

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR

HOUSE BILL NO. 1543

95TH GENERAL ASSEMBLY

3136L.03P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 160.261, 160.400, 160.420, 160.660, 160.775, 161.209, 161.650, 167.018, 167.020, 167.022, 167.023, 167.029, 167.115, 167.117, 167.161, 167.164, 167.621, 167.624, 167.627, 167.630, 168.221, 177.161, 177.171, and 210.102, RSMo, and to enact in lieu thereof twenty-nine new sections relating to elementary and secondary education, with penalty provisions, with an effective date for a certain section and an emergency clause for a certain section.

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

Section A. Sections 160.261, 160.400, 160.420, 160.660, 160.775, 161.209, 161.650, 167.018, 167.020, 167.022, 167.023, 167.029, 167.115, 167.117, 167.161, 167.164, 167.621, 167.624, 167.627, 167.630, 168.221, 177.161, 177.171, and 210.102, RSMo, are repealed and twenty-nine new sections enacted in lieu thereof, to be known as sections 160.261, 160.400, 160.420, 160.660, 160.775, 161.209, 161.370, 161.650, 163.410, 167.018, 167.020, 167.022, 167.023, 167.029, 167.115, 167.117, 167.128, 167.161, 167.164, 167.621, 167.624, 167.627, 167.630, 167.750, 168.221, 171.054, 177.161, 177.171, and 210.102, to read as follows:

160.261. 1. The local board of education of each school district shall clearly establish a written policy of discipline, including the district's determination on the use of corporal punishment and the procedures in which punishment will be applied. A written copy of the district's discipline policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours, for public inspection. All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any

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.

9 interpretations necessary to implement the provisions of the policy in the course of their duties,
10 including but not limited to approved methods of dealing with acts of school violence,
11 disciplining students with disabilities and instruction in the necessity and requirements for
12 confidentiality.

13 2. The policy shall require school administrators to report acts of school violence to **all**
14 teachers **at the attendance center** and **in addition, to** other school district employees with a
15 need to know. For the purposes of this chapter or chapter 167, RSMo, "need to know" is defined
16 as school personnel who are directly responsible for the student's education or who otherwise
17 interact with the student on a professional basis while acting within the scope of their assigned
18 duties. As used in this section, the phrase "act of school violence" or "violent behavior" means
19 the exertion of physical force by a student with the intent to do serious physical injury as defined
20 in subdivision (6) of section 565.002, RSMo, to another person while on school property,
21 including a school bus in service on behalf of the district, or while involved in school activities.
22 The policy shall at a minimum require school administrators to report, as soon as reasonably
23 practical, to the appropriate law enforcement agency any of the following crimes, or any act
24 which if committed by an adult 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; committed on school property, including
50 but not limited to actions on any school bus in service on behalf of the district or while involved
51 in school activities. The policy shall require that any portion of a student's individualized
52 education program that is related to demonstrated or potentially violent behavior shall be
53 provided to any teacher and other school district employees who are directly responsible for the
54 student's education or who otherwise interact with the student on an educational basis while
55 acting within the scope of their assigned duties. The policy shall also contain the consequences
56 of failure to obey standards of conduct set by the local board of education, and the importance
57 of the standards to the maintenance of an atmosphere where orderly learning is possible and
58 encouraged.

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

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

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

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

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

79 4. Any student who violates the condition of suspension required pursuant to subsection
80 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of

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

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

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

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

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

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

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

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

113 8. Teachers and other authorized district personnel in public schools responsible for the
114 care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable
115 care by the school district, shall not be civilly liable when acting in conformity with the
116 established [policy of discipline] **policies** developed by each board [under this section],

including but not limited to policies of student discipline 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. (1) Spanking, when administered by certificated personnel **and in the presence of a witness who is an employee of the school district, or the use of force to protect persons or property, when administered by 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 **the use of force to protect persons or property when administered by personnel of a school district or** any spanking administered in a reasonable manner by any certificated school personnel **in the presence of a witness who is an employee of the school district** pursuant to a written policy of discipline established by the board of education of the school district, **as long as no allegation of sexual misconduct arises from the spanking or use of force.**

(2) 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] **involve** 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. 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

153 other than the administration of a spanking by certificated school personnel **or the use of force**
154 **to protect persons or property when administered by school personnel** pursuant to a written
155 policy of discipline or [a] **that the report was** made for the sole purpose of harassing a public
156 school employee, the superintendent of schools or the president of the school board shall
157 immediately refer the matter back to the **children's** division [of family services] and take no
158 further action.

159 (3) In all matters referred back to the **children's** division [of family services], the
160 division [of family services] shall treat the report in the same manner as other reports of alleged
161 child abuse received by the division. If the report pertains to an alleged incident which arose out
162 of or is related to a spanking administered by certificated personnel **or the use of force to**
163 **protect persons or property when administered by personnel** of a school district pursuant to
164 a written policy of discipline or a report made for the sole purpose of harassing a public school
165 employee, a notification of the reported child abuse shall be sent by the superintendent of schools
166 or the president of the school board to the juvenile officer of the county in which the alleged
167 incident occurred. The report shall be jointly investigated by the juvenile officer or a law
168 enforcement officer designated by the juvenile officer and the superintendent of schools or, if
169 the subject of the report is the superintendent of schools, by the juvenile officer or a law
170 enforcement officer designated by the juvenile officer and the president of the school board or
171 such president's designee.

172 (4) The investigation shall begin no later than forty-eight hours after notification from
173 the **children's** division [of family services] is received, and shall consist of, but need not be
174 limited to, interviewing and recording statements of the child and the child's parents or guardian
175 within two working days after the start of the investigation, of the school district personnel
176 allegedly involved in the report, and of any witnesses to the alleged incident. The juvenile
177 officer or a law enforcement officer designated by the juvenile officer and the investigating
178 school district personnel shall issue separate reports of their findings and recommendations after
179 the conclusion of the investigation to the school board of the school district within seven days
180 after receiving notice from the **children's** division [of family services]. The reports shall contain
181 a statement of conclusion as to whether the report of alleged child abuse is substantiated or is
182 unsubstantiated.

183 (5) The school board shall consider the separate reports and shall issue its findings and
184 conclusions and the action to be taken, if any, within seven days after receiving the last of the
185 two reports. The findings and conclusions shall be made in substantially the following form:

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

189 [(2)] (b) The report of the alleged child abuse is substantiated. The juvenile officer or
190 a law enforcement officer designated by the juvenile officer and the investigating school district
191 personnel agree that the evidence is sufficient to support a finding that the alleged incident of
192 child abuse did occur;

193 [(3)] (c) The issue involved in the alleged incident of child abuse is unresolved. The
194 juvenile officer or a law enforcement officer designated by the juvenile officer and the
195 investigating school personnel are unable to agree on their findings and conclusions on the
196 alleged incident.

197 11. The findings and conclusions of the school board **under subdivision (5) of**
198 **subsection 10 of this section** shall be sent to the **children's** division [of family services]. If the
199 findings and conclusions of the school board are that the report of the alleged child abuse is
200 unsubstantiated, the investigation shall be terminated, the case closed, and no record shall be
201 entered in the **children's** division [of family services] central registry. If the findings and
202 conclusions of the school board are that the report of the alleged child abuse is substantiated, the
203 **children's** division [of family services] shall report the incident to the prosecuting attorney of
204 the appropriate county along with the findings and conclusions of the school district and shall
205 include the information in the division's central registry. If the findings and conclusions of the
206 school board are that the issue involved in the alleged incident of child abuse is unresolved, the
207 **children's** division [of family services] shall report the incident to the prosecuting attorney of
208 the appropriate county along with the findings and conclusions of the school board, however, the
209 incident and the names of the parties allegedly involved shall not be entered into the central
210 registry of the **children's** division [of family services] unless and until the alleged child abuse
211 is substantiated by a court of competent jurisdiction.

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

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

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 support
52 of its charter school sponsorship program, or as a direct investment in the sponsored schools;

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

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

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

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

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

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

73 12. No member of the governing board of a charter school shall hold any office or
74 employment from the board or the charter school while serving as a member, nor shall the
75 member have any substantial interest, as defined in section 105.450, RSMo, in any entity

76 employed by or contracting with the board. No board member shall be an employee of a
77 company that provides substantial services to the charter school. All members of the governing
78 board of the charter school shall be considered decision-making public servants as defined in
79 section 105.450, RSMo, for the purposes of the financial disclosure requirements contained in
80 sections 105.483, 105.485, 105.487, and 105.489, RSMo.

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

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

95 **15. In the event that a charter school loses its sponsor or has its charter revoked or**
96 **rescinded or the charter otherwise expires, the governing board of the charter school and**
97 **the local school district where the charter school is located may enter into a contract to**
98 **continue operations of the charter school as a school site of the local school district.**

160.420. 1. Any school district in which charter schools may be established under
2 sections 160.400 to 160.420 shall establish a uniform policy which provides that if a charter
3 school offers to retain the services of an employee of a school district, and the employee accepts
4 a position at the charter school, an employee at the employee's option may remain an employee
5 of the district and the charter school shall pay to the district the district's full costs of salary and
6 benefits provided to the employee. The district's policy shall provide that any teacher who
7 accepts a position at a charter school and opts to remain an employee of the district retains such
8 teacher's permanent teacher status and retains such teacher's seniority rights in the district for
9 three years. The school district shall not be liable for any such employee's acts while an
10 employee of the charter school.

11 2. A charter school may employ noncertificated instructional personnel; provided that
12 no more than twenty percent of the full-time equivalent instructional staff positions at the school
13 are filled by noncertificated personnel. All noncertificated instructional personnel shall be

14 supervised by certificated instructional personnel. A charter school that has a foreign language
15 immersion experience as its chief educational mission, as stated in its charter, shall not be subject
16 to the twenty-percent requirement of this subsection but shall ensure that any teachers whose
17 duties include instruction given in a foreign language have current valid credentials in the
18 country in which such teacher received his or her training and shall remain subject to the
19 remaining requirements of this subsection. The charter school shall ensure that all instructional
20 employees of the charter school have experience, training and skills appropriate to the
21 instructional duties of the employee, and the charter school shall ensure that a criminal
22 background check and child abuse registry check are conducted for each employee of the charter
23 school prior to the hiring of the employee. The charter school may not employ instructional
24 personnel whose certificate of license to teach has been revoked or is currently suspended by the
25 state board of education. Appropriate experience, training and skills of noncertificated
26 instructional personnel shall be determined considering:

- 27 (1) Teaching certificates issued by another state or states;
- 28 (2) Certification by the National Standards Board;
- 29 (3) College degrees in the appropriate field;
- 30 (4) Evidence of technical training and competence when such is appropriate; and
- 31 (5) The level of supervision and coordination with certificated instructional staff.

32 3. Personnel employed by the charter school shall participate in the retirement system
33 of the school district in which the charter school is located, subject to the same terms, conditions,
34 requirements and other provisions applicable to personnel employed by the school district. For
35 purposes of participating in the retirement system, the charter school shall be considered to be
36 a public school within the school district, and personnel employed by the charter school shall be
37 public school employees. In the event of a lapse of the school district's corporate organization
38 as described in subsections 1 and 4 of section 162.081, RSMo, personnel employed by the
39 charter school shall continue to participate in the retirement system and shall do so on the same
40 terms, conditions, requirements and other provisions as they participated prior to the lapse.

41 4. [The charter school and a local school board may agree by contract for services to be
42 provided by the school district to the charter school. The charter school may contract with any
43 other entity for services. Such services may include but are not limited to food service, custodial
44 service, maintenance, management assistance, curriculum assistance, media services and libraries
45 and shall be subject to negotiation between the charter school and the local school board or other
46 entity. Documented actual costs of such services shall be paid for by the charter school.

47 5. A charter school may enter into contracts with community partnerships and state
48 agencies acting in collaboration with such partnerships that provide services to children and their
49 families linked to the school.

50 6. A charter school shall be eligible for transportation state aid pursuant to section
51 163.161, RSMo, and shall be free to contract with the local district, or any other entity, for the
52 provision of transportation to the students of the charter school.

53 7. (1) The proportionate share of state and federal resources generated by students with
54 disabilities or staff serving them shall be paid in full to charter schools enrolling those students
55 by their school district where such enrollment is through a contract for services described in this
56 section. The proportionate share of money generated under other federal or state categorical aid
57 programs shall be directed to charter schools serving such students eligible for that aid.

58 (2) A charter school district shall provide the special services provided pursuant to
59 section 162.705, RSMo, and may provide the special services pursuant to a contract with a
60 school district or any provider of such services.

61 8. A charter school may not charge tuition, nor may it impose fees that a school district
62 is prohibited from imposing.

63 9. A charter school is authorized to incur debt in anticipation of receipt of funds. A
64 charter school may also borrow to finance facilities and other capital items. A school district
65 may incur bonded indebtedness or take other measures to provide for physical facilities and other
66 capital items for charter schools that it sponsors or contracts with. Upon the dissolution of a
67 charter school, any liabilities of the corporation will be satisfied through the procedures of
68 chapter 355, RSMo.

69 10. Charter schools shall not have the power to acquire property by eminent domain.

70 11. The governing body of a charter school is authorized to accept grants, gifts or
71 donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or
72 donation may not be accepted by the governing body if it is subject to any condition contrary to
73 law applicable to the charter school or other public schools, or contrary to the terms of the
74 charter.] **The instructional employees of a charter school in circumstances described in**
75 **subsection 15 of section 160.400 shall continue to be employees of the governing board of**
76 **the former charter school and shall not be considered employees of the local school district;**
77 **however, such instructional employees shall meet all licensure and certification**
78 **requirements as determined by the department to perform the duties of a public school**
79 **teacher.**

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

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

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

9 2. **On or before July 1, 2012, the state board of education shall add to any school**
10 **facilities and safety criteria developed for the Missouri school improvement program**
11 **provisions that suggest that the drills required pursuant to the standard for safe facilities**
12 **occur at least annually and require that all staff receive sufficient training on the security**
13 **and crisis management plan to ensure familiarity with the plan details is maintained**
14 **throughout the school year.**

15 3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
16 is created under the authority delegated in this section shall become effective only if it complies
17 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
18 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
19 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
20 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
21 grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be
22 invalid and void.

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

2 2. "Bullying" means intimidation or harassment that causes a reasonable student to fear
3 for his or her physical safety or property. Bullying may consist of physical actions, including
4 gestures, or oral or written communication, and any threat of retaliation for reporting of such
5 acts. **Cyberbullying, as defined in subsection 3 of this section, constitutes bullying for**
6 **purposes of this section.**

7 3. **"Cyberbullying" includes, but is not limited to, the use of computers, websites,**
8 **the Internet, cell phones, text messaging, chat rooms, and instant messages to ridicule,**
9 **harass, intimidate, humiliate, or otherwise bully a student.**

10 [3.] 4. Each district's antibullying policy shall be founded on the assumption that all
11 students need a safe learning environment. Policies shall treat students equally and shall not
12 contain specific lists of protected classes of students who are to receive special treatment.
13 Policies may include age appropriate differences for schools based on the grade levels at the
14 school. Each such policy shall contain a statement of the consequences of bullying.

15 [4.] 5. Each district's antibullying policy shall require district employees to report any
16 instance of bullying of which the employee has firsthand knowledge. The district policy shall
17 address training of employees in the requirements of the district policy.

161.209. 1. The department of elementary and secondary education has an affirmative
2 duty to seek comment on its rules, regulations, and policies after their final approval or
3 implementation. The department shall undertake such review on existing rules, regulations, and

4 policies on an ad hoc, periodic basis with a priority given to such rules, regulations, and policies
5 that could successfully be revised without affecting student achievement to accommodate periods
6 when there is no increase in the appropriation for basic state aid funding pursuant to section
7 163.031, RSMo, from one fiscal year to the next or when withholdings of appropriated funds
8 result in a situation equivalent to no increase in such appropriation.

9 **2. For fiscal years 2011 and 2012, if the appropriation for subsections 1 and 2 of**
10 **section 163.031 is less than the annualized calculation of the amount needed for the phase-**
11 **in required under subsection 4 for that fiscal year or the appropriation for transportation**
12 **as provided in subsection 3 of section 163.031 is funded at a level that provides less than**
13 **seventy-five percent of allowable costs, the department shall not penalize any district**
14 **undergoing its accreditation review for a failure to meet resource standards. If the**
15 **governor withholds funds for the school funding formula basic apportionment under**
16 **section 163.031, school districts undergoing accreditation review in the fiscal year following**
17 **the fiscal year of withholding shall not be penalized for failure to meet resource standards.**

18 **161.370. 1. There is hereby created in the state treasury the "School Safety and**
19 **School Violence Prevention Fund", which shall consist of money collected under this**
20 **section. The state treasurer shall be custodian of the fund. In accordance with sections**
21 **30.170 and 30.180, the state treasurer may approve disbursements. Upon appropriation,**
22 **money in the fund shall be used solely for the administration of this section.**
23 **Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining**
24 **in the fund at the end of the biennium shall not revert to the credit of the general revenue**
25 **fund. The state treasurer shall invest moneys in the fund in the same manner as other**
26 **funds are invested. Any interest and moneys earned on such investments shall be credited**
27 **to the fund.**

28 **2. Subject to appropriations, beginning with the 2012 fiscal year and in each**
29 **subsequent year, the general assembly shall appropriate an amount not to exceed five**
30 **hundred thousand dollars to the department of elementary and secondary education to be**
31 **placed in the school safety and school violence prevention fund.**

32 **3. The department shall either select an existing agency or create a new agency that,**
33 **under the department's direction, shall serve as the statewide center for school safety and**
34 **school violence prevention and be available to provide services and resources for all public**
35 **school districts in the state.**

36 **4. The department shall provide funding from the school safety and school violence**
37 **prevention fund to the statewide center each year. The center shall use such funds for staff**
38 **salaries and benefits, equipment, supplies, program materials, workshops, training**
39 **sessions, and other items directly related to carrying out the mission of the center.**

23 **5. Subject to appropriations the center shall offer services and resources to all**
24 **public schools of the state which shall include but not be limited to:**

25 **(1) Make violence prevention and intervention programs and models available, as**
26 **well as provide training in the areas of bullying prevention, character education, conflict**
27 **resolution, fight prevention and intervention, Internet safety education, which shall include**
28 **cyberbullying prevention, peer mediation, post-trauma defusing and debriefing, suicide**
29 **prevention, human sensitivity awareness, violence prevention curriculum framework, and**
30 **other related areas as determined by the center and the department;**

31 **(2) Provide guidance for districts as they conduct building and district safety**
32 **reviews, including emergency preparedness;**

33 **(3) Provide examples of comprehensive school emergency plans;**

34 **(4) Assist in staff development on school safety and violence prevention issues;**

35 **(5) Periodically publish a safe schools newsletter or other publications;**

36 **(6) Maintain an active website;**

37 **(7) Provide annual training programs for school safety coordinators and provide**
38 **an information network for these coordinators;**

39 **(8) Serve as a clearinghouse on school safety information for school staff, parents,**
40 **community members, and other individuals or agencies; and**

41 **(9) Collaborate with national, state, and local agencies on school safety issues.**

42 **6. The center shall furnish the department with an annual budget each fiscal year,**
43 **as well as a list of actual expenditures, at the end of each fiscal year. The center shall also**
44 **provide for the department an annual year-end summary that highlights the different**
45 **services and programs provided by the center during the year, as well as the number of**
46 **schools that utilized each service or program. The department shall make such**
47 **information available to the legislature annually.**

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

12 alternative constructive activities for the students; encourage community participation in program
13 instruction, including but not limited to parents and law enforcement officials; and shall be
14 administered as appropriate for different grade levels and shall not be offered for academic
15 credit.

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

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

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

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

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

**163.410. 1. Notwithstanding the provisions of section 163.021, in fiscal years 2011
2 and 2012, if the appropriation for subsections 1 and 2 of section 163.031 is less than the
3 annualized calculation of the amount needed for the phase-in required under subsection
4 4 for that fiscal year or the appropriation for transportation as provided in subsection 3
5 of section 163.031 is funded at a level that provides less than seventy-five percent of
6 allowable costs, school districts shall be excused from compliance with:**

7 **(1) Spending funds for professional development as required under subsection 1
8 of section 160.530; and**

9 **(2) The fund placement and expenditure requirements of subsection 6 of section
10 163.031.**

11 **2. If the governor withholds funds for the school funding formula basic
12 apportionment under section 163.031, school districts shall be excused from compliance
13 with the statutes listed in subsection 1 of this section in the following fiscal year.**

167.018. 1. Sections 167.018 and 167.019 shall be known and may be cited as the
2 "Foster Care Education Bill of Rights".

3 2. Each school district **and charter school** shall designate a staff person as the
4 educational liaison for foster care children. The liaison shall do all of the following in an
5 advisory capacity:

6 (1) Ensure and facilitate the proper educational placement, enrollment in school, and
7 checkout from school of foster children;

8 (2) Assist foster care pupils when transferring from one school to another or from one
9 school district **or charter school** to another, by ensuring proper transfer of credits, records, and
10 grades;

11 (3) Request school records, as provided in section 167.022, within two business days of
12 placement of a foster care pupil in a school; and

13 (4) Submit school records of foster care pupils within three business days of receiving
14 a request for school records, under subdivision (3) of this subsection.

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

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

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

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

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

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

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

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

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

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

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

50 6. Subsection 2 of this section shall not apply to a pupil who is a homeless child or
51 youth, or a pupil attending a school not in the pupil's district of residence as a participant in an
52 interdistrict transfer program established under a court-ordered desegregation program, a pupil
53 who is a ward of the state and has been placed in a residential care facility by state officials, a
54 pupil who has been placed in a residential care facility due to a mental illness or developmental
55 disability, a pupil attending a school pursuant to sections 167.121 and 167.151, a pupil placed
56 in a residential facility by a juvenile court, a pupil with a disability identified under state
57 eligibility criteria if the student is in the district for reasons other than accessing the district's
58 educational program, or a pupil attending a regional or cooperative alternative education program
59 or an alternative education program on a contractual basis.

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

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

 167.023. **1. When a student is found to have committed a reportable offense under**
2 **subdivisions (1) to (25) of subsection 2 of section 160.261, the school district shall provide**
3 **notice of such reportable offense to any school district or private or parochial school to**
4 **which the student transfers or enrolls. In addition, if the student has been certified for**
5 **trial as an adult under section 211.071, then the school district shall attach notice of the**
6 **commission of the reportable offense to the student's disciplinary record. However, if the**
7 **student is under the jurisdiction of the juvenile court, the school shall attach a notice to the**
8 **student's disciplinary record stating only that a reportable offense under subdivisions (1)**
9 **to (25) of subsection 2 of section 160.261 has been committed by the student. Expungement**
10 **of school disciplinary records may occur in accordance with section 167.026.**

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

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

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

- 7 (1) First degree murder under section 565.020, RSMo;
- 8 (2) Second degree murder under section 565.021, RSMo;
- 9 (3) Kidnapping under section 565.110, RSMo;
- 10 (4) First degree assault under section 565.050, RSMo;
- 11 (5) Forcible rape under section 566.030, RSMo;
- 12 (6) Forcible sodomy under section 566.060, RSMo;
- 13 (7) Burglary in the first degree under section 569.160, RSMo;
- 14 (8) **Burglary in the second degree under section 569.170;**
- 15 (9) Robbery in the first degree under section 569.020, RSMo;
- 16 [(9)] **(10) Distribution of drugs under section 195.211, RSMo;**
- 17 [(10)] **(11) Distribution of drugs to a minor under section 195.212, RSMo;**
- 18 [(11)] **(12) Arson in the first degree under section 569.040, RSMo;**
- 19 [(12)] **(13) Voluntary manslaughter under section 565.023, RSMo;**
- 20 [(13)] **(14) Involuntary manslaughter under section 565.024, RSMo;**
- 21 [(14)] **(15) Second degree assault under section 565.060, RSMo;**
- 22 [(15)] **(16) Sexual assault under section 566.040, RSMo;**
- 23 [(16)] **(17) Felonious restraint under section 565.120, RSMo;**

24 [(17)] **(18)** Property damage in the first degree under section 569.100, RSMo;
25 [(18)] **(19)** The possession of a weapon under chapter 571, RSMo;
26 [(19)] **(20)** Child molestation in the first degree pursuant to section 566.067, RSMo;
27 [(20)] **(21)** Deviate sexual assault pursuant to section 566.070, RSMo;
28 [(21)] **(22)** Sexual misconduct involving a child pursuant to section 566.083, RSMo; [or]
29 [(22)] **(23)** Sexual abuse pursuant to section 566.100, RSMo;
30 **(24) Harassment under section 565.090; or**
31 **(25) Stalking under section 565.225.**

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

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

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

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

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

58 7. As used in this section, the terms "school" and "school district" shall include any
59 charter, private or parochial school or school district, and the term "superintendent" shall include

60 the principal or equivalent chief school officer in the cases of charter, private or parochial
61 schools.

62 8. The superintendent or the designee of the superintendent or other school employee
63 who, in good faith, reports information in accordance with the terms of this section and section
64 160.261, RSMo, shall not be civilly liable for providing such information.

167.117. 1. In any instance when any person is believed to have committed an act which
2 if committed by an adult would be assault in the first, second or third degree, sexual assault, or
3 deviate sexual assault against a pupil or school employee, while on school property, including
4 a school bus in service on behalf of the district, or while involved in school activities, the
5 principal shall immediately report such incident to the appropriate local law enforcement agency
6 and to the superintendent, except in any instance when any person is believed to have committed
7 an act which if committed by an adult would be assault in the third degree and a written
8 agreement as to the procedure for the reporting of such incidents of third degree assault has been
9 executed between the superintendent of the school district and the appropriate local law
10 enforcement agency, the principal shall report such incident to the appropriate local law
11 enforcement agency in accordance with such agreement.

12 2. In any instance when a pupil is discovered to have on or about such pupil's person, or
13 among such pupil's possessions, or placed elsewhere on the school premises, including but not
14 limited to the school playground or the school parking lot, on a school bus or at a school activity
15 whether on or off of school property any controlled substance as defined in section 195.010,
16 RSMo, or any weapon as defined in subsection [4] 6 of section 160.261, RSMo, in violation of
17 school policy, the principal shall immediately report such incident to the appropriate local law
18 enforcement agency and to the superintendent.

19 3. In any instance when a teacher becomes aware of an assault as set forth in subsection
20 1 of this section or finds a pupil in possession of a weapon or controlled substances as set forth
21 in subsection 2 of this section, the teacher shall immediately report such incident to the principal.

22 4. A school employee, superintendent or such person's designee who in good faith
23 provides information to law enforcement or juvenile authorities pursuant to this section or
24 section 160.261, RSMo, shall not be civilly liable for providing such information.

25 5. Any school official responsible for reporting pursuant to this section or section
26 160.261, RSMo, who willfully neglects or refuses to perform this duty shall be subject to the
27 penalty established pursuant to section 162.091, RSMo.

**167.128. 1. Notwithstanding the provisions of section 167.121, a student who rides
2 a bus to a school in his or her district of residence with a travel time of more than one hour
3 each way may, with the approval of the receiving district, enroll in the receiving district**

4 **to attend a school if the travel time to that school is one-half or less of the travel time to the**
5 **school in the student's residence district.**

6 **2. The state aid generated by a student under subsection 1 of this section shall be**
7 **awarded to the receiving district.**

8 **3. The receiving district may provide transportation to a student under subsection**
9 **1 of this section within the boundaries of the receiving district.**

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

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

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

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

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

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

4 2. No employee of any school district may be required to administer medication or
5 medical services for which the employee is not qualified according to standard medical practices.
6 No **unqualified** employee who refuses to [violate this provision] **administer medication or**

7 **medical services** shall be subject to any disciplinary action for such refusal. Nothing herein
8 shall be construed to prevent any employee from providing routine first aid, provided that any
9 employee shall be held harmless **and immune** from any liability if such employee is following
10 a proper procedure adopted by the local school board.

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

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

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

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

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

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

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

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

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

19 (4) The pupil's parent or guardian has completed and submitted to the school any written
20 documentation required by the school, including the treatment plan required under subdivision

21 (3) of this subsection and the liability statement required under subdivision (5) of this subsection;
22 and

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

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

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

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

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

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

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

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

10 3. A school nurse **or other school employee trained by and supervised by the nurse**
11 **shall have the discretion to use an epinephrine auto syringe on any student the school nurse or**
12 **trained employee** believes is having a life-threatening anaphylactic reaction based on the
13 [nurse's] training in recognizing an acute episode of an anaphylactic reaction. **The provisions**
14 **of section 167.624 concerning immunity from civil liability for trained employees**
15 **administering life-saving methods shall apply to trained employees administering a**
16 **prefilled auto syringe under this section.**

167.750. 1. The provisions of this section shall be known as the "High School Sports Brain Injury Prevention Act". The school board of each school district shall work in concert with the Missouri state high school activities association to develop guidelines and other pertinent information and forms to inform and educate coaches, health care volunteers, youth athletes, and the parents or guardians of youth athletes of the nature and risk of concussion and head injury including continuing to play after concussion or head injury. On a yearly basis, a concussion and head injury information sheet shall be signed and returned by the youth athlete, the athlete's parent or guardian, and the school's health care volunteer prior to the youth athlete's initiating practice or competition.

2. A youth athlete who is suspected for sustaining a concussion or head injury in a practice or game shall be removed from competition at that time and shall not return to play until the requirements of subsection 3 of this section are met.

3. A youth athlete who has been removed from play shall not return to play until the athlete is evaluated by a licensed health care provider within his or her scope of practice and receives written clearance to return to play from that health care provider. No youth athlete shall be allowed to return to play for at least twenty-four hours from the time of injury, and before returning to play it shall be shown that the youth athlete is symptom free both at rest and during exertion. The health care provider authorizing a youth athlete's return to play may be a volunteer. A volunteer health care provider may evaluate a youth athlete in the provider's usual business setting or elsewhere, but in order to qualify as a volunteer under this section, the provider must make it clear at the time of the evaluation that the evaluation is being conducted for no charge. A volunteer who authorizes a youth athlete to return to play is not liable for civil damages resulting from any act or omission in the rendering of such care, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

4. The school board of each school district shall develop guidelines, structured to follow the guidelines described in this section, for youth athletes that participate in a school-sponsored elementary team.

5. Notwithstanding any law to the contrary, the guidelines established by the Missouri state high school activities association in concert with the local school districts under subsection 1 of this section shall be followed by city youth sport leagues located in each school district. All youth athletes participating in a city-sponsored recreation or competitive sports league, regardless of age, shall be subject to such head injury guidelines.

168.221. 1. The first five years of employment of all teachers entering the employment of the metropolitan school district shall be deemed a period of probation during which period all 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
7 receipt 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
12 school district of the termination of their services. Any probationary teacher who is not so
13 notified shall be deemed to have been appointed for the next school year. Any principal who
14 prior to becoming a principal had attained permanent employee status as a teacher shall upon
15 ceasing to be a principal have a right to resume his or her permanent teacher position with the
16 time served as a principal being treated as if such time had been served as a teacher for the
17 purpose of calculating seniority and pay scale. The rights and duties and remuneration of a
18 teacher who was formerly a principal shall be the same as any other teacher with the same level
19 of qualifications and time 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
25 not 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
29 public schools of the state, or physical or mental condition which incapacitates him for
30 instructing or associating with children, and then only by a vote of not less than a majority of all
31 the members of the board, upon written charges presented by the superintendent of schools, to
32 be heard by **a hearing officer appointed by** the board after thirty days' notice, with copy of the
33 charges served upon the person against whom they are preferred, who shall have the privilege
34 of being present **at the hearing**, together with counsel, offering evidence and making defense
35 thereto. Notifications received by an employee during a vacation period shall be considered as
36 received on the first day of the school term following. At the request of any person so charged
37 the hearing shall be public. **The hearing officer shall conduct the hearing as a contested case**
38 **under chapter 536 and shall issue a written recommendation to the board rendering the**
39 **charges against the teacher. The board shall render a decision on the charges upon the**

40 **review of the hearing officer's recommendations and the record from the hearing.** The
41 action and decision of the board upon the charges shall be final. Pending the hearing of the
42 charges, the person charged may be suspended if the rules of the board so prescribe, but in the
43 event the board does not by a majority vote of all the members remove the teacher upon charges
44 presented by the superintendent, the person shall not suffer any loss of salary by reason of the
45 suspension. Inefficiency in line of duty is cause for dismissal only after the teacher has been
46 notified in writing at least one semester prior to the presentment of charges against him by the
47 superintendent. The notification shall specify the nature of the inefficiency with such
48 particularity as to enable the teacher to be informed of the nature of his inefficiency.

49 4. No teacher whose appointment has become permanent shall be demoted nor shall his
50 salary be reduced unless the same procedure is followed as herein stated for the removal of the
51 teacher because of inefficiency in line of duty, and any teacher whose salary is reduced or who
52 is demoted may waive the presentment of charges against him by the superintendent and a
53 hearing thereon by the board. The foregoing provision shall apply only to permanent teachers
54 prior to the compulsory retirement age under the retirement system. Nothing herein contained
55 shall in any way restrict or limit the power of the board of education to make reductions in the
56 number of teachers or principals, or both, because of insufficient funds, decrease in pupil
57 enrollment, or abolition of particular subjects or courses of instruction, except that the abolition
58 of particular subjects or courses of instruction shall not cause those teachers who have been
59 teaching the subjects or giving the courses of instruction to be placed on leave of absence as
60 herein provided who are qualified to teach other subjects or courses of instruction, if positions
61 are available for the teachers in the other subjects or courses of instruction.

62 5. Whenever it is necessary to decrease the number of teachers because of insufficient
63 funds or a substantial decrease of pupil population within the school district, the board of
64 education upon recommendation of the superintendent of schools may cause the necessary
65 number of teachers beginning with those serving probationary periods to be placed on leave of
66 absence without pay, but only in the inverse order of their appointment. Nothing herein stated
67 shall prevent a readjustment by the board of education of existing salary schedules. No teacher
68 placed on a leave of absence shall be precluded from securing other employment during the
69 period of the leave of absence. Each teacher placed on leave of absence shall be reinstated in
70 inverse order of his placement on leave of absence. Such reemployment shall not result in a loss
71 of status or credit for previous years of service. No new appointments shall be made while there
72 are available teachers on leave of absence who are seventy years of age or less and who are
73 adequately qualified to fill the vacancy unless the teachers fail to advise the superintendent of
74 schools within thirty days from the date of notification by the superintendent of schools that
75 positions are available to them that they will return to employment and will assume the duties

76 of the position to which appointed not later than the beginning of the school year next following
77 the date of the notice by the superintendent of schools.

78 6. If any regulation which deals with the promotion of teachers is amended by increasing
79 the qualifications necessary to be met before a teacher is eligible for promotion, the amendment
80 shall fix an effective date which shall allow a reasonable length of time within which teachers
81 may become qualified for promotion under the regulations.

82 7. A teacher whose appointment has become permanent may give up the right to a
83 permanent appointment to participate in the teacher choice compensation package under sections
84 168.745 to 168.750.

**171.054. All public schools shall observe Veterans Day each school year by
2 sponsoring activities or projects for students in kindergarten through twelfth grade to
3 commemorate the day.**

177.161. In metropolitan school districts, all contracts for the erection of school
2 buildings and all contracts for repairs and alterations or additions to school property or materials,
3 equipment or apparatus to be furnished exceeding the sum of [five] **fifteen** thousand dollars shall
4 be made by the board of education, after public letting, to the lowest responsible bidder
5 complying with the terms of the letting. The necessary specifications and drawings shall be
6 prepared for all such work, and bids therefor shall be solicited by advertisement as the board of
7 education provides. No bid shall be entertained by the board of education which is not made in
8 accordance with the specifications and drawings furnished and all contracts shall be let to the
9 lowest responsible bidder complying with the terms of the letting. The board of education shall
10 have the right to reject any and all bids. Contracts involving the expenditure of less than [five]
11 **fifteen** thousand dollars for work to be done and materials or equipment to be furnished may be
12 made directly by the superintendent of schools, or by the other officer or employee of the board
13 of education that he designates with the approval of the board, without public letting and without
14 advertising for or inviting bids. The board of education may, however, use its own employees
15 to alter, maintain and repair school buildings, to maintain and repair apparatus or equipment, or
16 to make improvements of school grounds without the letting of contracts whenever the total cost
17 of labor on the job does not exceed the amount of [twenty] **fifteen** thousand dollars.

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

8 apparatus for such term of years as it deems proper. **Upon approval of the board, contracts**
9 **involving the expenditures of less than fifteen thousand dollars for supplies may be made**
10 **directly by the superintendent of schools, or by the other officer or employee of the board**
11 **of education that said superintendent designates, with approval of the board, without**
12 **public letting and without advertising for or inviting bids.**

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

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

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

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

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

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

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

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

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

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

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

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

24 **(6) On or before July 1, 2011, develop recommendations for best practices in**
25 **sharing relevant agency information relating to school-aged children receiving state**
26 **services in order to permit the best degree of coordination in the delivery of such services**
27 **while protecting the privacy of the involved student and family.**

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

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

- 32 (2) A representative from each of the following departments: health and senior services,
33 mental health, social services, and elementary and secondary education;
- 34 (3) A representative of the judiciary;
- 35 (4) A representative of the family and community trust board (FACT);
- 36 (5) A representative from the head start program;
- 37 (6) Nine members appointed by the governor with the advice and consent of the senate
38 who are representatives of the groups, such as business, philanthropy, civic groups, faith-based
39 organizations, parent groups, advocacy organizations, early childhood service providers, and
40 other stakeholders.
- 41
- 42 The coordinating board may make all rules it deems necessary to enable it to conduct its
43 meetings, elect its officers, and set the terms and duties of its officers. The coordinating board
44 shall elect from amongst its members a chairperson, vice chairperson, a secretary-reporter, and
45 such other officers as it deems necessary. Members of the board shall serve without
46 compensation but may be reimbursed for actual expenses necessary to the performance of their
47 official duties for the board.
- 48 3. The coordinating board for early childhood shall have the power to:
- 49 (1) Develop a comprehensive statewide long-range strategic plan for a cohesive early
50 childhood system;
- 51 (2) Confer with public and private entities for the purpose of promoting and improving
52 the development of children from birth through age five of this state;
- 53 (3) Identify legislative recommendations to improve services for children from birth
54 through age five;
- 55 (4) Promote coordination of existing services and programs across public and private
56 entities;
- 57 (5) Promote research-based approaches to services and ongoing program evaluation;
- 58 (6) Identify service gaps and advise public and private entities on methods to close such
59 gaps;
- 60 (7) Apply for and accept gifts, grants, appropriations, loans, or contributions to the
61 coordinating board for early childhood fund from any source, public or private, and enter into
62 contracts or other transactions with any federal or state agency, any private organizations, or any
63 other source in furtherance of the purpose of subsections 2 and 3 of this section, and take any and
64 all actions necessary to avail itself of such aid and cooperation;
- 65 (8) Direct disbursements from the coordinating board for early childhood fund as
66 provided in this section;

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

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

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

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

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

81 (14) Adopt and use an official seal;

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

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

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

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

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

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

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

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

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

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

98

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

Section B. The repeal and reenactment of section 168.221 of section A of this act shall
2 be effective July 1, 2011.

Section C. Because immediate action is necessary to synchronize the requirements of
2 section 163.410 of section A of this act with the fiscal year, the enactment of section 163.410 of
3 section A of this act is deemed necessary for the immediate preservation of the public health,
4 welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning
5 of the constitution, and enactment of section 163.410 of section A of this act shall be in full force
6 and effect upon its passage and approval or July 1, 2010, whichever is later.

✓