

FIRST REGULAR SESSION

# HOUSE BILL NO. 93

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TAYLOR.

0837H.011

DANA RADEMAN MILLER, Chief Clerk

## AN ACT

To repeal sections 168.191, 168.201, 168.205, and 168.211, RSMo, and to enact in lieu thereof four new sections relating to school superintendents.

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

Section A. Sections 168.191, 168.201, 168.205, and 168.211, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 168.191, 168.201, 168.205, and 168.211, to read as follows:

168.191. 1. **As used in this section and sections 168.201, 168.205, and 168.211, the term "total compensation" means, as calculated for the most recently completed full school year, all amounts of any salary, wages, and fringe benefits provided by a school district to a superintendent or a teacher, as applicable, except that "total compensation" shall not include any additional salary, wages, or other monetary compensation provided by a school district to a school district teacher for service performed on behalf of a school district as a coach, advisor, sponsor, or other similar service.**

2. In all counties ~~[of the first class except counties of the first class not]~~ having a charter form of government, any board of education, other than boards in urban districts, in charge of a public school system maintaining a classified high school, previously approved by the state board of education, and employing a superintendent ~~[devoting his]~~ **devoted** full time to supervisory and administrative work, may employ and enter into contract with a superintendent of schools for the school district for a period of not to exceed three years. This law shall not invalidate or repeal any other law of this state relating to the employment of teachers, principals or superintendents of public schools.

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.

16           **3. The following provisions of this subsection shall apply to all contracts or**  
17 **employment agreements with a superintendent entered into after the effective date of this**  
18 **section:**

19           **(1) The total compensation provided to a superintendent under this section shall**  
20 **not exceed three and one-half times the average total compensation provided to all teachers**  
21 **who are certified under section 168.021 and employed full time by the school district; and**

22           **(2) Any superintendent employed by the school district shall reside within the**  
23 **boundaries of the school district.**

168.201. 1. The board of education in all districts except metropolitan districts may  
2 employ and contract with a superintendent for a term not to exceed three years from the time of  
3 making the contract, and may employ such other servants and agents as it deems necessary, and  
4 prescribe their powers, duties, compensation and term of office or employment which shall not  
5 exceed three years. It shall provide and keep a corporate seal.

6           **2. The following provisions of this subsection shall apply to all contracts or**  
7 **employment agreements with a superintendent entered into after the effective date of this**  
8 **section:**

9           **(1) The total compensation provided to a superintendent under this section shall**  
10 **not exceed three and one-half times the average total compensation provided to all teachers**  
11 **who are certified under section 168.021 and employed full time by the school district; and**

12           **(2) Any superintendent employed by the school district shall reside within the**  
13 **boundaries of the school district.**

168.205. 1. Notwithstanding any provision of law to the contrary, two or more school  
2 districts may share a superintendent who possesses a valid Missouri superintendent's license.  
3 If any school districts choose to share a superintendent, they shall not be required to receive  
4 approval from the department of elementary and secondary education but may notify the  
5 department.

6           **2. The following provisions of this subsection shall apply to all contracts or**  
7 **employment agreements with a superintendent entered into after the effective date of this**  
8 **section:**

9           **(1) The total compensation provided to a superintendent under this section shall**  
10 **not exceed three and one-half times the average total compensation provided to all teachers**  
11 **who are certified under section 168.021 and employed full time by the school districts that**  
12 **share the superintendent; and**

13           **(2) Any superintendent employed by school districts sharing a superintendent shall**  
14 **reside within the boundaries of one of the school districts sharing the superintendent.**

168.211. 1. **(1)** In metropolitan districts the superintendent of schools shall be appointed  
2 by the board of education for a term of one to five years, during which term ~~[his]~~ **the**  
3 **superintendent's** compensation shall not be reduced. The superintendent of schools may  
4 appoint, with the approval of the board, a treasurer, a commissioner of school buildings and ~~[he]~~  
5 **such commissioner** shall serve at the pleasure of the superintendent of schools, and as many  
6 associate and assistant superintendents as ~~[he]~~ **the superintendent** deems necessary, whose  
7 compensation shall be fixed by the board. The superintendent of schools shall give bond in the  
8 sum that the board requires but not less than fifty thousand dollars. No employee or agent of the  
9 board shall be a member of the board.

10 **(2) The following provisions of this subdivision shall apply to all contracts or**  
11 **employment agreements with a superintendent entered into after the effective date of this**  
12 **section:**

13 **(a) The total compensation provided to a superintendent under this section shall**  
14 **not exceed three and one-half times the average total compensation provided to all teachers**  
15 **who are certified under section 168.021 and employed full time by the school district; and**

16 **(b) Any superintendent employed by the school district shall reside within the**  
17 **boundaries of the school district.**

18 2. The superintendent of schools shall have general supervision, subject to policies  
19 established by the board, of the school system, including its various departments and physical  
20 properties, courses of instruction, discipline and conduct of the schools, textbooks and studies.  
21 All appointments, promotions and transfers of teachers and all other employees, and introduction  
22 and changes of textbooks and apparatus, shall be made by the superintendent with the approval  
23 of the board. All appointments and promotions of teachers and all other employees shall be  
24 made upon the basis of merit, to be ascertained, as far as practicable, in cases of appointment,  
25 by examination, and in cases of promotion, by length and character of service. Examinations for  
26 appointment shall be conducted by the superintendent under regulations to be made by the board.  
27 ~~[He]~~ **The superintendent** shall make such reports to the board that it directs or the rules provide.

28 3. The superintendent of schools shall have general supervision, subject to policies  
29 established by the board, of all school buildings, apparatus, equipment and school grounds and  
30 of their construction, installation, operation, repair, care and maintenance; the purchasing of all  
31 supplies and equipment; the operation of the school lunchrooms; the administration of  
32 examinations for the appointment and promotion of all employees of the school system; and the  
33 preparation and administration of the annual budget for the school system. Subject to the  
34 approval of the board of education as to number and salaries, the superintendent may appoint as  
35 many employees as are necessary for the proper performance of ~~[his]~~ **the superintendent's**  
36 duties.

37           4. The board may grant a leave of absence to the superintendent of schools, and may  
38 remove ~~[him]~~ **the superintendent** from office by vote of a majority of its members.

39           5. ~~[Should]~~ **If** the superintendent ~~[hire]~~ **hires** a commissioner of school buildings, ~~[said]~~  
40 **such** person shall be a person qualified by reason of education, experience and general  
41 familiarity with buildings and personnel to assume the following responsibilities and duties.  
42 Subject to the control of the superintendent of schools, ~~[he]~~ **the commissioner** shall exercise  
43 supervision over all school buildings, machinery, heating systems, equipment, school grounds  
44 and other buildings and premises of the board of education and the construction, installation,  
45 operation, repair, care and maintenance related thereto and the personnel connected therewith[;]  
46 **and over** the purchasing of building supplies and equipment and such other duties as may be  
47 assigned to ~~[him]~~ **the commissioner** by board rules or regulations.

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