

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 421**  
**101ST GENERAL ASSEMBLY**

0304H.03C

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal sections 162.261, 162.281, 162.291, 162.471, 162.481, and 162.491, RSMo, and to enact in lieu thereof six new sections relating to school district subdistricts.

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

Section A. Sections 162.261, 162.281, 162.291, 162.471, 162.481, and 162.491, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 162.261, 162.281, 162.291, 162.471, 162.481, and 162.491, to read as follows:

162.261. 1. The government and control of a seven-director school district, other than an urban district, is vested in a board of education of seven members, who hold their office for three years, except as provided in section 162.241 **and subsections 4 and 5 of this section**, and until their successors are duly elected and qualified. Any vacancy occurring in the board shall be filled by the remaining members of the board; except that if there are more than two vacancies at any one time, the county commission upon receiving written notice of the vacancies shall fill the vacancies by appointment. If there are more than two vacancies at any one time in a county without a county commission, the county executive upon receiving written notice of the vacancies shall fill the vacancies, with the advice and consent of the county council, by appointment. The person appointed shall hold office until the next municipal election, when a director shall be elected for the unexpired term.

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

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.

18           3. The provisions of Article VII, Section 6 of the Missouri Constitution apply to school  
19 districts.

20           4. (1) (a) The school board of any seven-director school district may divide the  
21 district into seven subdistricts, at-large districts, or any combination thereof and establish  
22 the election of board members as provided in this subsection.

23           (b) A school board desiring to divide a school district under this subsection shall  
24 vote on the question of dividing the district under this subsection. Upon the approval of  
25 the question by at least four members of the board, the school board shall follow the  
26 procedures described in subdivision (2) of this subsection.

27           (2) (a) A school board dividing a school district under this subsection shall develop  
28 and adopt a proposed plan for the division of the district. Such proposed plan shall be  
29 adopted upon the approval of at least four members of the board and shall contain at least  
30 the following information:

31           a. A summary of the proposed plan for dividing the district;

32           b. The time and place of at least two hearings to be held to consider the proposed  
33 plan;

34           c. A statement indicating whether the district will be divided into subdistricts, at-  
35 large districts, or some combination thereof;

36           d. A description of the areas of the school district each newly elected board member  
37 will represent;

38           e. A statement indicating whether the existing school board members will be  
39 replaced by the newly elected board members at one election or in succeeding elections to  
40 provide for staggered terms of the members; and

41           f. Any other information deemed necessary by the school board.

42           (b) For each hearing held as provided in this subdivision, the school board shall:

43           a. Publish notice of the hearing, the proposed plan, and any amendments to the  
44 proposed plan adopted at a previous hearing on the school district's website and by any  
45 other method allowed by law, with the first publication to occur no more than thirty days  
46 before the hearing and the second publication to occur no earlier than fifteen days and no  
47 later than ten days before the hearing;

48           b. Hear all alternate proposals for division of the district and receive evidence for  
49 or against such alternate proposals;

50           c. Hear all protests and receive evidence for or against such proposed division;

51           d. Vote on each alternate proposal and protest, which vote shall be the final  
52 determination of such alternate proposal or protest;

53           e. Adopt any amendments to the proposed plan; and

54 **f. Perform any other actions related to the proposed plan deemed necessary by the**  
55 **school board.**

56 **(c) a. After the conclusion of the final hearing proceedings conducted under this**  
57 **subdivision but before adjourning such hearing, the school board shall prepare the final**  
58 **plan to divide the school district developed as a result of the hearings and vote to adopt the**  
59 **final plan.**

60 **b. After the board prepares and adopts the final plan, the board shall present the**  
61 **final plan to the election authority of the county in which the school district is located for**  
62 **actions required under subparagraph c. of this paragraph and publish the final plan in the**  
63 **same manner as the initial proposed plan was published under subparagraph a. of**  
64 **paragraph (b) of this subdivision. The final plan shall contain at least the following**  
65 **information:**

66 **(i) A summary of the final plan for dividing the district;**

67 **(ii) A statement indicating whether the district will be divided into subdistricts, at-**  
68 **large districts, or some combination thereof;**

69 **(iii) A description of the areas of the school district each newly elected board**  
70 **member will represent;**

71 **(iv) The date of the election of each new school board member under the final plan;**

72 **(v) A statement indicating whether the existing school board members will be**  
73 **replaced by the newly elected board members at one election or in succeeding elections to**  
74 **provide for staggered terms of the members;**

75 **(vi) A ballot summary containing no more than fifty words, excluding articles, to**  
76 **place on the ballot to inform voters about the final plan; and**

77 **(vii) Any other information deemed necessary by the school board.**

78 **c. After receipt of a final plan as provided in this subsection, the election authority**  
79 **shall submit the question to the registered voters of the school district on the next available**  
80 **day for any election. The question submitted shall be in substantially the following form:**  
81 **"Shall \_\_\_\_\_ (enter the school district name) be divided into seven subdistricts, at-large**  
82 **districts, or any combination thereof?". The ballot summary provided in the final plan**  
83 **shall accompany the question on the ballot. If the registered voters of the school district**  
84 **voting on the question approve the question, the election authority shall follow the**  
85 **procedures described in subdivision (3) of this subsection. If the registered voters of the**  
86 **school district voting on the question reject the question, the school district shall not be**  
87 **divided and no similar proposal shall be considered by the board under this subsection**  
88 **until at least one year after the date on which the voters rejected the question.**

89           **(3) (a) If a final plan is approved by the voters of the school district voting on the**  
90 **question as provided in subdivision (2) of this subsection, before December first of the**  
91 **calendar year immediately preceding the general municipal election day in the calendar**  
92 **year in which the residents of the school district will vote to elect new school board**  
93 **members as provided in the final plan, the election authority of the county in which the**  
94 **school district is located shall divide the school district into subdistricts, at-large districts,**  
95 **or any combination thereof as directed in the final plan. Any subdistricts required by the**  
96 **final plan shall be of contiguous and compact territory and as nearly equal in population**  
97 **as practicable in accordance with the final plan. Within six months after each decennial**  
98 **census is reported to the President of the United States, the election authority shall**  
99 **reapportion the subdistricts to be as nearly equal in population as practicable. After the**  
100 **election authority divides the school district or reapportions the subdistricts, the election**  
101 **authority shall notify the residents of the school district as provided by law.**

102           **(b) Any resident of the school district who believes the election authority has**  
103 **divided the school district or reapportioned subdistricts in violation of paragraph (a) of**  
104 **this subdivision may petition the circuit court of the county in which the school district**  
105 **exists for an order directing the election authority to divide the school district or**  
106 **reapportion the subdistricts as provided in paragraph (a) of this subdivision. The petition**  
107 **shall be submitted to the circuit court within ten business days of the election authority's**  
108 **notice provided under paragraph (a) of this subdivision.**

109           **(4) On the first day available for candidate filing for the first general municipal**  
110 **election day occurring after the school district is divided under this subsection, any**  
111 **qualified resident who has or will have resided in a subdistrict or at-large district for the**  
112 **year immediately preceding the general municipal election day may file as a candidate for**  
113 **election to the school board as a member representing such subdistrict or at-large district.**  
114 **At the end of the time available for candidate filing, if no qualified resident of a subdistrict**  
115 **has filed as a candidate in that subdistrict, the election authority shall extend the time for**  
116 **candidate filing by seven additional days, and any qualified resident of the school district**  
117 **who has or will have resided in the school district for the year immediately preceding the**  
118 **general municipal election day may file as a candidate for election to the school board as**  
119 **a member representing that subdistrict. The election authority shall determine the validity**  
120 **of all declarations of candidacy.**

121           **(5) When the election is held on the general municipal election day, the seven**  
122 **candidates, one from each of the subdistricts or at-large districts, who receive a plurality**  
123 **of the votes cast by the voters of that subdistrict or at-large district shall be elected. Any**  
124 **candidate who is not a subdistrict resident but qualifies as a candidate as a school district**

125 resident under subdivision (4) of this subsection shall be elected by the voters of the school  
126 district. Each member shall be elected to a term as provided in the final plan approved  
127 under paragraph (c) of subdivision (2) of this subsection.

128 (6) Each member shall serve until a successor is elected or the member vacates the  
129 office. Any vacancy that occurs before the end of the member's term shall be filled as  
130 provided in this section.

131 (7) Except for a member who is not a subdistrict resident but is elected as a school  
132 district resident to represent a subdistrict under subdivision (4) of this subsection, each  
133 member shall reside in the subdistrict the member represents during the member's term.

134 (8) All other provisions applicable to seven-director school districts that are not in  
135 conflict with this subsection shall apply to school districts divided under this subsection.

136 5. (1) (a) If any seven-director school district receives a petition, signed by at least  
137 ten percent of the number of registered voters of the school district voting in the last school  
138 board election, calling for the school district to divide into seven subdistricts, at-large  
139 districts, or any combination thereof and establish the election of board members as  
140 provided in this subsection, the school district shall follow the procedures described in  
141 paragraph (c) of this subdivision.

142 (b) Any such petition submitted to the school district under this subsection shall  
143 contain a proposed plan for the division of the district. Such proposed plan shall contain  
144 at least the following information:

145 a. A summary of the proposed plan for dividing the district;

146 b. A statement indicating whether the district will be divided into subdistricts, at-  
147 large districts, or some combination thereof;

148 c. A description of the areas of the school district each newly elected board member  
149 will represent;

150 d. The proposed date of the election of each new school board member under the  
151 proposed plan;

152 e. A statement indicating whether the existing school board members will be  
153 replaced by the newly elected board members at one election or in succeeding elections to  
154 provide for staggered terms of the members; and

155 f. A ballot summary containing no more than fifty words, excluding articles, to  
156 place on the ballot to inform voters about the proposed plan.

157 (c) Upon receipt of a petition and a proposed plan as provided in this subsection,  
158 the school board shall set the time and place of at least two hearings to be held to consider  
159 the proposed plan. For each hearing held as provided in this paragraph, the school board  
160 shall:

161           a. Publish notice of the hearing, the proposed plan, and any amendments to the  
162 proposed plan adopted at a previous hearing on the school district's website and by any  
163 other method allowed by law, with the first publication to occur no more than thirty days  
164 before the hearing and the second publication to occur no earlier than fifteen days and no  
165 later than ten days before the hearing;

166           b. Conduct the hearing on the proposal for division of the district on behalf of the  
167 petitioners;

168           c. Hear all protests and receive evidence for or against such proposed division; and

169           d. Vote to adopt any proposed plan amendments agreed to by the petitioners as a  
170 result of the hearings.

171           (d) After the adjournment of the final hearing conducted under this subdivision,  
172 the board shall submit the petition and the final plan to the election authority of the county  
173 in which the school district is located for actions required under subdivision (2) of this  
174 subsection and publish the final plan in the same manner as the initial proposed plan was  
175 published under subparagraph a. of paragraph (c) of this subdivision. The final plan shall  
176 contain at least the following information:

177           a. A summary of the final plan for dividing the district;

178           b. A statement indicating whether the district will be divided into subdistricts, at-  
179 large districts, or some combination thereof;

180           c. A description of the areas of the school district each newly elected board member  
181 will represent;

182           d. The date of the election of each new school board member under the final plan;

183           e. A statement indicating whether the existing school board members will be  
184 replaced by the newly elected board members at one election or in succeeding elections to  
185 provide for staggered terms of the members;

186           f. A ballot summary containing no more than fifty words, excluding articles, to  
187 place on the ballot to inform voters about the proposed plan; and

188           g. Any other information deemed necessary.

189           (2) After receipt of such petition and final plan as provided in paragraph (d) of  
190 subdivision (1) of this subsection, the election authority shall submit the question of  
191 whether to divide the school district as provided by the final plan to the registered voters  
192 of the school district on the next available day for any election. The question submitted  
193 shall be in substantially the following form: "Shall \_\_\_\_\_ (enter the school district name)  
194 be divided into seven subdistricts, at-large districts, or any combination thereof?". The  
195 ballot summary provided in the final plan shall accompany the question on the ballot. If  
196 the registered voters of the school district voting on the question approve the question, the

197 election authority shall follow the procedures described in subdivision (3) of this  
198 subsection. If the registered voters of the school district voting on the question reject the  
199 question, no division as described in the petition and final plan shall occur and no similar  
200 petition shall be presented to the board under this subsection until at least one year after  
201 the date on which the voters rejected the question.

202 (3) (a) If the final plan is approved by the voters of the school district voting on the  
203 question as provided in subdivision (2) of this subsection, before December first of the  
204 calendar year immediately preceding the general municipal election day in the calendar  
205 year in which the residents of the school district will vote to elect new school board  
206 members as provided in the final plan, the election authority of the county in which the  
207 school district is located shall divide the school district into subdistricts, at-large districts,  
208 or any combination thereof as directed in the final plan. Any subdistricts required by the  
209 final plan shall be of contiguous and compact territory and as nearly equal in population  
210 as practicable in accordance with the final plan. Within six months after each decennial  
211 census is reported to the President of the United States, the election authority shall  
212 reapportion the subdistricts to be as nearly equal in population as practicable. After the  
213 election authority divides the school district or reapportions the subdistricts, the election  
214 authority shall notify the residents of the school district as provided by law.

215 (b) Any resident of the school district who believes the election authority has  
216 divided the school district or reapportioned subdistricts in violation of paragraph (a) of  
217 this subdivision may petition the circuit court of the county in which the school district  
218 exists for an order directing the election authority to divide the school district or  
219 reapportion the subdistricts as provided in paragraph (a) of this subdivision. The petition  
220 shall be submitted to the circuit court within ten business days of the election authority's  
221 notice provided under paragraph (a) of this subdivision.

222 (4) On the first day available for candidate filing for the first general municipal  
223 election day occurring after the school district is divided under this subsection, any  
224 qualified resident who has or will have resided in a subdistrict or at-large district for the  
225 year immediately preceding the general municipal election day may file as a candidate for  
226 election to the school board as a member representing such subdistrict or at-large district.  
227 At the end of the time available for candidate filing, if no qualified resident of a subdistrict  
228 has filed as a candidate in that subdistrict, the election authority shall extend the time for  
229 candidate filing by seven additional days, and any qualified resident of the school district  
230 who has or will have resided in the school district for the year immediately preceding the  
231 general municipal election day may file as a candidate for election to the school board as

232 a member representing that subdistrict. The election authority shall determine the validity  
233 of all declarations of candidacy.

234 (5) When the election is held on the general municipal election day, the seven  
235 candidates, one from each of the subdistricts or at-large districts, who receive a plurality  
236 of the votes cast by the voters of that subdistrict or at-large district shall be elected. Any  
237 candidate who is not a subdistrict resident but qualifies as a candidate as a school district  
238 resident under subdivision (4) of this subsection shall be elected by the voters of the school  
239 district. Each member shall be elected to a term as provided in the final plan approved  
240 under subdivision (1) of this subsection.

241 (6) Each member shall serve until a successor is elected or the member vacates the  
242 office. Any vacancy that occurs before the end of the member's term shall be filled as  
243 provided in this section.

244 (7) Except for a member who is not a subdistrict resident but is elected as a school  
245 district resident to represent a subdistrict under subdivision (4) of this subsection, each  
246 member shall reside in the subdistrict the member represents during the member's term.

247 (8) All other provisions applicable to seven-director school districts that are not in  
248 conflict with this subsection shall apply to school districts divided under this subsection.

249 6. After a school district is divided under subsection 4 or 5 of this section, no new  
250 plan for division of the school district shall be proposed or adopted under subsection 4 or  
251 5 of this section sooner than five years after a division of the school district under  
252 subsection 4 or 5 of this section.

162.281. Except as provided in subsections 4 and 5 of section 162.261 and  
2 subsections 3 and 4 of section 162.471, in all seven-director districts, including urban districts,  
3 when directors are to be elected for terms of different lengths, each candidate shall declare for  
4 a term of a specific number of years and the different terms shall be voted upon as separate  
5 propositions.

162.291. Except as provided in subsections 4 and 5 of section 162.261, the voters of  
2 each seven-director district other than urban districts shall, at municipal elections, elect two  
3 directors who are citizens of the United States and resident taxpayers of the district, who have  
4 resided in this state for one year next preceding their election or appointment, and who are at  
5 least twenty-four years of age.

162.471. 1. The government and control of an urban school district is vested in a board  
2 of seven directors.

3 2. Except as provided in subsections 3 and 4 of this section, each director shall be a  
4 voter of the district who has resided within this state for one year next preceding [his] the  
5 director's election or appointment and who is at least twenty-four years of age. All directors,

6 except as otherwise provided in **subsections 3 and 4 of this section**, section 162.481, and  
7 section 162.492, hold their offices for six years and until their successors are duly elected and  
8 qualified. All vacancies occurring in the board, except as provided in section 162.492, shall be  
9 filled by appointment by the board as soon as practicable, and the person appointed shall hold  
10 [his] office until the next school board election, when [his] a successor shall be elected for the  
11 remainder of the unexpired term. The power of the board to perform any official duty during the  
12 existence of a vacancy continues unimpaired thereby.

13 **3. (1) (a) Except as provided in section 162.492, the board of directors of any**  
14 **urban school district may divide the district into seven subdistricts, at-large districts, or**  
15 **any combination thereof and establish the election of board members as provided in this**  
16 **subsection.**

17 **(b) A board of directors desiring to divide a school district under this subsection**  
18 **shall vote on the question of dividing the district under this subsection. Upon the approval**  
19 **of the question by at least four members of the board, the board shall follow the**  
20 **procedures described in subdivision (2) of this subsection.**

21 **(2) (a) A board of directors dividing a school district under this subsection shall**  
22 **develop and adopt a proposed plan for the division of the district. Such proposed plan**  
23 **shall be adopted upon the approval of at least four members of the board and shall contain**  
24 **at least the following information:**

25 **a. A summary of the proposed plan for dividing the district;**

26 **b. The time and place of at least two hearings to be held to consider the proposed**  
27 **plan;**

28 **c. A statement indicating whether the district will be divided into subdistricts, at-**  
29 **large districts, or some combination thereof;**

30 **d. A description of the areas of the school district each newly elected board member**  
31 **will represent;**

32 **e. A statement indicating whether the existing board members will be replaced by**  
33 **the newly elected board members at one election or in succeeding elections to provide for**  
34 **staggered terms of the members; and**

35 **f. Any other information deemed necessary by the board of directors.**

36 **(b) For each hearing held as provided in this subdivision, the board of directors**  
37 **shall:**

38 **a. Publish notice of the hearing, the proposed plan, and any amendments to the**  
39 **proposed plan adopted at a previous hearing on the school district's website and by any**  
40 **other method allowed by law, with the first publication to occur no more than thirty days**

41 before the hearing and the second publication to occur no earlier than fifteen days and no  
42 later than ten days before the hearing;

43 b. Hear all alternate proposals for division of the district and receive evidence for  
44 or against such alternate proposals;

45 c. Hear all protests and receive evidence for or against such proposed division;

46 d. Vote on each alternate proposal and protest, which vote shall be the final  
47 determination of such alternate proposal or protest;

48 e. Adopt any amendments to the proposed plan; and

49 f. Perform any other actions related to the proposed plan deemed necessary by the  
50 board of directors.

51 (c) a. After the conclusion of the final hearing proceedings conducted under this  
52 subdivision but before adjourning such hearing, the board of directors shall prepare the  
53 final plan to divide the school district developed as a result of the hearings and vote to  
54 adopt the final plan.

55 b. After the board prepares and adopts the final plan, the board shall present the  
56 final plan to the election authority of the county in which the school district is located for  
57 actions required under subparagraph c. of this paragraph and publish the final plan in the  
58 same manner as the initial proposed plan was published under subparagraph a. of  
59 paragraph (b) of this subdivision. The final plan shall contain at least the following  
60 information:

61 (i) A summary of the final plan for dividing the district;

62 (ii) A statement indicating whether the district will be divided into subdistricts, at-  
63 large districts, or some combination thereof;

64 (iii) A description of the areas of the school district each newly elected board  
65 member will represent;

66 (iv) The date of the election of each new board member under the final plan;

67 (v) A statement indicating whether the existing board members will be replaced by  
68 the newly elected board members at one election or in succeeding elections to provide for  
69 staggered terms of the members;

70 (vi) A ballot summary containing no more than fifty words, excluding articles, to  
71 place on the ballot to inform voters about the final plan; and

72 (vii) Any other information deemed necessary by the board of directors.

73 c. After receipt of a final plan as provided in this subsection, the election authority  
74 shall submit the question to the registered voters of the school district on the next available  
75 day for any election. The question submitted shall be in substantially the following form:  
76 "Shall \_\_\_\_\_ (enter the school district name) be divided into seven subdistricts, at-large

77 districts, or any combination thereof?". The ballot summary provided in the final plan  
78 shall accompany the question on the ballot. If the registered voters of the school district  
79 voting on the question approve the question, the election authority shall follow the  
80 procedures described in subdivision (3) of this subsection. If the registered voters of the  
81 school district voting on the question reject the question, the school district shall not be  
82 divided and no similar proposal shall be considered by the board under this subsection  
83 until at least one year after the date on which the voters rejected the question.

84 (3) (a) If a final plan is approved by the voters of the school district voting on the  
85 question as provided in subdivision (2) of this subsection, before December first of the  
86 calendar year immediately preceding the general municipal election day in the calendar  
87 year in which the residents of the school district will vote to elect new board members as  
88 provided in the final plan, the election authority of the county in which the school district  
89 is located shall divide the school district into subdistricts, at-large districts, or any  
90 combination thereof as directed in the final plan. Any subdistricts required by the final  
91 plan shall be of contiguous and compact territory and as nearly equal in population as  
92 practicable in accordance with the final plan. Within six months after each decennial  
93 census is reported to the President of the United States, the election authority shall  
94 reapportion the subdistricts to be as nearly equal in population as practicable. After the  
95 election authority divides the school district or reapportions the subdistricts, the election  
96 authority shall notify the residents of the school district as provided by law.

97 (b) Any resident of the school district who believes the election authority has  
98 divided the school district or reapportioned subdistricts in violation of paragraph (a) of  
99 this subdivision may petition the circuit court of the county in which the school district  
100 exists for an order directing the election authority to divide the school district or  
101 reapportion the subdistricts as provided in paragraph (a) of this subdivision. The petition  
102 shall be submitted to the circuit court within ten business days of the election authority's  
103 notice provided under paragraph (a) of this subdivision.

104 (4) On the first day available for candidate filing for the first general municipal  
105 election day occurring after the school district is divided under this subsection, any  
106 qualified resident who has or will have resided in a subdistrict or at-large district for the  
107 year immediately preceding the general municipal election day may file as a candidate for  
108 election to the board of directors as a member representing such subdistrict or at-large  
109 district. At the end of the time available for candidate filing, if no qualified resident of a  
110 subdistrict has filed as a candidate in that subdistrict, the election authority shall extend  
111 the time for candidate filing by seven additional days, and any qualified resident of the  
112 school district who has or will have resided in the school district for the year immediately

113 preceding the general municipal election day may file as a candidate for election to the  
114 board of directors as a member representing that subdistrict. The election authority shall  
115 determine the validity of all declarations of candidacy.

116 (5) When the election is held on the general municipal election day, the seven  
117 candidates, one from each of the subdistricts or at-large districts, who receive a plurality  
118 of the votes cast by the voters of that subdistrict or at-large district shall be elected. Any  
119 candidate who is not a subdistrict resident but qualifies as a candidate as a school district  
120 resident under subdivision (4) of this subsection shall be elected by the voters of the school  
121 district. Each member shall be elected to a term as provided in the final plan approved  
122 under paragraph (c) of subdivision (2) of this subsection.

123 (6) Each member shall serve until a successor is elected or the member vacates the  
124 office. Any vacancy that occurs before the end of the member's term shall be filled as  
125 provided in this section.

126 (7) Except for a member who is not a subdistrict resident but is elected as a school  
127 district resident to represent a subdistrict under subdivision (4) of this subsection, each  
128 member shall reside in the subdistrict the member represents during the member's term.

129 (8) All other provisions applicable to urban school districts that are not in conflict  
130 with this subsection shall apply to school districts divided under this subsection.

131 4. (1) (a) If any urban school district receives a petition, signed by at least ten  
132 percent of the number of registered voters of the school district voting in the last election  
133 of a member of the board of directors, calling for the school district to divide into seven  
134 subdistricts, at-large districts, or any combination thereof and establish the election of  
135 board members as provided in this subsection, the school district shall follow the  
136 procedures described in paragraph (c) of this subdivision.

137 (b) Any such petition submitted to the school district under this subsection shall  
138 contain a proposed plan for the division of the district. Such proposed plan shall contain  
139 at least the following information:

140 a. A summary of the proposed plan for dividing the district;

141 b. A statement indicating whether the district will be divided into subdistricts, at-  
142 large districts, or some combination thereof;

143 c. A description of the areas of the school district each newly elected board member  
144 will represent;

145 d. The proposed date of the election of each new board member under the proposed  
146 plan;

147 e. A statement indicating whether the existing board members will be replaced by  
148 the newly elected board members at one election or in succeeding elections to provide for  
149 staggered terms of the members; and

150 f. A ballot summary containing no more than fifty words, excluding articles, to  
151 place on the ballot to inform voters about the proposed plan.

152 (c) Upon receipt of a petition and a proposed plan as provided in this subsection,  
153 the board of directors shall set the time and place of at least two hearings to be held to  
154 consider the proposed plan. For each hearing held as provided in this paragraph, the  
155 board shall:

156 a. Publish notice of the hearing, the proposed plan, and any amendments to the  
157 proposed plan adopted at a previous hearing on the school district's website and by any  
158 other method allowed by law, with the first publication to occur no more than thirty days  
159 before the hearing and the second publication to occur no earlier than fifteen days and no  
160 later than ten days before the hearing;

161 b. Conduct the hearing on the proposal for division of the district on behalf of the  
162 petitioners;

163 c. Hear all protests and receive evidence for or against such proposed division; and

164 d. Vote to adopt any proposed plan amendments agreed to by the petitioners as a  
165 result of the hearings.

166 (d) After the adjournment of the final hearing conducted under this subdivision,  
167 the board of directors shall submit the petition and the final plan to the election authority  
168 of the county in which the school district is located for actions required under subdivision  
169 (2) of this subsection and publish the final plan in the same manner as the initial proposed  
170 plan was published under subparagraph a. of paragraph (c) of this subdivision. The final  
171 plan shall contain at least the following information:

172 a. A summary of the final plan for dividing the district;

173 b. A statement indicating whether the district will be divided into subdistricts, at-  
174 large districts, or some combination thereof;

175 c. A description of the areas of the school district each newly elected board member  
176 will represent;

177 d. The date of the election of each new board member under the final plan;

178 e. A statement indicating whether the existing board members will be replaced by  
179 the newly elected board members at one election or in succeeding elections to provide for  
180 staggered terms of the members;

181 f. A ballot summary containing no more than fifty words, excluding articles, to  
182 place on the ballot to inform voters about the proposed plan; and

183 g. Any other information deemed necessary.

184 (2) After receipt of such petition and final plan as provided in paragraph (d) of  
185 subdivision (1) of this subsection, the election authority shall submit the question of  
186 whether to divide the school district as provided by the final plan to the registered voters  
187 of the school district on the next available day for any election. The question submitted  
188 shall be in substantially the following form: "Shall \_\_\_\_\_ (enter the school district name)  
189 be divided into seven subdistricts, at-large districts, or any combination thereof?". The  
190 ballot summary provided in the final plan shall accompany the question on the ballot. If  
191 the registered voters of the school district voting on the question approve the question, the  
192 election authority shall follow the procedures described in subdivision (3) of this  
193 subsection. If the registered voters of the school district voting on the question reject the  
194 question, no division as described in the petition and final plan shall occur and no similar  
195 petition shall be presented to the board under this subsection until at least one year after  
196 the date on which the voters rejected the question.

197 (3) (a) If the final plan is approved by the voters of the school district voting on the  
198 question as provided in subdivision (2) of this subsection, before December first of the  
199 calendar year immediately preceding the general municipal election day in the calendar  
200 year in which the residents of the school district will vote to elect new board members as  
201 provided in the final plan, the election authority of the county in which the school district  
202 is located shall divide the school district into subdistricts, at-large districts, or any  
203 combination thereof as directed in the final plan. Any subdistricts required by the final  
204 plan shall be of contiguous and compact territory and as nearly equal in population as  
205 practicable in accordance with the final plan. Within six months after each decennial  
206 census is reported to the President of the United States, the election authority shall  
207 reapportion the subdistricts to be as nearly equal in population as practicable. After the  
208 election authority divides the school district or reapportions the subdistricts, the election  
209 authority shall notify the residents of the school district as provided by law.

210 (b) Any resident of the school district who believes the election authority has  
211 divided the school district or reapportioned subdistricts in violation of paragraph (a) of  
212 this subdivision may petition the circuit court of the county in which the school district  
213 exists for an order directing the election authority to divide the school district or  
214 reapportion the subdistricts as provided in paragraph (a) of this subdivision. The petition  
215 shall be submitted to the circuit court within ten business days of the election authority's  
216 notice provided under paragraph (a) of this subdivision.

217 (4) On the first day available for candidate filing for the first general municipal  
218 election day occurring after the school district is divided under this subsection, any

219 **qualified resident who has or will have resided in a subdistrict or at-large district for the**  
220 **year immediately preceding the general municipal election day may file as a candidate for**  
221 **election to the board of directors as a member representing such subdistrict or at-large**  
222 **district. At the end of the time available for candidate filing, if no qualified resident of a**  
223 **subdistrict has filed as a candidate in that subdistrict, the election authority shall extend**  
224 **the time for candidate filing by seven additional days, and any qualified resident of the**  
225 **school district who has or will have resided in the school district for the year immediately**  
226 **preceding the general municipal election day may file as a candidate for election to the**  
227 **board of directors as a member representing that subdistrict. The election authority shall**  
228 **determine the validity of all declarations of candidacy.**

229 **(5) When the election is held on the general municipal election day, the seven**  
230 **candidates, one from each of the subdistricts or at-large districts, who receive a plurality**  
231 **of the votes cast by the voters of that subdistrict or at-large district shall be elected. Any**  
232 **candidate who is not a subdistrict resident but qualifies as a candidate as a school district**  
233 **resident under subdivision (4) of this subsection shall be elected by the voters of the school**  
234 **district. Each member shall be elected to a term as provided in the final plan approved**  
235 **under subdivision (1) of this subsection.**

236 **(6) Each member shall serve until a successor is elected or the member vacates the**  
237 **office. Any vacancy that occurs before the end of the member's term shall be filled as**  
238 **provided in this section.**

239 **(7) Except for a member who is not a subdistrict resident but is elected as a school**  
240 **district resident to represent a subdistrict under subdivision (4) of this subsection, each**  
241 **member shall reside in the subdistrict the member represents during the member's term.**

242 **(8) All other provisions applicable to urban school districts that are not in conflict**  
243 **with this subsection shall apply to school districts divided under this subsection.**

244 **5. After a school district is divided under subsection 3 or 4 of this section, no new**  
245 **plan for division of the school district shall be proposed or adopted under subsection 3 or**  
246 **4 of this section sooner than five years after a division of the school district under**  
247 **subsection 3 or 4 of this section.**

162.481. 1. Except as otherwise provided in **section 162.471**, this section, and [##]  
2 section 162.492, all elections of school directors in urban school districts shall be held biennially  
3 at the same times and places as municipal elections.

4 2. Except as otherwise provided in subsections 3, 4, and 5 of this section, hereafter when  
5 a seven-director district becomes an urban school district, the directors of the prior seven-director  
6 district shall continue as directors of the urban school district until the expiration of the terms  
7 for which they were elected and until their successors are elected as provided in this subsection.

8 The first biennial school election for directors shall be held in the urban school district at the  
9 time provided in subsection 1 which is on the date of or subsequent to the expiration of the terms  
10 of the directors of the prior district which are first to expire, and directors shall be elected to  
11 succeed the directors of the prior district whose terms have expired. If the terms of two directors  
12 only have expired, the directors elected at the first biennial school election in the urban school  
13 district shall be elected for terms of six years. If the terms of four directors have expired, two  
14 directors shall be elected for terms of six years and two shall be elected for terms of four years.  
15 At the next succeeding biennial election held in the urban school district, successors for the  
16 remaining directors of the prior seven-director district shall be elected. If only two directors are  
17 to be elected they shall be elected for terms of six years each. If four directors are to be elected,  
18 two shall be elected for terms of six years and two shall be elected for terms of two years. After  
19 seven directors of the urban school district have been elected under this subsection, their  
20 successors shall be elected for terms of six years.

21 3. In any school district in which a majority of the district is located in any home rule city  
22 with more than one hundred fifty-five thousand but fewer than two hundred thousand  
23 inhabitants, elections shall be held annually at the same times and places as general municipal  
24 elections for all years where one or more terms expire, and the terms shall be for three years and  
25 until their successors are duly elected and qualified for all directors elected on and after August  
26 28, 1998.

27 4. For any school district which becomes an urban school district by reason of the 2000  
28 federal decennial census, elections shall be held annually at the same times and places as general  
29 municipal elections for all years where one or more terms expire, and the terms shall be for three  
30 years and until their successors are duly elected and qualified for all directors elected on and after  
31 August 28, 2001.

32 5. In any school district in any county with a charter form of government and with more  
33 than three hundred thousand but fewer than four hundred fifty thousand inhabitants which  
34 becomes an urban school district by reason of the 2010 federal decennial census, elections shall  
35 be held annually at the same times and places as general municipal elections for all years where  
36 one or more terms expire, and the terms shall be for three years and until their successors are  
37 duly elected and qualified for all directors elected on and after April 2, 2012.

38 6. In any urban school district in a county of the first classification with more than  
39 eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule city  
40 with more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the  
41 county seat, elections shall be held annually at the same times and places as general municipal  
42 elections for all years where one or more terms expire, and upon expiration of any term after

43 August 28, 2015, the term of office shall be for three years and until their successors are duly  
44 elected and qualified.

162.491. 1. Directors for urban school districts, other than those districts containing the  
2 greater part of a city of over one hundred thirty thousand inhabitants, may be nominated by  
3 petition to be filed with the secretary of the board and signed by a number of voters in the district  
4 equal to ten percent of the total number of votes cast for the director receiving the highest  
5 number of votes cast at the next preceding biennial election, except as provided in subsection 4  
6 of this section.

7 2. This section shall not be construed as providing the sole method of nominating  
8 candidates for the office of school director in urban **school** districts ~~[which]~~ **that** do not contain  
9 the greater part of a city of over three hundred thousand inhabitants.

10 3. A director for any urban school district containing a city of greater than one hundred  
11 thirty thousand inhabitants and less than three hundred thousand inhabitants may be nominated  
12 as an independent candidate by filing with the secretary of the board a petition signed by five  
13 hundred registered voters of such school district.

14 4. In any urban school district located in a county of the first classification with more  
15 than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule  
16 city with more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the  
17 county seat, a candidate for director shall file a declaration of candidacy with the secretary of the  
18 board and shall not be required to submit a petition.

19 **5. No candidate for election as a school board director representing a subdistrict**  
20 **under subsection 3 or 4 of section 162.471 shall be required to file a declaration of**  
21 **candidacy under this section as the sole method of filing for candidacy.**

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