

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1628
98TH GENERAL ASSEMBLY

5084H.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 162.261, RSMo, and to enact in lieu thereof two new sections relating to the powers of school board members.

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

Section A. Section 162.261, RSMo, is repealed and two new sections enacted in lieu
2 thereof, to be known as sections 162.012 and 162.261, to read as follows:

2 **162.012. Notwithstanding any other provision of law to the contrary, a board of**
3 **education shall act only during legally called board meetings. Individual board members,**
4 **acting on their own, have no legal authority to act on behalf of the board. Any action of**
5 **the board is not valid unless voted at a meeting by a majority vote of a quorum of the**
6 **members elected to and serving on the board.**

162.261. 1. The government and control of a seven-director school district, other than
2 an urban district, is vested in a board of education of seven members, who hold their office for
3 three years, except as provided in section 162.241, and until their successors are duly elected and
4 qualified. Any vacancy occurring in the board shall be filled by **an affirmative vote of at least**
5 **four of** the remaining [members of the] board **members**; except that if there are more than two
6 vacancies at any one time, the county commission **of the county in which the district's**
7 **primary offices are located** upon receiving written notice of the vacancies shall fill the
8 vacancies by appointment. **If there are more than two vacancies at any one time and the**
9 **district's primary district office is located in a charter county, the county council will fill**
10 **the vacancies by appointment.** The person appointed shall hold office until the next municipal
11 election, when a director shall be elected for the unexpired term.

12 2. **Individual school board members do not have the legal authority to act in the**
13 **name of the board or on behalf of the district or to supervise or direct district employees,**

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.

14 **unless that authority is specifically granted to the individual by the board through**
15 **resolution, motion, adoption of policy, or appointment as an officer or committee member**
16 **with such authority or as otherwise granted by law.**

17 **3.** No seven-director, urban, or metropolitan school district board of education shall hire
18 a spouse of any member of such board for a vacant or newly created position unless the position
19 has been advertised pursuant to board policy and the superintendent of schools submits a written
20 recommendation for the employment of the spouse to the board of education. The names of all
21 applicants as well as the name of the applicant hired for the position are to be included in the
22 board minutes.

23 **[3.] 4.** The provisions of Article VII, Section 6 of the Missouri Constitution apply to
24 school districts.

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