not elected the option actuarially
195 adjusted to recognize any excessive benefits which would have been paid to the person up to the
196 time of the application.

197 [13.] **14.** Benefits paid pursuant to the provisions of the public education employee
198 retirement system of Missouri shall not exceed the limitations of Section 415 of Title 26 of the
199 United States Code, except as provided under this subsection. Notwithstanding any other law,
200 the board of trustees may establish a benefit plan under Section 415(m) of Title 26 of the United
201 States Code. Such plan shall be credited solely for the purpose described in Section 415(m)(3)(A)
202 of Title 26 of the United States Code. The board of trustees may promulgate regulations
203 necessary to implement the provisions of this subsection and to create and administer such benefit
204 plan.

205 [14.] **15.** Any member who has retired prior to July 1, 1999, and the designated
206 beneficiary of a deceased retired member upon request shall be made, constituted, appointed and
207 employed by the board as a special consultant on the matters of education, retirement and aging.
208 As compensation for such duties the person shall receive a payment equivalent to seven and
209 four-tenths percent of the previous month's benefit, which shall be added to the member's or
210 beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 2
211 and 3 of this section for the purposes of the limit on the total amount of increases which may be
212 received.

213 [15.] **16.** Any member who has retired prior to July 1, 2000, and the designated
214 beneficiary of a deceased retired member upon request shall be made, constituted, appointed and
215 employed by the board as a special consultant on the matters of education, retirement and aging.
216 As compensation for such duties the person shall receive a payment equivalent to three and
217 four-tenths percent of the previous month's benefit, which shall be added to the member's or
218 beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 2
219 and 3 of this section for the purposes of the limit on the total amount of increases which may be
220 received.

221 [16.] **17.** Any member who has retired prior to July 1, 2001, and the designated
222 beneficiary of a deceased retired member upon request shall be made, constituted, appointed and
223 employed by the board as a special consultant on the matters of education, retirement and aging.
224 As compensation for such duties the person shall receive a payment equivalent to seven and
225 one-tenth percent of the previous month's benefit, which shall be added to the member's or
226 beneficiary's monthly annuity and which shall not be subject to the provisions of subsections 2
227 and 3 of this section for the purposes of the limit on the total amount of increases which may be
228 received.

169.690. Neither the funds belonging to the retirement system nor any benefit accrued or
2 accruing to any person under the provisions of sections 169.600 to 169.710 shall be subject to
3 execution, garnishment, attachment or any other process whatsoever, nor shall they be assignable,
4 except **in a proceeding instituted for spousal maintenance or child support and** as in sections
5 169.600 to 169.710 specifically provided.

169.750. 1. To the extent determined appropriate by the board of trustees, the
2 **retirement systems established under sections 169.020 and 169.610 may indemnify and**
3 **protect any trustee or employee of the retirement system against any or all claims or**
4 **liabilities, including defense thereof, arising out of his or her responsibilities with respect**
5 **to the retirement system provided, however, that no trustee or employee shall be**
6 **indemnified for his or her own gross negligence or willful misconduct. This section shall**
7 **apply whether the claim is made against the employee or trustee in his or her individual or**
8 **official capacity.**

9 **2. The board of trustees is authorized to obtain and maintain insurance or**
10 **indemnity policies to insure the trustees and employees of the retirement system against any**
11 **liability or losses incurred as a result of their responsibilities with respect to the retirement**
12 **system.**

13 **3. No employee or trustee shall be entitled to indemnification under this section**
14 **unless within fifteen days after receipt of service of process he or she shall give written**
15 **notice of such proceeding to the board of trustees.**

170.400. Any and all equipment and educational materials necessary for successful
2 **participation in supplemental educational services programming shall not be deemed an**
3 **incentive for the purposes of compliance with department of elementary and secondary**
4 **education rules and regulations for supplemental educational services provider certification.**
5 **The department of elementary and secondary education shall not prohibit providers of**
6 **supplemental and educational services from allowing students to retain instructional**
7 **equipment, including computers, used by them upon successful completion of supplemental**
8 **and educational services.**

171.029. 1. The school board of any school district in the state, upon adoption of a
2 **resolution by the vote of a majority of all its members to authorize such action, may**
3 **establish a four-day school week in lieu of a five-day school week. Upon adoption of a four-**
4 **day school week, any school that adopts a four-day school week shall file a calendar with**
5 **the department of elementary and secondary education in accordance with section 171.031.**
6 **Such calendar shall include, but not be limited to, a minimum term of one hundred forty-**
7 **two days and one thousand forty-four hours of actual pupil attendance.**

8 **2. If a school district that attends less than one hundred seventy-four days meets at**
9 **least two fewer performance standards on two successive annual performance reports than**
10 **it met on its last annual performance report received prior to implementing a calendar year**
11 **of less than one hundred seventy-four days, it shall be required to revert to a one hundred**
12 **seventy-four-day school year in the school year following the report of the drop in the**
13 **number of performance standards met. When the number of performance standards met**
14 **reaches the earlier number, the district may return to the four-day week in the next school**
15 **year.**

171.031. 1. Each school board shall prepare annually a calendar for the school term,
2 specifying the opening date and providing a minimum term of at least one hundred seventy-four
3 days **for schools with a five-day school week or one hundred forty-two days for schools with**
4 **a four-day school week**, and one thousand forty-four hours of actual pupil attendance. In
5 addition, such calendar shall include six make-up days for possible loss of attendance due to
6 inclement weather as defined in subsection 1 of section 171.033.

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

11 3. A district may set an opening date that is more than ten calendar days prior to the first
12 Monday in September only if the local school board first gives public notice of a public meeting
13 to discuss the proposal of opening school on a date more than ten days prior to the first Monday
14 in September, and the local school board holds said meeting and, at the same public meeting, a
15 majority of the board votes to allow an earlier opening date. If all of the previous conditions are
16 met, the district may set its opening date more than ten calendar days prior to the first Monday
17 in September. The condition provided in this subsection must be satisfied by the local school
18 board each year that the board proposes an opening date more than ten days before the first
19 Monday in September.

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

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

26 6. The state board of education may grant an exemption from this section to a school
27 district that demonstrates highly unusual and extenuating circumstances justifying exemption

28 from the provisions of subsections 2 to 4 of this section. Any exemption granted by the state
29 board of education shall be valid for one academic year only.

30 7. No school day **for schools with a five-day school week** shall be longer than seven
31 hours except for vocational schools which may adopt an eight-hour day in a metropolitan school
32 district and a school district in a first class county adjacent to a city not within a county, **and any**
33 **school that adopts a four-day school week in accordance with section 171.029.**

171.033. 1. "Inclement weather", for purposes of this section, shall be defined as ice,
2 snow, extreme cold, flooding, or a tornado, but such term shall not include excessive heat.

3 2. A district shall be required to make up the first six days of school lost or canceled due
4 to inclement weather and half the number of days lost or canceled in excess of six days **if the**
5 **makeup of the days is necessary to ensure that the district's students will attend a minimum**
6 **of one hundred forty-two days and a minimum of one thousand forty-four hours for the**
7 **school year. Schools with a four-day school week may schedule such make-up days on**
8 **Fridays.**

9 3. [In the 2005-06 school year, a school district may be exempt from the requirement to
10 make up days of school lost or canceled due to inclement weather occurring after April 1, 2006,
11 in the school district, but such reduction of the minimum number of school days shall not exceed
12 five days when a district has missed more than seven days overall, such reduction to be taken as
13 follows: one day for eight days missed, two days for nine days missed, three days for ten days
14 missed, four days for eleven days missed, and five days for twelve or more days missed. The
15 requirement for scheduling two-thirds of the missed days into the next year's calendar pursuant
16 to subsection 1 of this section shall be waived for the 2006-07 school year.] **In the 2008-09**
17 **school year and subsequent years a school district may be exempt from the requirement to**
18 **make up days of school lost or canceled due to inclement weather in the school district when**
19 **the school district has made up the six days required under subsection 2 of this section and**
20 **half the number of additional lost or canceled days up to eight days, resulting in no more**
21 **than ten total make-up days required by this section.**

22 4. The commissioner of education may provide, for any school district in which schools
23 are in session for twelve months of each calendar year that cannot meet the minimum school
24 calendar requirement of at least one hundred seventy-four days **for schools with a five-day**
25 **school week or one hundred forty-two days for schools with a four-day school week** and one
26 thousand forty-four hours of actual pupil attendance, upon request, a waiver to be excused from
27 such requirement. This waiver shall be requested from the commissioner of education and may
28 be granted if the school was closed due to circumstances beyond school district control, including
29 inclement weather, flooding or fire.

172.360. 1. All youths, resident of the state of Missouri, shall be admitted to all the privileges and advantages of the various classes of all the departments of the University of the State of Missouri; provided, that each applicant for admission therein shall possess such scholastic attainments and mental and moral qualifications as shall be prescribed in rules adopted and established by the board of curators; **provided that aliens unlawfully present in the United States shall not be eligible for enrollment in the university;** and provided further, that the board of curators may charge and collect reasonable tuition and other fees necessary for the maintenance and operation of all departments of the university, as they may deem necessary.

2. **Prior to approval of any appropriations by the general assembly for the University of Missouri, the department of higher education shall annually certify to the education appropriations committee of the house of representatives and the appropriations committee of the senate that each campus of the University of Missouri has not knowingly enrolled any aliens unlawfully present in the United States in the preceding year.**

173.250. 1. There is hereby established a "Higher Education Academic Scholarship Program" and any moneys appropriated by the general assembly for this program shall be used to provide scholarships for Missouri citizens to attend a Missouri college or university of their choice pursuant to the provisions of this section.

2. The definitions of terms set forth in section [173.205] **173.1102** shall be applicable to such terms as used in this section. [The term "academic scholarship" means an amount of money paid by the state of Missouri to a qualified college or university student who has demonstrated superior academic achievement pursuant to the provisions of this section.] **In addition, the following definitions shall apply:**

(1) "Academic scholarship", an amount of money paid by the state of Missouri to a student pursuant to the provisions of this section;

(2) "ACT", the American College Testing Program examination;

(3) "Approved institution", an approved public or approved private institution as defined in section 173.1102;

(4) "Eligible student", an individual who meets the criteria set forth in section 173.1104, excluding the requirements of financial need and undergraduate status, and in addition, meets the following requirements:

(a) Has achieved a qualifying score on the ACT or SAT;

(b) Is a Missouri resident who has completed secondary coursework through graduation from high school, receipt of a general education development diploma (GED), or completion of a program of study through homeschooling; and

22 (c) **Is enrolled full-time or accepted for full-time enrollment as a postsecondary**
23 **student at an approved institution during the academic year immediately following the**
24 **completion of his or her secondary coursework;**

25 (5) **"Missouri test-takers", all Missouri high school seniors who take the ACT or the**
26 **SAT;**

27 (6) **"Qualifying score", a composite score on the ACT or the SAT achieved as a high**
28 **school sophomore, junior, or senior, that is in the top three percent of Missouri test-takers**
29 **for fiscal years prior to 2011, and five percent of Missouri test-takers for fiscal year 2011**
30 **and each fiscal year thereafter, as established at the beginning of an eligible student's final**
31 **year of secondary coursework;**

32 (7) **"Recipient", an eligible or renewal student who receives an academic scholarship**
33 **pursuant to this section;**

34 (8) **"Renewal student", an eligible student who remains in compliance with the**
35 **provisions of section 173.1104, maintains continuous enrollment, and makes satisfactory**
36 **academic degree progress;**

37 (9) **"SAT", the Scholastic Aptitude Test.**

38 3. The coordinating board for higher education shall be the administrative agency for the
39 implementation of the program established by this section, and shall:

40 (1) Promulgate reasonable rules and regulations for the exercise of its functions and the
41 effectuation of the purposes of this section, including regulations for granting scholarship
42 deferments;

43 (2) Prescribe the form and the time and method of awarding academic scholarships, and
44 shall supervise the processing thereof; and

45 (3) Select qualified recipients to receive academic scholarships, make such awards of
46 academic scholarships to qualified recipients and determine the manner and method of payment
47 to the recipient.

48 4. [A student shall be eligible for initial or renewed academic scholarship if he or she is
49 in compliance with the eligibility requirements set forth in section 173.215 excluding the
50 requirement of financial need and undergraduate status, and in addition meets the following
51 requirements:

52 (1) Initial academic scholarships shall be offered in the academic year immediately
53 following graduation from high school to Missouri high school seniors whose composite scores
54 on the American College Testing Program (ACT) or the Scholastic Aptitude Test (SAT) of the
55 College Board are in the top five percent of all Missouri students taking those tests during the
56 school year in which the scholarship recipients graduate from high school. In the freshman year
57 of college, scholarship recipients are required to maintain status as a full-time student;

58 (2) Academic scholarships are renewable if the recipient remains in compliance with the
59 applicable provisions of section 173.215 and the recipient makes satisfactory academic degree
60 progress as a full-time student.

61 5. A student who is enrolled or has been accepted for enrollment as a postsecondary
62 student at an approved private or public institution beginning with the fall 1987, term and who
63 meets the other eligibility requirements for an academic scholarship shall, within the limits of the
64 funds appropriated and made available, be offered an academic scholarship in the amount of two
65 thousand dollars for each eligible student whose composite scores on the American College
66 Testing Program (ACT) or the Scholastic Aptitude Test (SAT) of the College Board are in the top
67 three percent of all Missouri students taking those tests during the school year in which the
68 scholarship recipients graduate from high school for each fiscal year prior to fiscal year 2011, and,
69 subject to appropriations, three thousand dollars for fiscal year 2011 and every fiscal year
70 thereafter, and one thousand dollars for fiscal year 2011 and every fiscal year thereafter for each
71 eligible student whose composite scores on the American College Testing Program (ACT) or the
72 Scholastic Aptitude Test (SAT) of the College Board are between the top five and three percent
73 of all Missouri students taking those tests during the school year in which the scholarship
74 recipients graduate from high school, for the first academic year of study, which scholarship shall
75 be renewable in the amount of two thousand dollars for each eligible student whose composite
76 scores on the American College Testing Program (ACT) or the Scholastic Aptitude Test (SAT)
77 of the College Board are in the top three percent of all Missouri students taking those tests during
78 the school year in which the scholarship recipients graduate from high school for each fiscal year
79 prior to fiscal year 2011, and, subject to appropriations, three thousand dollars for fiscal year 2011
80 and every fiscal year thereafter, and one thousand dollars for fiscal year 2011 and every fiscal year
81 thereafter for each eligible student whose composite scores on the American College Testing
82 Program (ACT) or the Scholastic Aptitude Test (SAT) of the College Board are between the top
83 five and three percent of all Missouri students taking those tests during the school year in which
84 the scholarship recipients graduate from high school, annually for the second, third and fourth
85 academic years or as long as the recipient is in compliance with the applicable eligibility
86 requirements set forth in section 173.215, provided those years of study are continuous and the
87 student continues to meet eligibility requirements for the scholarship; provided, however, if a
88 recipient ceases all attendance at an approved public or private institution for the purpose of
89 providing service to a nonprofit organization, a state or federal government agency or any branch
90 of the armed forces of the United States, the recipient shall be eligible for a renewal scholarship
91 upon return to any approved public or private institution, provided the recipient:

92 (1) Returns to full-time status within twenty-seven months;

93 (2) Provides verification in compliance with coordinating board for higher education rules
94 that the service to the nonprofit organization was satisfactorily completed and was not
95 compensated other than for expenses or that the service to the state or federal governmental
96 agency or branch of the armed forces of the United States was satisfactorily completed; and

97 (3) Meets all other requirements established for eligibility to receive a renewal
98 scholarship.

99 **6.] Eligible students shall be offered academic scholarships in the following amounts,**
100 **within the limits of the funds appropriated and made available:**

101 (1) During each fiscal year prior to fiscal year 2011, each eligible student with a
102 qualifying score in the top three percent of all Missouri test-takers shall be offered an
103 academic scholarship in the amount of two thousand dollars per year;

104 (2) During fiscal year 2011 and each fiscal year thereafter:

105 (a) Each eligible student with a qualifying score in the top three percent of all
106 Missouri test-takers shall be offered an academic scholarship in the amount of three
107 thousand dollars per year; and

108 (b) Each eligible student with a qualifying score in the top five percent shall be
109 offered an academic scholarship in the amount of one thousand dollars per year;

110 (3) Eligible students may renew academic scholarships for their second, third, and
111 fourth years of postsecondary education, or as long as the recipient is in compliance with
112 the criteria to be a renewal student;

113 (4) If an eligible student is unable to enroll during the first academic year or a
114 renewal student ceases attendance at an approved institution for the purpose of providing
115 service to a nonprofit organization, a state or federal government agency, or any branch of
116 the armed forces of the United States, such student shall be offered an academic scholarship
117 upon enrollment in any approved institution after the completion of their service, if the
118 student meets all other requirements for an initial or renewal award and if the following
119 criteria are met:

120 (a) For an eligible student who cannot attend an approved institution as a result of
121 service to a non-profit organization or the state or federal government, the student returns
122 to full-time status within twenty-seven months and provides verification to the coordinating
123 board for higher education that the service to the nonprofit organization was satisfactorily
124 completed and was not compensated other than for expenses, or that the service to the state
125 or federal government was satisfactorily completed; or

126 (b) For an eligible student who cannot attend an approved institution as a result of
127 military service in the armed forces of the United States, the student returns to full-time
128 status within six months after the eligible student first ceases service to the armed forces and

129 **provides verification to the coordinating board for higher education that the military**
130 **service was satisfactorily completed.**

131 **5.** A recipient of **an** academic scholarship awarded under this section may transfer from
132 one approved [Missouri public or private] institution to another without losing eligibility for the
133 **academic** scholarship.

134 **6.** If a recipient of [the] **an academic** scholarship at any time withdraws from an approved
135 [private or public] institution so that under the rules and regulations of that institution he or she
136 is entitled to a refund of any tuition, fees or other charges, the institution shall pay the portion of
137 the refund attributable to the **academic** scholarship for that term to the coordinating board for
138 higher education.

139 **7.** Other provisions of this section to the contrary notwithstanding, if [a recipient] **an**
140 **eligible student** has been awarded an initial academic scholarship pursuant to the provisions of
141 this section but is unable to [use the scholarship] **attend an approved institution** during the first
142 academic year because of illness, disability, pregnancy or other medical need or if a [recipient]
143 **renewal student** ceases all attendance at an approved [public or private] institution because of
144 illness, disability, pregnancy or other medical need, the recipient shall be eligible for an initial or
145 renewal **academic** scholarship upon enrollment in or return to any approved [public or private]
146 institution, provided the recipient:

147 (1) Enrolls in or returns to full-time status within twenty-seven months;

148 (2) Provides verification in compliance with coordinating board for higher education rules
149 of sufficient medical evidence documenting an illness, disability, pregnancy or other medical need
150 of such person to require that that person will not be able to use the [initial or renewal] **academic**
151 scholarship during the time period for which it was originally offered; and

152 (3) Meets all other requirements established for eligibility to receive an [initial or a
153 renewal] **academic** scholarship.

173.268. 1. There is hereby established within the department of higher education
2 **the "Missouri Promise Program" to be administered by the commissioner of higher**
3 **education.**

4 **2. For the purposes of subsection 3 of this section:**

5 (1) "Average tuition" shall be the sum of the tuition amounts for the academic year
6 in which the scholarships shall be granted for any approved public institution that meets
7 the conditions set forth in subdivision (3) of section 173.1102 and in addition offers
8 baccalaureate degrees, divided by the number of such institutions;

9 (2) "Tuition" shall have the definition ascribed to under subsection 7 of section
10 **173.1003.**

11 **3. For the academic year 2009-2010 and subsequent years, the commissioner of**
12 **higher education shall, by rule and regulation promulgated by the coordinating board for**
13 **higher education, establish a procedure for the provision of scholarships, provided that**
14 **scholarships for all qualified students under subsection 3 of section 160.545, RSMo, are fully**
15 **funded. The amount of scholarships under this subsection shall not exceed the lesser of**
16 **either the tuition for the relevant student or the average tuition to any approved public**
17 **institution that meets the conditions set forth in subdivision (3) of section 173.1102, and in**
18 **addition offers baccalaureate degrees. The amount of each scholarship shall be reduced by**
19 **the amount of a student's award under all other sources of postsecondary student financial**
20 **assistance. All scholarships under this subsection shall be subject to appropriation.**

21 **4. Scholarships shall be awarded to any student who has:**

22 **(1) Received a payment under subsection 3 of section 160.545, RSMo;**

23 **(2) Completed an associate of arts degree, an associate's degree that contains the**
24 **forty-two-hour general education block, or an associate's degree in a program that is part**
25 **of an articulation agreement recognized by the coordinating board for higher education and**
26 **enrolls in an approved public institution under subsection 3 of this section within nine**
27 **months of completing the associate's degree described in this subdivision;**

28 **(3) Received a scholarship under subsection 3 of this section for no more than six**
29 **semesters;**

30 **(4) Made a good faith effort to first secure all available federal and state sources of**
31 **nonrepayable financial assistance that could be applied to the student's tuition and fees;**

32 **(5) Maintained a record of good citizenship and avoidance of the unlawful use of**
33 **drugs and alcohol;**

34 **(6) Maintained full-time enrollment; and**

35 **(7) Maintained a grade point average of three points or higher on a four-point scale,**
36 **or its equivalent on another scale, during the student's enrollment while receiving a**
37 **scholarship under the provisions of subsection 3 of this section.**

38 **5. In the event a student receiving a scholarship under subsection 3 of this section**
39 **has a cumulative grade point average that falls below three points on a four-point scale or**
40 **the equivalent on another scale at the end of a semester, the student shall be granted a**
41 **one-semester grace period from the grade point requirement of subdivision (6) of subsection**
42 **4 of this section. If the student's grades in the subsequent semester are insufficient to raise**
43 **the student's cumulative average to three points or more on a four-point scale or the**
44 **equivalent on another scale, the student shall lose eligibility for the program established**
45 **under subsection 3 of this section.**

46 **6. If appropriated funds are insufficient to fund all eligible students, the department**
47 **shall adjust scholarship amounts. Scholarships under subsection 3 of section 160.545,**
48 **RSMo, shall be fully funded prior to any scholarships being distributed under subdivision**
49 **(2) of this subsection. Scholarships shall be distributed in the following priority:**

50 **(1) Students eligible for scholarships under subsection 3 of section 160.545, RSMo.**
51 **If appropriated funds are insufficient to fund all students eligible under subsection 3 of**
52 **section 160.545, RSMo, scholarship amounts shall be reduced equally for all such students,**
53 **following the order of priority in subsection 8 of section 160.545, RSMo;**

54 **(2) Students eligible for scholarships under subsection 3 of this section. If**
55 **appropriated funds are insufficient to fund all students eligible under subsection 3 of this**
56 **section, scholarship amounts shall be reduced equally for all such students.**

57 **7. The commissioner of higher education shall develop a procedure for evaluating**
58 **the effectiveness of the program described in this section. Such evaluation shall be**
59 **conducted every two years with the results of the evaluation provided to the governor,**
60 **speaker of the house of representatives, and president pro tempore of the senate.**

61 **8. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
62 **that is created under the authority delegated in this section shall become effective only if it**
63 **complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
64 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
65 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
66 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
67 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
68 **adopted after August 28, 2009, shall be invalid and void.**

173.754. 1. It is unlawful for a person to knowingly use or attempt to use, in
2 **connection with admission to any institution of higher education or in connection with any**
3 **business, employment, occupation, profession, trade, or public office:**

4 **(1) A false or misleading degree from any institution of higher education, regardless**
5 **of whether that institution is located in Missouri and regardless of whether the institution**
6 **has been issued a certificate of approval or temporary certificate of approval by the board;**
7 **or**

8 **(2) A degree from any institution of higher education in a false or misleading**
9 **manner, regardless of whether that institution is located in Missouri and regardless of**
10 **whether the institution has been issued a certificate of approval or temporary certificate of**
11 **approval by the board.**

12 **2. For the purposes of this section, a degree is false or misleading or is used in a false**
13 **or misleading manner if it:**

14 (1) States or suggests that the person named in the degree has completed the
15 requirements of an academic or professional program of study in a particular field of
16 endeavor beyond the secondary school level and the person has not, in fact, completed the
17 requirements of the program of study;

18 (2) Is offered as his or her own by a person other than the person who completed the
19 requirements of the program of study; or

20 (3) Is awarded, bestowed, conferred, given, granted, conveyed, or sold in violation
21 of this chapter.

22 3. The penalty for a violation of this section shall be a class C misdemeanor.

173.1110. 1. No covered student unlawfully present in the United States shall receive
2 a postsecondary education public benefit. Educational institutions awarding postsecondary
3 education public benefits to covered students shall verify that these students are United
4 States citizens, permanent residents, or lawfully present in the United States.

5 2. The following documents, in hard copy or electronic form, may be used to
6 document that a covered student is a United States citizen, permanent resident, or is
7 lawfully present in the United States:

8 (1) The Free Application for Student Aid Institutional Student Information Record;

9 (2) A state-issued driver's license;

10 (3) A state-issued nondriver's identification card;

11 (4) Documentary evidence recognized by the department of revenue when
12 processing an application for a driver's license or nondriver's identification card;

13 (5) A United States birth certificate;

14 (6) A United States military identification card; or

15 (7) Any document issued by the federal government that confirms an alien's lawful
16 presence in the United States.

17 3. All postsecondary higher education institutions shall annually certify to the
18 department of higher education that they have not knowingly awarded a postsecondary
19 education public benefit to a covered student who is unlawfully present in the United States.

20 4. As used in this section, the following terms shall mean:

21 (1) "Covered student", a student eighteen years of age or older, who has graduated
22 from high school and is attending classes on the campus of a postsecondary educational
23 institution during regularly scheduled academic sessions;

24 (2) "Postsecondary education public benefit", institutional financial aid awarded
25 by public postsecondary educational institutions and state-administered postsecondary
26 grants and scholarships awarded by all postsecondary educational institutions to covered
27 students.

174.130. 1. Each board may make such rules and regulations for the admission of
2 students as may be deemed proper; **provided that aliens unlawfully present in the United**
3 **States shall not be eligible for enrollment in the university or college.**

4 **2. Prior to approval of any appropriations by the general assembly for the university**
5 **or college, the department of higher education shall annually certify to the education**
6 **appropriations committee of the house of representatives and the appropriations committee**
7 **of the senate that each university or college has not knowingly enrolled any aliens**
8 **unlawfully present in the United States in the preceding year.**

175.025. 1. The board of curators of Lincoln University may make such rules and
2 regulations for the admission of students as it may be deemed proper; **provided that aliens**
3 **unlawfully present in the United States shall not be eligible for enrollment in the university.**

4 **2. Prior to approval of any appropriations by the general assembly for the**
5 **university, the department of higher education shall annually certify to the education**
6 **appropriations committee of the house of representatives and the appropriations committee**
7 **of the senate that the university has not knowingly enrolled any aliens unlawfully present**
8 **in the United States in the preceding year.**

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

2 (1) "Board", the board of education, board of trustees, board of regents, or board of
3 governors of an educational institution;

4 (2) "Educational institution", any school district, including all community college
5 districts, and any state college or university organized under chapter 174, RSMo.

6 2. The board of any educational institution may enter into agreements as authorized in this
7 section with a not-for-profit corporation formed under the general not-for-profit corporation law
8 of Missouri, chapter 355, RSMo, in order to provide for the acquisition, construction,
9 improvement, extension, repair, remodeling, renovation and financing of sites, buildings,
10 facilities, furnishings and equipment for the use of the educational institution for educational
11 purposes.

12 3. The board may on such terms as it shall approve:

13 (1) Lease from the corporation sites, buildings, facilities, furnishings and equipment
14 which the corporation has acquired or constructed; or

15 (2) Notwithstanding the provisions of this chapter or any other provision of law to the
16 contrary, sell or lease at fair market value, which may be determined by appraisal, to the
17 corporation any existing sites owned by the educational institution, together with any existing
18 buildings and facilities thereon, in order for the corporation to acquire, construct, improve, extend,
19 repair, remodel, renovate, furnish and equip buildings and facilities thereon, and then lease back
20 or purchase such sites, buildings and facilities from the corporation; provided that upon selling

21 or leasing the sites, buildings or facilities, the corporation agrees to enter into a lease for not more
22 than one year but with not more than twenty-five successive options by the educational institution
23 to renew the lease under the same conditions; and provided further that the corporation agrees to
24 convey or sell the sites, buildings or facilities, including any improvements, extensions,
25 renovations, furnishings or equipment, back to the educational institution with clear title at the
26 end of the period of successive one-year options or at any time bonds, notes or other obligations
27 issued by the corporation to pay for the improvements, extensions, renovations, furnishings or
28 equipment have been paid and discharged.

29 4. Any consideration, promissory note or deed of trust which an educational institution
30 receives for selling or leasing property to a not-for-profit corporation pursuant to this section shall
31 be placed in a separate fund or in escrow, and neither the principal or any interest thereon shall
32 be commingled with any other funds of the educational institutions. At such time as the title or
33 deed for property acquired, constructed, improved, extended, repaired, remodeled or renovated
34 under this section is conveyed to the educational institution, the consideration shall be returned
35 to the corporation.

36 5. The board may make rental payments to the corporation under such leases out of its
37 general funds or out of any other available funds, provided that in no event shall the educational
38 institution become indebted in an amount exceeding in any year the income and revenue of the
39 educational institution for such year plus any unencumbered balances from previous years.

40 6. Any bonds, notes and other obligations issued by a corporation to pay for the
41 acquisition, construction, improvements, extensions, repairs, remodeling or renovations of sites,
42 buildings and facilities, pursuant to this section, may be secured by a mortgage, pledge or deed
43 of trust of the sites, buildings and facilities and a pledge of the revenues received from the rental
44 thereof to the educational institution. Such bonds, notes and other obligations issued by a
45 corporation shall not be a debt of the educational institution and the educational institution shall
46 not be liable thereon, and in no event shall such bonds, notes or other obligations be payable out
47 of any funds or properties other than those acquired for the purposes of this section, and such
48 bonds, notes and obligations shall not constitute an indebtedness of the educational institution
49 within the meaning of any constitutional or statutory debt limitation or restriction.

50 7. The interest on such bonds, notes and other obligations of the corporation and the
51 income therefrom shall be exempt from taxation by the state and its political subdivisions, except
52 for death and gift taxes on transfers. Sites, buildings, facilities, furnishings and equipment owned
53 by a corporation in connection with any project pursuant to this section shall be exempt from
54 taxation.

55 8. The board may make all other contracts or agreements with the corporation necessary
56 or convenient in connection with any project pursuant to this section. The corporation shall
57 comply with sections 290.210 to 290.340, RSMo.

58 9. Notice that the board is considering a project pursuant to this section shall be given by
59 publication in a newspaper published within the county in which all or a part of the educational
60 institution is located which has general circulation within the area of the educational institution,
61 once a week for two consecutive weeks, the last publication to be at least seven days prior to the
62 date of the meeting of the board at which such project will be considered and acted upon.

63 10. Provisions of other law to the contrary notwithstanding, the board may refinance any
64 lease purchase agreement that satisfies at least one of the conditions specified in subsection 6 of
65 section 165.011, RSMo, for the purpose of payment on any lease with the corporation under this
66 section for sites, buildings, facilities, furnishings or equipment which the corporation has acquired
67 or constructed, but such refinance shall not extend the date of maturity of any obligation, and the
68 refinancing obligation shall not exceed the amount necessary to pay or provide for the payment
69 of the principal of the outstanding obligations to be refinanced, together with the interest accrued
70 thereon to the date of maturity or redemption of such obligations and any premium which may
71 be due under the terms of such obligations and any amounts necessary for the payments of costs
72 and expenses related to issuing such refunding obligations and to fund a capital projects reserve
73 fund for the obligations.

74 11. Provisions of other law to the contrary notwithstanding, payments made from any
75 source by a school district, after the latter of July 1, 1994, or July 12, 1994, that result in the
76 transfer of the title of real property to the school district, other than those payments made from
77 the capital projects fund, shall be deducted as an adjustment to the funds payable to the district
78 pursuant to section 163.031, RSMo, beginning in the year following the transfer of title to the
79 district, as determined by the department of elementary and secondary education. No district with
80 modular buildings leased in fiscal year 2004, with the lease payments made from the incidental
81 fund and that initiates the transfer of title to the district after fiscal year 2007, shall have any
82 adjustment to the funds payable to the district under section 163.031, RSMo, as a result of the
83 transfer of title.

84 **12. Notwithstanding provisions of this section to the contrary, the board of**
85 **education of any school district may enter into agreements with the county in which the**
86 **school district is located, or with a city, town, or village wholly or partially located within**
87 **the boundaries of the school district, in order to provide for the acquisition, construction,**
88 **improvement, extension, repair, remodeling, renovation, and financing of sites, buildings,**
89 **facilities, furnishings, and equipment for the use of the school district for educational**
90 **purposes. Such an agreement may provide for the present or future acquisition of an**

91 ownership interest in such facilities by the school district, by lease, lease purchase
92 agreement, option to purchase agreement, or similar provisions, and may provide for a joint
93 venture between the school district and other entity or entities that are parties to such an
94 agreement providing for the sharing of the costs of acquisition, construction, repair,
95 maintenance, and operation of such facilities. The school district may wholly own such
96 facilities, or may acquire a partial ownership interest along with the county, city, town, or
97 village with which the agreement was executed.

177.301. As used in this section, the following terms shall mean:

- 2 (1) "Design-build", a project for which the design and construction services are
3 furnished under one contract;
- 4 (2) "Design-build contract", a contract between a school district and a design-build
5 contractor to furnish the architecture, engineering, and related design services, and the
6 labor, materials, and other construction services required for a specific construction
7 project;
- 8 (3) "Design-build contractor", any individual, partnership, joint venture,
9 corporation, or other legal entity that furnishes architecture or engineering services and
10 construction services either directly or through subcontracts;
- 11 (4) "Design-build project", the design, construction, alteration, addition,
12 remodeling, or improvement of any school buildings or facilities under contract with a
13 school district;
- 14 (5) "Design criteria package", performance-oriented specifications for the
15 design-build project sufficient to permit a design-build contractor to prepare a response to
16 the school district's request for proposals for a design-build project, which may include
17 preliminary designs for the project or portions thereof.

177.302. 1. Notwithstanding any provision of this chapter to the contrary, as an
2 alternative to the requirements and procedures specified by sections 177.086 to 177.171, any
3 school district of this state is authorized to enter into design-build contracts for design-build
4 projects that exceed an expenditure of one million dollars.

5 2. In using a design-build contract, the school district shall establish a written
6 procedure by rule for prequalifying design-build contractors before such design-build
7 contractors will be allowed to make a proposal on the project.

8 3. The school board shall adopt procedures for the prequalification review team;
9 specifications for the design criteria package; the method of advertising, receiving and
10 evaluating proposals from design-build contractors; the criteria for awarding the
11 design-build contract based on the design criteria package and a separate proposal stating

12 the cost of construction; and other methods, procedures and criteria necessary to administer
13 this section.

14 4. The school district is authorized to issue a request for proposals to a maximum
15 of five design-build contractors who are prequalified in accordance with subsection 2 of this
16 section.

17 5. The school district may require approval of any person performing subcontract
18 work on the design-build project including, but not limited to, those furnishing design
19 services, labor, materials or equipment.

177.303. 1. Prior to the prequalification process specified in section 177.302, the
2 school district shall publicly advertise, once a week for two consecutive weeks, in a
3 newspaper of general circulation, qualified under chapter 493, RSMo, located within the
4 city in which the school district is located, or if there be no such newspaper, in a qualified
5 newspaper of general circulation in the county, or if there be no such newspaper, in a
6 qualified newspaper of general circulation in an adjoining county, and may advertise in
7 business, trade, or minority newspapers, for qualification submissions on said design-build
8 project.

9 2. If the school district fails to receive at least two responsive submissions from
10 prequalified design-build contractors, submissions shall not be opened and it shall
11 readvertise the project.

12 3. The school district shall have the right to reject any and all submissions and
13 proposals.

14 4. The proposals from prequalified design-build contractors shall be submitted
15 sealed and in writing, to be opened publicly at the time and place of the school district's
16 choosing. Technical proposals and qualifications submissions shall be submitted separately
17 from any cost proposals. No cost proposal shall be opened until the technical proposals and
18 qualifications submissions are first opened, evaluated, and ranked in accordance with the
19 criteria identified by the school district in the request for proposals.

20 5. The design-build contract shall be awarded to the design-build contractor whose
21 proposal represents the best overall value to the school district in terms of quality, technical
22 skill, schedule and cost.

23 6. No proposal shall be entertained by the school district which is not made in
24 accordance with the request for proposals furnished by the school district.

25 7. The school district shall pay a reasonable stipend to prequalified responsive
26 design-build contractors who submit a proposal, but are not awarded the design-build
27 contract.

177.304. 1. The payment bond requirements of section 107.170, RSMo, shall apply to the design-build project. All persons furnishing design services shall be deemed to be covered by the payment bond the same as any person furnishing labor or materials; however, the performance bond for the design-build contractor does not need to cover the design services as long as the design-build contractor or its subcontractors providing design services carry professional liability insurance in an amount established by the school district in the request for proposals.

2. Any person or firm providing architectural, engineering, or land surveying services for the design-build contractor on the design-build project shall be duly licensed or authorized in Missouri to provide such services as required by chapter 327, RSMo.

177.305. 1. A school district planning a design-build project shall retain an architect or engineer, as appropriate to the project type, under sections 8.285 to 8.291, RSMo, to assist with programming, site selection, master plan, the design criteria package, preparation of the request for proposals, prequalifying design-build contractors, evaluation of proposals, and preparation of forms necessary to award the design-build contract. The school district shall also retain that same architect or engineer or another to perform contract administration functions on behalf of the school district during the construction phase and after project completion. If the school district has an architect or engineer capable of fulfilling the functions described in this section, the school district is exempt from being required to retain another such professional.

2. Any architect or engineer who is retained by a school district under this section shall be ineligible to act as the design-build contractor, or to participate as part of the design-build contractor's team as a subcontractor, joint venturer, partner or otherwise for the same design-build project for which the architect or engineer was hired by the school district.

177.306. Under section 327.465, RSMo, any design-build contractor that enters into a design-build contract for a school district is exempt from the requirement that such person or entity hold a certificate of registration or such corporation hold a certificate of authority if the architectural, engineering, or land surveying services to be performed under the contract are performed through subcontracts with properly licensed and authorized persons or entities, and not performed by the design-build contractor or its own employees.

178.635. 1. The board of regents of Linn State Technical College shall organize in the manner provided by law for the board of curators of the University of Missouri. The powers, duties, authority, responsibilities, privileges, immunities, liabilities and compensation of the board of Linn State Technical College in regard to Linn State Technical College shall be the same as those prescribed by statute for the board of curators of the University of Missouri in regard to the

6 University of Missouri, except that Linn State Technical College shall be operated only as a state
7 technical college. Nothing in this section shall be construed to authorize Linn State Technical
8 College to become a community college or a university offering four-year or graduate degrees.

9 2. All lawful bonded indebtedness incurred by the issuance of revenue bonds, as defined
10 in section 176.010, RSMo, by Linn Technical College, shall be deemed to be an indebtedness of
11 the board of regents of Linn State Technical College after the date upon which the conditions of
12 section 178.631 are met. Such indebtedness shall be retired through tuition revenues.

13 **3. The board of regents may make such rules and regulations for the admission of**
14 **students as it may be deemed proper; provided that aliens unlawfully present in the United**
15 **States shall not be eligible for enrollment in Linn State Technical College.**

16 **4. Prior to approval of any appropriations by the general assembly for Linn State**
17 **Technical College, the department of higher education shall annually certify to the**
18 **education appropriations committee of the house of representatives and the appropriations**
19 **committee of the senate that the college has not knowingly enrolled any aliens unlawfully**
20 **present in the United States in the preceding year.**

178.780. 1. Tax supported community colleges formed prior to October 13, 1961, and
2 those formed under the provisions of sections 178.770 to 178.890 shall be under the supervision
3 of the coordinating board for higher education.

4 2. The coordinating board for higher education shall:

5 (1) Establish the role of the two-year college in the state;

6 (2) Set up a survey form to be used for local surveys of need and potential for two-year
7 colleges; provide supervision in the conducting of surveys; require that the results of the studies
8 be used in reviewing applications for approval; and establish and use the survey results to set up
9 priorities;

10 (3) Require that the initiative to establish two-year colleges come from the area to be
11 served;

12 (4) Administer the state financial support program;

13 (5) Supervise the community college districts formed under the provisions of sections
14 178.770 to 178.890 and the community colleges now in existence and formed prior to October
15 13, 1961;

16 (6) Formulate and put into effect uniform policies as to budgeting, record keeping, and
17 student accounting;

18 (7) Establish uniform minimum entrance requirements and uniform curricular offerings
19 for all community colleges **and ensure that aliens unlawfully present in the United States are**
20 **not eligible for enrollment in any community college;**

21 (8) Make a continuing study of community college education in the state; and

22 (9) Be responsible for the accreditation of each community college under its supervision.
23 Accreditation shall be conducted annually or as often as deemed advisable and made in a manner
24 consistent with rules and regulations established and applied uniformly to all community colleges
25 in the state. Standards for accreditation of community colleges shall be formulated with due
26 consideration given to curriculum offerings and entrance requirements of the University of
27 Missouri.

**178.785. Prior to approval of any appropriations by the general assembly for a
2 community college, the department of higher education shall annually certify to the
3 education appropriations committee of the house of representatives and the appropriations
4 committee of the senate that the community college has not knowingly enrolled any aliens
5 unlawfully present in the United States in the preceding year.**

208.009. 1. No alien unlawfully present in the United States shall receive any state or
2 local public benefit, except for state or local public benefits that may be offered under 8 U.S.C.
3 1621(b). Nothing in this section shall be construed to prohibit the rendering of emergency
4 medical care, prenatal care, services offering alternatives to abortion, emergency assistance, or
5 legal assistance to any person.

6 2. As used in this section, "public benefit" means any grant, contract, or loan provided
7 by an agency of state or local government; or any retirement, welfare, health, [postsecondary
8 education, state grants and scholarships,] disability, housing, or food assistance benefit under
9 which payments, assistance, credits, or reduced rates or fees are provided. The term "public
10 benefit" shall not include **postsecondary education public benefits as defined in section
11 173.1110, RSMo, or** unemployment benefits payable under chapter 288, RSMo. The
12 unemployment compensation program shall verify the lawful presence of an alien for the purpose
13 of determining eligibility for benefits in accordance with its own procedures.

14 3. In addition to providing proof of other eligibility requirements, at the time of
15 application for any state or local public benefit, an applicant who is eighteen years of age or older
16 shall provide affirmative proof that the applicant is a citizen or a permanent resident of the United
17 States or is lawfully present in the United States[, provided, however, that in the case of state
18 grants and scholarships, such proof shall be provided before the applicant receives any state grant
19 or scholarship]. Such affirmative proof shall include documentary evidence recognized by the
20 department of revenue when processing an application for a driver's license, a Missouri driver's
21 license, as well as any document issued by the federal government that confirms an alien's lawful
22 presence in the United States. In processing applications for public benefits, an employee of an
23 agency of state or local government shall not inquire about the legal status of a custodial parent
24 or guardian applying for a public benefit on behalf of his or her dependent child who is a citizen
25 or permanent resident of the United States.

26 4. An applicant who cannot provide the proof required under this section at the time of
27 application may alternatively sign an affidavit under oath, attesting to either United States
28 citizenship or classification by the United States as an alien lawfully admitted for permanent
29 residence, in order to receive temporary benefits or a temporary identification document as
30 provided in this section. The affidavit shall be on or consistent with forms prepared by the state
31 or local government agency administering the state or local public benefits and shall include the
32 applicant's Social Security number or any applicable federal identification number and an
33 explanation of the penalties under state law for obtaining public assistance benefits fraudulently.

34 5. An applicant who has provided the sworn affidavit required under subsection 4 of this
35 section is eligible to receive temporary public benefits as follows:

36 (1) For ninety days or until such time that it is determined that the applicant is not
37 lawfully present in the United States, whichever is earlier; or

38 (2) Indefinitely if the applicant provides a copy of a completed application for a birth
39 certificate that is pending in Missouri or some other state. An extension granted under this
40 subsection shall terminate upon the applicant's receipt of a birth certificate or a determination that
41 a birth certificate does not exist because the applicant is not a United States citizen.

42 6. An applicant who is an alien shall not receive any state or local public benefit unless
43 the alien's lawful presence in the United States is first verified by the federal government. State
44 and local agencies administering public benefits in this state shall cooperate with the United
45 States Department of Homeland Security in achieving verification of an alien's lawful presence
46 in the United States in furtherance of this section. The system utilized may include the Systematic
47 Alien Verification for Entitlements Program operated by the United States Department of
48 Homeland Security. **After an applicant's lawful presence in the United States has been**
49 **verified through the Systematic Alien Verification for Entitlements Program, no additional**
50 **verification is required within the same agency of the state or local government.**

51 7. The provisions of this section shall not be construed to require any nonprofit
52 organization [organized under] **duly registered with** the Internal Revenue [Code] **Service** to
53 enforce the provisions of this section, nor does it prohibit such an organization from providing
54 aid.

55 8. Any agency that administers public benefits shall provide assistance in obtaining
56 appropriate documentation to persons applying for public benefits who sign the affidavit required
57 by subsection 4 of this section stating they are eligible for such benefits but lack the documents
58 required under subsection 3 of this section.

210.135. **1.** Any person, official, or institution complying with the provisions of sections
2 210.110 to 210.165 in the making of a report, the taking of color photographs, or the making of
3 radiologic examinations pursuant to sections 210.110 to 210.165, or both such taking of color

4 photographs and making of radiologic examinations, or the removal or retaining a child pursuant
5 to sections 210.110 to 210.165, or in cooperating with the division, or any other law enforcement
6 agency, juvenile office, court, or child-protective service agency of this or any other state, in any
7 of the activities pursuant to sections 210.110 to 210.165, or any other allegation of child abuse,
8 neglect or assault, pursuant to sections 568.045 to 568.060, RSMo, shall have immunity from any
9 liability, civil or criminal, that otherwise might result by reason of such actions. Provided,
10 however, any person, official or institution intentionally filing a false report, acting in bad faith,
11 or with ill intent, shall not have immunity from any liability, civil or criminal. Any such person,
12 official, or institution shall have the same immunity with respect to participation in any judicial
13 proceeding resulting from the report.

14 **2. Any person, who is not a school district employee, who makes a report to a school**
15 **administrator of child abuse by a school employee shall have immunity from any liability,**
16 **civil or criminal, that otherwise might result because of such report. Provided, however,**
17 **that any such person who makes a false report, knowing that the report is false, or who acts**
18 **in bad faith or with ill intent in making such report shall not have immunity from any**
19 **liability, civil or criminal. Any such person shall have the same immunity with respect to**
20 **participation in any judicial proceeding resulting from the report.**

210.145. 1. The division shall develop protocols which give priority to:

2 (1) Ensuring the well-being and safety of the child in instances where child abuse or
3 neglect has been alleged;

4 (2) Promoting the preservation and reunification of children and families consistent with
5 state and federal law;

6 (3) Providing due process for those accused of child abuse or neglect; and

7 (4) Maintaining an information system operating at all times, capable of receiving and
8 maintaining reports. This information system shall have the ability to receive reports over a
9 single, statewide toll-free number. Such information system shall maintain the results of all
10 investigations, family assessments and services, and other relevant information.

11 2. The division shall utilize structured decision-making protocols for classification
12 purposes of all child abuse and neglect reports. The protocols developed by the division shall
13 give priority to ensuring the well-being and safety of the child. All child abuse and neglect reports
14 shall be initiated within twenty-four hours and shall be classified based upon the reported risk and
15 injury to the child. The division shall promulgate rules regarding the structured decision-making
16 protocols to be utilized for all child abuse and neglect reports.

17 3. Upon receipt of a report, the division shall determine if the report merits investigation,
18 including reports which if true would constitute a suspected violation of any of the following:
19 section 565.020, 565.021, 565.023, 565.024, or 565.050, RSMo, if the victim is a child less than

20 eighteen years of age, section 566.030 or 566.060, RSMo, if the victim is a child less than
21 eighteen years of age, or other crimes under chapter 566, RSMo, if the victim is a child less than
22 eighteen years of age and the perpetrator is twenty-one years of age or older, section 567.050,
23 RSMo, if the victim is a child less than eighteen years of age, section 568.020, 568.030, 568.045,
24 568.050, 568.060, 568.080, or 568.090, RSMo, section 573.025, 573.035, 573.037, or 573.040,
25 RSMo, or an attempt to commit any such crimes. The division shall immediately communicate
26 all reports that merit investigation to its appropriate local office and any relevant information as
27 may be contained in the information system. The local division staff shall determine, through the
28 use of protocols developed by the division, whether an investigation or the family assessment and
29 services approach should be used to respond to the allegation. The protocols developed by the
30 division shall give priority to ensuring the well-being and safety of the child.

31 4. The local office shall contact the appropriate law enforcement agency immediately
32 upon receipt of a report which division personnel determine merits an investigation and provide
33 such agency with a detailed description of the report received. In such cases the local division
34 office shall request the assistance of the local law enforcement agency in all aspects of the
35 investigation of the complaint. The appropriate law enforcement agency shall either assist the
36 division in the investigation or provide the division, within twenty-four hours, an explanation in
37 writing detailing the reasons why it is unable to assist.

38 5. The local office of the division shall cause an investigation or family assessment and
39 services approach to be initiated in accordance with the protocols established in subsection 2 of
40 this section, except in cases where the sole basis for the report is educational neglect. If the report
41 indicates that educational neglect is the only complaint and there is no suspicion of other neglect
42 or abuse, the investigation shall be initiated within seventy-two hours of receipt of the report. If
43 the report indicates the child is in danger of serious physical harm or threat to life, an investigation
44 shall include direct observation of the subject child within twenty-four hours of the receipt of the
45 report. Local law enforcement shall take all necessary steps to facilitate such direct observation.
46 If the parents of the child are not the alleged abusers, a parent of the child must be notified prior
47 to the child being interviewed by the division. If the abuse is alleged to have occurred in a school
48 or child-care facility the division shall not meet with the child in any school building or child-care
49 facility building where abuse of such child is alleged to have occurred. When the child is reported
50 absent from the residence, the location and the well-being of the child shall be verified. For
51 purposes of this subsection, child-care facility shall have the same meaning as such term is
52 defined in section 210.201.

53 6. The director of the division shall name at least one chief investigator for each local
54 division office, who shall direct the division response on any case involving a second or
55 subsequent incident regarding the same subject child or perpetrator. The duties of a chief

56 investigator shall include verification of direct observation of the subject child by the division and
57 shall ensure information regarding the status of an investigation is provided to the public school
58 district liaison. The public school district liaison shall develop protocol in conjunction with the
59 chief investigator to ensure information regarding an investigation is shared with appropriate
60 school personnel. The superintendent of each school district shall designate a specific person or
61 persons to act as the public school district liaison. Should the subject child attend a nonpublic
62 school the chief investigator shall notify the school principal of the investigation. Upon
63 notification of an investigation, all information received by the public school district liaison or
64 the school shall be subject to the provisions of the federal Family Educational Rights and Privacy
65 Act (FERPA), 20 U.S.C., Section 1232g, and federal rule 34 C.F.R., Part 99.

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

72 8. When a report has been made by a person required to report under section 210.115, the
73 division shall contact the person who made such report within forty-eight hours of the receipt of
74 the report in order to ensure that full information has been received and to obtain any additional
75 information or medical records, or both, that may be pertinent.

76 9. Upon completion of the investigation, if the division suspects that the report was made
77 maliciously or for the purpose of harassment, the division shall refer the report and any evidence
78 of malice or harassment to the local prosecuting or circuit attorney.

79 10. Multidisciplinary teams shall be used whenever conducting the investigation as
80 determined by the division in conjunction with local law enforcement. Multidisciplinary teams
81 shall be used in providing protective or preventive social services, including the services of law
82 enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and other
83 agencies, both public and private.

84 11. For all family support team meetings involving an alleged victim of child abuse or
85 neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or custodian
86 of the child, the guardian ad litem for the child, and the volunteer advocate for the child shall be
87 provided notice and be permitted to attend all such meetings. Family members, other than alleged
88 perpetrators, or other community informal or formal service providers that provide significant
89 support to the child and other individuals may also be invited at the discretion of the parents of
90 the child. In addition, the parents, the legal counsel for the parents, the legal guardian or
91 custodian and the foster parents may request that other individuals, other than alleged

92 perpetrators, be permitted to attend such team meetings. Once a person is provided notice of or
93 attends such team meetings, the division or the convenor of the meeting shall provide such
94 persons with notice of all such subsequent meetings involving the child. Families may determine
95 whether individuals invited at their discretion shall continue to be invited.

96 12. If the appropriate local division personnel determine after an investigation has begun
97 that completing an investigation is not appropriate, the division shall conduct a family assessment
98 and services approach. The division shall provide written notification to local law enforcement
99 prior to terminating any investigative process. The reason for the termination of the investigative
100 process shall be documented in the record of the division and the written notification submitted
101 to local law enforcement. Such notification shall not preclude nor prevent any investigation by
102 law enforcement.

103 13. If the appropriate local division personnel determines to use a family assessment and
104 services approach, the division shall:

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

107 (2) Provide services which are voluntary and time-limited unless it is determined by the
108 division based on the assessment of risk that there will be a high risk of abuse or neglect if the
109 family refuses to accept the services. The division shall identify services for families where it is
110 determined that the child is at high risk of future abuse or neglect. The division shall thoroughly
111 document in the record its attempt to provide voluntary services and the reasons these services
112 are important to reduce the risk of future abuse or neglect to the child. If the family continues to
113 refuse voluntary services or the child needs to be protected, the division may commence an
114 investigation;

115 (3) Commence an immediate investigation if at any time during the family assessment
116 and services approach the division determines that an investigation, as delineated in sections
117 210.109 to 210.183, is required. The division staff who have conducted the assessment may
118 remain involved in the provision of services to the child and family;

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

121 14. Within thirty days of an oral report of abuse or neglect, the local office shall update
122 the information in the information system. The information system shall contain, at a minimum,
123 the determination made by the division as a result of the investigation, identifying information on
124 the subjects of the report, those responsible for the care of the subject child and other relevant
125 dispositional information. The division shall complete all investigations within thirty days, unless
126 good cause for the failure to complete the investigation is documented in the information system.
127 If a child involved in a pending investigation dies, the investigation shall remain open until the

128 division's investigation surrounding the death is completed. If the investigation is not completed
129 within thirty days, the information system shall be updated at regular intervals and upon the
130 completion of the investigation. The information in the information system shall be updated to
131 reflect any subsequent findings, including any changes to the findings based on an administrative
132 or judicial hearing on the matter.

133 15. A person required to report under section 210.115 to the division and any person
134 making a report of child abuse or neglect made to the division which is not made anonymously
135 shall be informed by the division of his or her right to obtain information concerning the
136 disposition of his or her report. Such person shall receive, from the local office, if requested,
137 information on the general disposition of his or her report. Such person may receive, if requested,
138 findings and information concerning the case. Such release of information shall be at the
139 discretion of the director based upon a review of the reporter's ability to assist in protecting the
140 child or the potential harm to the child or other children within the family. The local office shall
141 respond to the request within forty-five days. The findings shall be made available to the reporter
142 within five days of the outcome of the investigation. If the report is determined to be
143 unsubstantiated, the reporter may request that the report be referred by the division to the office
144 of child advocate for children's protection and services established in sections 37.700 to 37.730,
145 RSMo. Upon request by a reporter under this subsection, the division shall refer an
146 unsubstantiated report of child abuse or neglect to the office of child advocate for children's
147 protection and services.

148 16. **The division shall provide to any individual, who is not satisfied with the results**
149 **of an investigation, information about the office of the child advocate and services it may**
150 **provide, under sections 37.700 to 37.730, RSMo.**

151 17. In any judicial proceeding involving the custody of a child the fact that a report may
152 have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However:

153 (1) Nothing in this subsection shall prohibit the introduction of evidence from
154 independent sources to support the allegations that may have caused a report to have been made;
155 and

156 (2) The court may on its own motion, or shall if requested by a party to the proceeding,
157 make an inquiry not on the record with the children's division to determine if such a report has
158 been made. If a report has been made, the court may stay the custody proceeding until the
159 children's division completes its investigation.

160 [17.] 18. In any judicial proceeding involving the custody of a child where the court
161 determines that the child is in need of services pursuant to subdivision (d) of subsection 1 of
162 section 211.031, RSMo, and has taken jurisdiction, the child's parent, guardian or custodian shall
163 not be entered into the registry.

164 [18.] **19.** The children's division is hereby granted the authority to promulgate rules and
165 regulations pursuant to the provisions of section 207.021, RSMo, and chapter 536, RSMo, to carry
166 out the provisions of sections 210.109 to 210.183.

167 [19.] **20.** Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
168 that is created under the authority delegated in this section shall become effective only if it
169 complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable,
170 section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the
171 powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
172 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
173 grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be
174 invalid and void.

 210.152. 1. All identifying information, including telephone reports reported pursuant
2 to section 210.145, relating to reports of abuse or neglect received by the division shall be retained
3 by the division and removed from the records of the division as follows:

4 (1) For investigation reports contained in the central registry, identifying information shall
5 be retained by the division;

6 (2) (a) For investigation reports initiated against a person required to report pursuant to
7 section 210.115, where insufficient evidence of abuse or neglect is found by the division and
8 where the division determines the allegation of abuse or neglect was made maliciously, for
9 purposes of harassment or in retaliation for the filing of a report by a person required to report,
10 identifying information shall be expunged by the division within forty-five days from the
11 conclusion of the investigation;

12 (b) For investigation reports, where insufficient evidence of abuse or neglect is found by
13 the division and where the division determines the allegation of abuse or neglect was made
14 maliciously, for purposes of harassment or in retaliation for the filing of a report, identifying
15 information shall be expunged by the division within forty-five days from the conclusion of the
16 investigation;

17 (c) For investigation reports initiated by a person required to report under section 210.115,
18 where insufficient evidence of abuse or neglect is found by the division, identifying information
19 shall be retained for five years from the conclusion of the investigation. For all other
20 investigation reports where insufficient evidence of abuse or neglect is found by the division,
21 identifying information shall be retained for two years from the conclusion of the investigation.
22 Such reports shall include any exculpatory evidence known by the division, including exculpatory
23 evidence obtained after the closing of the case. At the end of such time period, the identifying
24 information shall be removed from the records of the division and destroyed;

25 (3) For reports where the division uses the family assessment and services approach,
26 identifying information shall be retained by the division;

27 (4) For reports in which the division is unable to locate the child alleged to have been
28 abused or neglected, identifying information shall be retained for ten years from the date of the
29 report and then shall be removed from the records of the division.

30 2. Within ninety days after receipt of a report of abuse or neglect that is investigated, the
31 alleged perpetrator named in the report and the parents of the child named in the report, if the
32 alleged perpetrator is not a parent, shall be notified in writing of any determination made by the
33 division based on the investigation. The notice shall advise either:

34 (1) That the division has determined by a probable cause finding prior to August 28, 2004,
35 or by a preponderance of the evidence after August 28, 2004, that abuse or neglect exists and that
36 the division shall retain all identifying information regarding the abuse or neglect; that such
37 information shall remain confidential and will not be released except to law enforcement
38 agencies, prosecuting or circuit attorneys, or as provided in section 210.150; that the alleged
39 perpetrator has sixty days from the date of receipt of the notice to seek reversal of the division's
40 determination through a review by the child abuse and neglect review board as provided in
41 subsection 3 of this section; or

42 (2) That the division has not made a probable cause finding or determined by a
43 preponderance of the evidence that abuse or neglect exists.

44 **3. The children's division may reopen a case for review at the request of any party**
45 **to the investigation if information is obtained that the investigation was not properly**
46 **conducted under this chapter or if new information becomes available.**

47 **4.** Any person named in an investigation as a perpetrator who is aggrieved by a
48 determination of abuse or neglect by the division as provided in this section may seek an
49 administrative review by the child abuse and neglect review board pursuant to the provisions of
50 section 210.153. Such request for review shall be made within sixty days of notification of the
51 division's decision under this section. In those cases where criminal charges arising out of facts
52 of the investigation are pending, the request for review shall be made within sixty days from the
53 court's final disposition or dismissal of the charges.

54 **[4.] 5.** In any such action for administrative review, the child abuse and neglect review
55 board shall sustain the division's determination if such determination was supported by evidence
56 of probable cause prior to August 28, 2004, or is supported by a preponderance of the evidence
57 after August 28, 2004, and is not against the weight of such evidence. The child abuse and
58 neglect review board hearing shall be closed to all persons except the parties, their attorneys and
59 those persons providing testimony on behalf of the parties.

60 [5.] 6. If the alleged perpetrator is aggrieved by the decision of the child abuse and neglect
61 review board, the alleged perpetrator may seek de novo judicial review in the circuit court in the
62 county in which the alleged perpetrator resides and in circuits with split venue, in the venue in
63 which the alleged perpetrator resides, or in Cole County. If the alleged perpetrator is not a
64 resident of the state, proper venue shall be in Cole County. The case may be assigned to the
65 family court division where such a division has been established. The request for a judicial
66 review shall be made within sixty days of notification of the decision of the child abuse and
67 neglect review board decision. In reviewing such decisions, the circuit court shall provide the
68 alleged perpetrator the opportunity to appear and present testimony. The alleged perpetrator may
69 subpoena any witnesses except the alleged victim or the reporter. However, the circuit court shall
70 have the discretion to allow the parties to submit the case upon a stipulated record.

71 [6.] 7. In any such action for administrative review, the child abuse and neglect review
72 board shall notify the child or the parent, guardian or legal representative of the child that a review
73 has been requested.

**210.205. 1. Beginning September 1, 2009, the department of social services, in
2 collaboration with the departments of health and senior services, elementary and secondary
3 education, and mental health, shall develop a quality rating system for early childhood and
4 before- and after-school programs licensed by the department of health and senior services
5 that operate in this state. Such ratings shall be built upon Missouri's current system of
6 licensing and regulation. The base level of the rating system shall be licensing and the
7 highest level of the rating system shall include accreditation by a state or nationally
8 recognized accrediting agency. The department of social services shall utilize the model
9 from the existing Missouri quality rating system pilots developed by the University of
10 Missouri Center for Family Policy and Research, or any successor organization, to establish
11 this system.**

12 **2. The quality rating system shall:**

13 **(1) Provide information for consumers and parents to evaluate and select high**
14 **quality programs;**

15 **(2) Create an accountability system for policymakers and those who fund early**
16 **childhood and before- and after-school programs;**

17 **(3) Guide providers through a system of ever increasing levels of quality with**
18 **specific outcomes.**

19 **3. By July 1, 2014, subject to appropriations, all licensed facilities receiving direct**
20 **moneys and/or ongoing direct services to improve the quality of the program shall be rated**
21 **using the quality rating system established under this section. The quality rating system**
22 **shall be voluntary for all other licensed programs. As moneys are available, recruitment**

23 efforts of programs shall be targeted to those serving high numbers of children receiving
24 child care assistance from the department of social services. The coordinating board for
25 early childhood, established under section 210.102, shall develop a plan for a tiered system
26 of reimbursement for child care subsidies based on the quality rating system established
27 under this section. By December 31, 2010, a proposed plan with recommendations for
28 implementation of the reimbursement system shall be submitted to the general assembly.
29 The plan shall only become effective after passage of a concurrent resolution by the general
30 assembly authorizing the implementation of the plan.

31 4. (1) There is hereby created in the state treasury the "Quality Rating System
32 Program Improvement Fund", which shall consist of the following two subaccounts:

33 (a) A subaccount which shall consist of all gifts, donations, transfers, and bequests
34 to the fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any
35 moneys remaining in such subaccount at the end of the biennium shall not revert to the
36 credit of the general revenue fund; and

37 (b) A subaccount which shall consist of all moneys appropriated to the fund. Any
38 moneys remaining in such subaccount at the end of the biennium shall revert to the credit
39 of the general revenue fund.

40 (2) The state treasurer shall be custodian of the fund. In accordance with sections
41 30.170 and 30.180, RSMo, the state treasurer may approve disbursements. Upon
42 appropriation, money in the fund shall be used solely for the administration of this section
43 to provide grants directly to licensed providers seeking assistance for quality improvements
44 based upon the quality rating or to community-based organizations assisting providers with
45 such improvements. The grants shall be awarded in such a manner to ensure geographic
46 diversity among the grantees and community-based organizations. The department of
47 social services shall administer the fund. Any moneys in the fund designated for
48 community-based organizations assisting providers shall be administered by the department
49 through a contract with a nongovernment organization or organizations that will provide
50 the quality improvement services of training and technical assistance directly to programs
51 statewide. Additionally, the department of social services shall contract with a
52 nongovernment organization to provide the grants that are disbursed directly to programs
53 for improvement. The nongovernment organization shall establish a quality improvement
54 panel to review grant applications and determine funding. Members of the panel shall be
55 early childhood and school-age professionals who apply to and are recommended by the
56 Missouri quality rating system state committee.

57 **(3) The state treasurer shall invest moneys in the fund in the same manner as other**
58 **funds are invested. Any interest and moneys earned on such investments shall be credited**
59 **to the fund.**

60 **5. The department of social services, in collaboration with the departments of health**
61 **and senior services, elementary and secondary education, and mental health, shall be**
62 **responsible for:**

63 **(1) Collecting and distributing resource materials to educate the public and early**
64 **childhood and before- and after-school programs in Missouri about the quality rating**
65 **system established under this section;**

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

70 **(3) By December 31, 2014, having ratings available and posted on the Missouri child**
71 **care resource and referral network web site.**

72 **6. The department of social services shall promulgate rules to implement the**
73 **provisions of this section. Any rule or portion of a rule, as that term is defined in section**
74 **536.010, RSMo, that is created under the authority delegated in this section shall become**
75 **effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo,**
76 **and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are**
77 **nonseverable and if any of the powers vested with the general assembly pursuant to chapter**
78 **536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are**
79 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**
80 **proposed or adopted after August 28, 2009, shall be invalid and void.**

81 **7. For purposes of this section, the following terms shall mean:**

82 **(1) "Before- and after-school programs", programs that are center-, home-, or**
83 **school-based and providing services for elementary or middle school children during**
84 **nonschool hours;**

85 **(2) "Early childhood programs", programs that are either center- or home-based**
86 **and providing services for infants and toddlers, preschoolers, or elementary school-age**
87 **children.**

88 **8. Under section 23.253, RSMo, of the Missouri sunset act:**

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

92 **(2) If such program is reauthorized, the program authorized under this section shall**
93 **automatically sunset six years after the effective date of the reauthorization of this section;**
94 **and**

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

210.915. The department of corrections, the department of public safety, the department
2 of social services, **the department of elementary and secondary education**, and the department
3 of mental health shall collaborate with the department to compare records on child-care,
4 elder-care, mental health, and personal-care workers, **including those individuals required to**
5 **undergo a background check under the provisions of section 168.133, RSMo**, and the records
6 of persons with criminal convictions and the background checks pursuant to subdivisions (1) to
7 (8) of subsection 2 of section 210.903, and to enter into any interagency agreements necessary to
8 facilitate the receipt of such information and the ongoing updating of such information. The
9 department shall promulgate rules and regulations concerning such updating, including
10 subsequent background reviews as listed in subsection 1 of section 210.909.

210.922. The department of health and senior services, department of mental health,
2 **department of elementary and secondary education**, and department of social services may
3 use the registry information to carry out the duties assigned to the department pursuant to this
4 chapter and chapters **168**, 190, 195, 197, 198, 630, and 660, RSMo.

210.1050. 1. For purposes of this section, for pupils in foster care or children placed
2 **for treatment in a licensed residential care facility by the department of social services, "full**
3 **school day" shall mean six hours in which the child is under the guidance and direction of**
4 **teachers in the educational process.**

5 **2. Each pupil in foster care or child placed for treatment in a licensed residential**
6 **care facility by the department of social services shall be entitled to a full school day of**
7 **education unless the school district determines that fewer hours are warranted.**

8 **3. The commissioner of education, or his or her designee, shall be an ombudsman**
9 **to assist the family support team and the school district as they work together to meet the**
10 **needs of children placed for treatment in a licensed residential care facility by the**
11 **department of social services. The ombudsman shall have the final decision over**
12 **discrepancies regarding school day length. A full school day of education shall be provided**
13 **pending the ombudsman's final decision.**

14 **4. Nothing in this section shall be construed to infringe upon the rights or due**
15 **process provisions of the federal Individuals with Disabilities Education Act. The**
16 **provisions of the Individuals with Disabilities Education Act shall apply and control in**

17 decisions regarding school day. Nothing in this section shall be construed to deny any child
18 domiciled in Missouri appropriate and necessary free public education services.

301.4006. 1. Notwithstanding any other provision of law, any person, after an
2 annual payment of an emblem-use fee to a local public schools foundation, may receive
3 personalized specialty license plates for any vehicle owned, either solely or jointly, other
4 than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of
5 eighteen thousand pounds gross weight. The emblem of the local public schools foundation
6 shall be affixed on multiyear personalized specialty license plates as provided in this section.
7 Any contribution to a local public schools foundation derived from this section, except
8 reasonable administrative costs, shall be used solely for the purposes of the local public
9 schools foundation. Any person may annually apply for the use of the emblem.

10 2. Upon annual application and payment of a fifteen dollar emblem-use contribution
11 to a local public schools foundation, the public schools foundation shall issue to the vehicle
12 owner, without further charge, an emblem-use authorization statement, which shall be
13 presented by the vehicle owner to the director of revenue at the time of registration. Upon
14 presentation of the annual emblem-use authorization statement and payment of a fifteen
15 dollar fee in addition to the regular registration fees, and presentation of any documents
16 which may be required by law, the director of revenue shall issue to the vehicle owner a
17 personalized specialty license plate which shall bear the emblem of a local public schools
18 foundation. Such license plates shall be made with fully reflective material with a common
19 color scheme as design, shall be clearly visible at night, and shall be aesthetically attractive,
20 and prescribed by section 301.130. In addition, upon each set of license plates shall be
21 inscribed, in lieu of the words "SHOW-ME STATE", the words "PUBLIC SCHOOLS
22 FOUNDATION". Notwithstanding the provisions of section 301.144, no additional fee shall
23 be charged for the personalized specialty plates issued under this section.

24 3. A vehicle owner who was previously issued a plate with a local public schools
25 foundation's emblem authorized by this section, but who does not provide an emblem-use
26 authorization statement at a subsequent time of registration, shall be issued a new plate
27 which does not bear a local public schools foundation's emblem, as otherwise provided by
28 law. The director of revenue shall make necessary rules and regulations for the
29 enforcement of this section, and shall design all necessary forms required by this section.

30 4. Prior to the issuance of a local public schools foundation specialty plate
31 authorized under this section, the department of revenue must be in receipt of an
32 application, as prescribed by the director, which shall be accompanied by a list of at least
33 two hundred potential applicants who plan to purchase the specialty plate, the proposed art
34 design for the specialty license plate, and an application fee, not to exceed five thousand

35 **dollars, to defray the department's cost for issuing, developing, and programming the**
36 **implementation of the specialty plate. Once the plate design is approved, the director of**
37 **revenue shall not authorize the manufacture of the material to produce such personalized**
38 **specialty license plates with the individual seal, logo, or emblem until such time as the**
39 **director has received two hundred applications, the fifteen dollar specialty plate fee per**
40 **application, and emblem-use statements, if applicable, and other required documents or fees**
41 **for such plates.**

313.822. A tax is imposed on the adjusted gross receipts received from gambling games
2 authorized pursuant to sections 313.800 to 313.850 at the rate of twenty-one percent. The taxes
3 imposed by this section shall be returned to the commission in accordance with the commission's
4 rules and regulations who shall transfer such taxes to the director of revenue. All checks and
5 drafts remitted for payment of these taxes and fees shall be made payable to the director of
6 revenue. If the commission is not satisfied with the return or payment made by any licensee, it is
7 hereby authorized and empowered to make an assessment of the amount due based upon any
8 information within its possession or that shall come into its possession. Any licensee against
9 whom an assessment is made by the commission may petition for a reassessment. The request
10 for reassessment shall be made within twenty days from the date the assessment was mailed or
11 delivered to the licensee, whichever is earlier. Whereupon the commission shall give notice of
12 a hearing for reassessment and fix the date upon which the hearing shall be held. The assessment
13 shall become final if a request for reassessment is not received by the commission within the
14 twenty days. Except as provided in this section, on and after April 29, 1993, all functions incident
15 to the administration, collection, enforcement, and operation of the tax imposed by sections
16 144.010 to 144.525, RSMo, shall be applicable to the taxes and fees imposed by this section.

(1) Each excursion gambling boat shall designate a city or county as its home dock. The
18 home dock city or county may enter into agreements with other cities or counties authorized
19 pursuant to subsection 10 of section 313.812 to share revenue obtained pursuant to this section.
20 The home dock city or county shall receive ten percent of the adjusted gross receipts tax
21 collections, as levied pursuant to this section, for use in providing services necessary for the safety
22 of the public visiting an excursion gambling boat. Such home dock city or county shall annually
23 submit to the commission a shared revenue agreement with any other city or county. All moneys
24 owed the home dock city or county shall be deposited and distributed to such city or county in
25 accordance with rules and regulations of the commission. All revenues provided for in this
26 section to be transferred to the governing body of any city not within a county and any city with
27 a population of over three hundred fifty thousand inhabitants shall not be considered state funds
28 and shall be deposited in such city's general revenue fund to be expended as provided for in this
29 section.

30 (2) The remaining amount of the adjusted gross receipts tax shall be deposited in the state
31 treasury to the credit of the "Gaming Proceeds for Education Fund" which is hereby created in the
32 state treasury. Moneys deposited in this fund shall be kept separate from the general revenue fund
33 as well as any other funds or accounts in the state treasury, shall be used solely for education
34 pursuant to the Missouri Constitution and shall be considered the proceeds of excursion boat
35 gambling and state funds pursuant to article IV, section 15 of the Missouri Constitution. All
36 interest received on the gaming proceeds for education fund shall be credited to the gaming
37 proceeds for education fund. Appropriation of the moneys deposited into the gaming proceeds
38 for education fund shall be pursuant to state law.

39 (3) The state auditor shall perform an annual audit of the gaming proceeds for education
40 fund [and the schools first elementary and secondary education improvement fund], which shall
41 include the evaluation of whether appropriations for elementary and secondary education have
42 increased and are being used as intended [by this act]. The state auditor shall make copies of each
43 audit available to the public and to the general assembly.

556.037. Notwithstanding the provisions of section 556.036, prosecutions for unlawful
2 sexual offenses involving a person eighteen years of age or under [must] **may** be commenced
3 [within twenty years after the victim reaches the age of eighteen unless the prosecutions are for
4 forcible rape, attempted forcible rape, forcible sodomy, kidnapping, or attempted forcible sodomy
5 in which case such prosecutions may be commenced] at any time.

**Section 1. The state treasurer is hereby authorized to create funds as necessary to
2 avoid conflict with provisions of federal law prohibiting commingling of certain funds
3 derived from the American Recovery and Reinvestment Act of 2009, as enacted by the 111th
4 United States Congress.**

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

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

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

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

15 (3) Creating programs that:

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

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

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

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

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

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

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

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

[313.775. This act shall be known and may be cited as "The Schools First Elementary and Secondary Education Funding Initiative".]

[313.778. There is hereby created in the state treasury the "Schools First Elementary and Secondary Education Improvement Fund", which shall consist of taxes on excursion gambling boat proceeds as provided in subsection 2 of section 160.534, RSMo, to be used solely for the purpose of increasing funding for elementary and secondary education. The schools first elementary and secondary education improvement fund shall be state revenues collected from gaming activities for purposes of article III, section 39(d) of the constitution. Moneys in the schools first elementary and secondary education improvement fund shall be kept separate from the general revenue fund as well as any other funds or accounts in the state treasury. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not

14 revert to the credit of the general revenue fund. The state treasurer shall invest
15 moneys in the fund in the same manner as other funds are invested. Any interest
16 and moneys earned on such investments shall be credited to the fund.]
17

Section B. The repeal of section 313.778 of section A of this act shall become effective
2 on July 1, 2010.

Section C. Because of the need to ensure adequate funding for our public schools, the
2 repeal of section 313.775 and the repeal and reenactment of sections 160.534, 163.011, 163.031,
3 163.043, and 313.822, and the enactment of section 163.095 of section A of this act are deemed
4 necessary for the immediate preservation of the public health, welfare, peace and safety, and is
5 hereby declared to be an emergency act within the meaning of the constitution, and the repeal of
6 section 313.775 and the repeal and reenactment of sections 160.534, 163.011, 163.031, 163.043,
7 and 313.822, and the enactment of section 163.095 of section A of this act shall be in full force
8 and effect on July 1, 2009, or upon their passage and approval, whichever occurs later.

Section D. The repeal and reenactment of sections 166.300, 169.560, 169.660, 172.360,
2 173.1110, 174.130, 175.025, 178.635, 178.780, 178.785, and 208.009, and the enactment of
3 sections 30.1010, 30.1014, 37.530, 166.392, 166.393, 166.394, 166.395, 166.396, 166.397, and
4 section 1 of section A of this act are deemed necessary for the immediate preservation of the
5 public health, peace, welfare and safety, and is hereby declared to be an emergency within the
6 meaning of the constitution, and the repeal and reenactment of sections 166.300, 169.560,
7 169.660, 172.360, 173.1110, 174.130, 175.025, 178.635, 178.780, 178.785, and 208.009, and the
8 enactment of sections 30.1010, 30.1014, 37.530, 166.392, 166.393, 166.394, 166.395, 166.396,
9 166.397, and section 1 of section A of this act shall be in full force and effect upon their passage
10 and approval.

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