

SECOND REGULAR SESSION

[CORRECTED]

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR

HOUSE BILL NO. 1543

95TH GENERAL ASSEMBLY

Reported from the Committee on Education, May 3, 2010, with recommendation that the Senate Committee Substitute do pass.

3136S.05C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 37.710, 160.261, 160.400, 160.405, 160.410, 160.420, 160.522, 160.545, 160.660, 160.775, 161.209, 161.650, 162.081, 162.720, 163.031, 163.036, 167.020, 167.022, 167.023, 167.029, 167.115, 167.117, 167.151, 167.161, 167.164, 167.621, 167.624, 167.627, 167.630, 168.021, 168.071, 168.104, 168.133, 168.151, 168.221, 168.500, 168.515, 177.161, 177.171, 178.693, 178.695, 210.102, 210.135, 210.145, 210.152, 210.915, 210.922, and 556.037, RSMo, and to enact in lieu thereof sixty-two new sections relating to elementary and secondary education, with penalty provisions, an effective date for a certain section and an emergency clause for certain sections.

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

Section A. Sections 37.710, 160.261, 160.400, 160.405, 160.410, 160.420, 2 160.522, 160.545, 160.660, 160.775, 161.209, 161.650, 162.081, 162.720, 163.031, 3 163.036, 167.020, 167.022, 167.023, 167.029, 167.115, 167.117, 167.151, 167.161, 4 167.164, 167.621, 167.624, 167.627, 167.630, 168.021, 168.071, 168.104, 168.133, 5 168.151, 168.221, 168.500, 168.515, 177.161, 177.171, 178.693, 178.695, 210.102, 6 210.135, 210.145, 210.152, 210.915, 210.922, and 556.037, RSMo, are repealed and 7 sixty-two new sections enacted in lieu thereof, to be known as sections 37.710, 8 160.085, 160.261, 160.262, 160.353, 160.355, 160.400, 160.405, 160.410, 160.420, 9 160.522, 160.545, 160.660, 160.775, 161.209, 161.370, 161.650, 162.014, 162.068, 10 162.069, 162.081, 162.720, 162.1195, 162.1196, 163.031, 163.036, 163.410, 11 167.020, 167.022, 167.023, 167.029, 167.115, 167.117, 167.128, 167.151, 167.161, 12 167.164, 167.621, 167.624, 167.627, 167.630, 168.017, 168.021, 168.071, 168.104,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

13 168.133, 168.151, 168.221, 168.500, 168.515, 173.231, 177.161, 177.171, 178.693,
14 178.695, 210.102, 210.135, 210.145, 210.152, 210.915, 210.922, and 556.037, to
15 read as follows:

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

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

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

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

8 2. The office shall have the authority:

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

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

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

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

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

26 [(5)] (6) To initiate meetings with the department of social services, the
27 department of mental health, the juvenile court, and juvenile officers;

28 [(6)] (7) To take whatever steps are appropriate to see that persons are
29 made aware of the services of the child advocate's office, its purpose, and how it
30 can be contacted;

31 [(7)] (8) To apply for and accept grants, gifts, and bequests of funds from
32 other states, federal, and interstate agencies, and independent authorities,
33 private firms, individuals, and foundations to carry out his or her duties and

34 responsibilities. The funds shall be deposited in a dedicated account established
35 within the office to permit moneys to be expended in accordance with the
36 provisions of the grant or bequest; and

37 ~~[(8)]~~ **(9)** Subject to appropriation, to establish as needed local panels on
38 a regional or county basis to adequately and efficiently carry out the functions
39 and duties of the office, and address complaints in a timely manner.

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

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

160.261. 1. The local board of education of each school district shall
2 clearly establish a written policy of discipline, including the district's
3 determination on the use of corporal punishment and the procedures in which
4 punishment will be applied. A written copy of the district's discipline policy and
5 corporal punishment procedures, if applicable, shall be provided to the pupil and
6 parent or legal guardian of every pupil enrolled in the district at the beginning
7 of each school year and also made available in the office of the superintendent of
8 such district, during normal business hours, for public inspection. All employees
9 of the district shall annually receive instruction related to the specific contents
10 of the policy of discipline and any interpretations necessary to implement the
11 provisions of the policy in the course of their duties, including but not limited to
12 approved methods of dealing with acts of school violence, disciplining students
13 with disabilities and instruction in the necessity and requirements for
14 confidentiality.

15 2. The policy shall require school administrators to report acts of school
16 violence to **all teachers at the attendance center and in addition, to other**

17 school district employees with a need to know. For the purposes of this chapter
18 or chapter 167, RSMo, "need to know" is defined as school personnel who are
19 directly responsible for the student's education or who otherwise interact with the
20 student on a professional basis while acting within the scope of their assigned
21 duties. As used in this section, the phrase "act of school violence" or "violent
22 behavior" means the exertion of physical force by a student with the intent to do
23 serious physical injury as defined in subdivision (6) of section 565.002, RSMo, to
24 another person while on school property, including a school bus in service on
25 behalf of the district, or while involved in school activities. The policy shall at a
26 minimum require school administrators to report, as soon as reasonably practical,
27 to the appropriate law enforcement agency any of the following crimes, or any act
28 which if committed by an adult would be one of the following crimes:

- 29 (1) First degree murder under section 565.020, RSMo;
- 30 (2) Second degree murder under section 565.021, RSMo;
- 31 (3) Kidnapping under section 565.110, RSMo;
- 32 (4) First degree assault under section 565.050, RSMo;
- 33 (5) Forcible rape under section 566.030, RSMo;
- 34 (6) Forcible sodomy under section 566.060, RSMo;
- 35 (7) Burglary in the first degree under section 569.160, RSMo;
- 36 (8) Burglary in the second degree under section 569.170, RSMo;
- 37 (9) Robbery in the first degree under section 569.020, RSMo;
- 38 (10) Distribution of drugs under section 195.211, RSMo;
- 39 (11) Distribution of drugs to a minor under section 195.212, RSMo;
- 40 (12) Arson in the first degree under section 569.040, RSMo;
- 41 (13) Voluntary manslaughter under section 565.023, RSMo;
- 42 (14) Involuntary manslaughter under section 565.024, RSMo;
- 43 (15) Second degree assault under section 565.060, RSMo;
- 44 (16) Sexual assault under section 566.040, RSMo;
- 45 (17) Felonious restraint under section 565.120, RSMo;
- 46 (18) Property damage in the first degree under section 569.100, RSMo;
- 47 (19) The possession of a weapon under chapter 571, RSMo;
- 48 (20) Child molestation in the first degree pursuant to section 566.067,
49 RSMo;
- 50 (21) Deviate sexual assault pursuant to section 566.070, RSMo;
- 51 (22) Sexual misconduct involving a child pursuant to section 566.083,
52 RSMo;

53 (23) Sexual abuse pursuant to section 566.100, RSMo;
54 (24) Harassment under section 565.090, RSMo; or
55 (25) Stalking under section 565.225, RSMo; committed on school property,
56 including but not limited to actions on any school bus in service on behalf of the
57 district or while involved in school activities. The policy shall require that any
58 portion of a student's individualized education program that is related to
59 demonstrated or potentially violent behavior shall be provided to any teacher and
60 other school district employees who are directly responsible for the student's
61 education or who otherwise interact with the student on an educational basis
62 while acting within the scope of their assigned duties. The policy shall also
63 contain the consequences of failure to obey standards of conduct set by the local
64 board of education, and the importance of the standards to the maintenance of an
65 atmosphere where orderly learning is possible and encouraged.

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

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

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

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

87 (4) Such student resides within one thousand feet of any public school in
88 the school district where such student attended school in which case such student

89 may be on the property of his or her residence without direct adult supervision.

90 4. Any student who violates the condition of suspension required pursuant
91 to subsection 3 of this section may be subject to expulsion or further suspension
92 pursuant to the provisions of sections 167.161, 167.164, and 167.171, RSMo. In
93 making this determination consideration shall be given to whether the student
94 poses a threat to the safety of any child or school employee and whether such
95 student's unsupervised presence within one thousand feet of the school is
96 disruptive to the educational process or undermines the effectiveness of the
97 school's disciplinary policy. Removal of any pupil who is a student with a
98 disability is subject to state and federal procedural rights. **This section shall**
99 **not limit a school district's ability to:**

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

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

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

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

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

115 6. For the purpose of this section, the term "weapon" shall mean a firearm
116 as defined under 18 U.S.C. 921 and the following items, as defined in section
117 571.010, RSMo: a blackjack, a concealable firearm, an explosive weapon, a
118 firearm, a firearm silencer, a gas gun, a knife, knuckles, a machine gun, a
119 projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except
120 that this section shall not be construed to prohibit a school board from adopting
121 a policy to allow a Civil War reenactor to carry a Civil War era weapon on school
122 property for educational purposes so long as the firearm is unloaded. The local
123 board of education shall define weapon in the discipline policy. Such definition
124 shall include the weapons defined in this subsection but may also include other

125 weapons.

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

131 8. Teachers and other authorized district personnel in public schools
132 responsible for the care, supervision, and discipline of schoolchildren, including
133 volunteers selected with reasonable care by the school district, shall not be civilly
134 liable when acting in conformity with the established [policy of discipline]
135 **policies** developed by each board [under this section], **including but not**
136 **limited to policies of student discipline** or when reporting to his or her
137 supervisor or other person as mandated by state law acts of school violence or
138 threatened acts of school violence, within the course and scope of the duties of the
139 teacher, authorized district personnel or volunteer, when such individual is acting
140 in conformity with the established policies developed by the board. Nothing in
141 this section shall be construed to create a new cause of action against such school
142 district, or to relieve the school district from liability for the negligent acts of
143 such persons.

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

156 10. Spanking, when administered by certificated personnel **and in the**
157 **presence of a witness who is an employee of the school district, or the**
158 **use of reasonable force to protect persons or property, when**
159 **administered by personnel** of a school district in a reasonable manner in
160 accordance with the local board of education's written policy of discipline, is not

161 abuse within the meaning of chapter 210, RSMo. The provisions of sections
162 210.110 to 210.165, RSMo, notwithstanding, the **children's** division [of family
163 services] shall not have jurisdiction over or investigate any report of alleged child
164 abuse arising out of or related to **the use of reasonable force to protect**
165 **persons or property when administered by personnel of a school**
166 **district or** any spanking administered in a reasonable manner by any
167 certificated school personnel **in the presence of a witness who is an**
168 **employee of the school district** pursuant to a written policy of discipline
169 established by the board of education of the school district, **as long as no**
170 **allegation of sexual misconduct arises from the spanking or use of**
171 **force.**

172 **11. If a student reports alleged sexual misconduct on the part of**
173 **a teacher or other school employee to a person employed in a school**
174 **facility who is required to report such misconduct to the children's**
175 **division under section 210.115, such person and the superintendent of**
176 **the school district shall forward the allegation to the children's**
177 **division within twenty-four hours of receiving the information. Reports**
178 **made to the children's division under this subsection shall be**
179 **investigated by the division in accordance with the provisions of**
180 **sections 210.145 to 210.153 and shall not be investigated by the school**
181 **district under subsections 12 to 20 of this section for purposes of**
182 **determining whether the allegations should or should not be**
183 **substantiated. The district may investigate the allegations for the**
184 **purpose of making any decision regarding the employment of the**
185 **accused employee.**

186 **12. Upon receipt of any reports of child abuse by the children's division**
187 **[of family services], other than reports provided under subsection 11 of**
188 **this section, pursuant to sections 210.110 to 210.165, RSMo, which allegedly**
189 **[involves] involve personnel of a school district, the children's division [of**
190 **family services] shall notify the superintendent of schools of the district or, if the**
191 **person named in the alleged incident is the superintendent of schools, the**
192 **president of the school board of the school district where the alleged incident**
193 **occurred.**

194 **13. If, after an initial investigation, the superintendent of schools or the**
195 **president of the school board finds that the report involves an alleged incident of**
196 **child abuse other than the administration of a spanking by certificated school**

197 personnel **or the use of reasonable force to protect persons or property**
198 **when administered by school personnel** pursuant to a written policy of
199 discipline or [a] **that the report was** made for the sole purpose of harassing a
200 public school employee, the superintendent of schools or the president of the
201 school board shall immediately refer the matter back to the **children's** division
202 [of family services] and take no further action.

203 **14.** In all matters referred back to the **children's** division [of family
204 services], the division [of family services] shall treat the report in the same
205 manner as other reports of alleged child abuse received by the division. If the
206 report pertains to an alleged incident which arose out of or is related to a
207 spanking administered by certificated personnel **or the use of reasonable**
208 **force to protect persons or property when administered by personnel**
209 of a school district pursuant to a written policy of discipline or a report made for
210 the sole purpose of harassing a public school employee, a notification of the
211 reported child abuse shall be sent by the superintendent of schools or the
212 president of the school board to the juvenile officer of the county in which the
213 alleged incident occurred.

214 **15.** The report shall be jointly investigated by the juvenile officer or a law
215 enforcement officer designated by the juvenile officer and the superintendent of
216 schools or, if the subject of the report is the superintendent of schools, by the
217 juvenile officer or a law enforcement officer designated by the juvenile officer and
218 the president of the school board or such president's designee.

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

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

230 **18.** The reports shall contain a statement of conclusion as to whether the
231 report of alleged child abuse is substantiated or is unsubstantiated.

232 **19.** The school board shall consider the separate reports **referred to in**

233 **subsection 17 of this section** and shall issue its findings and conclusions and
234 the action to be taken, if any, within seven days after receiving the last of the two
235 reports. The findings and conclusions shall be made in substantially the
236 following form:

237 (1) The report of the alleged child abuse is unsubstantiated. The juvenile
238 officer or a law enforcement officer designated by the juvenile officer and the
239 investigating school board personnel agree that [the evidence shows that no]
240 **there was not a preponderance of evidence to substantiate that** abuse
241 occurred;

242 (2) The report of the alleged child abuse is substantiated. The juvenile
243 officer or a law enforcement officer designated by the juvenile officer and the
244 investigating school district personnel agree that the **preponderance** of evidence
245 is sufficient to support a finding that the alleged incident of child abuse did occur;

246 (3) The issue involved in the alleged incident of child abuse is
247 unresolved. The juvenile officer or a law enforcement officer designated by the
248 juvenile officer and the investigating school personnel are unable to agree on
249 their findings and conclusions on the alleged incident.

250 [11.] **20.** The findings and conclusions of the school board **under**
251 **subsection 19 of this section** shall be sent to the **children's** division [of
252 family services]. If the findings and conclusions of the school board are that the
253 report of the alleged child abuse is unsubstantiated, the investigation shall be
254 terminated, the case closed, and no record shall be entered in the **children's**
255 division [of family services] central registry. If the findings and conclusions of
256 the school board are that the report of the alleged child abuse is substantiated,
257 the **children's** division [of family services] shall report the incident to the
258 prosecuting attorney of the appropriate county along with the findings and
259 conclusions of the school district and shall include the information in the
260 division's central registry. If the findings and conclusions of the school board are
261 that the issue involved in the alleged incident of child abuse is unresolved, the
262 **children's** division [of family services] shall report the incident to the
263 prosecuting attorney of the appropriate county along with the findings and
264 conclusions of the school board[.]; however, the incident and the names of the
265 parties allegedly involved shall not be entered into the **division's** central registry
266 [of the division of family services] unless and until the alleged child abuse is
267 substantiated by a court of competent jurisdiction.

268 [12.] **21.** Any superintendent of schools, president of a school board or

269 such person's designee or juvenile officer who knowingly falsifies any report of
270 any matter pursuant to this section or who knowingly withholds any information
271 relative to any investigation or report pursuant to this section is guilty of a class
272 A misdemeanor. **Any mandated reporter under subsection 1 of section**
273 **210.115 who is a school officer or employee, who fails to report as**
274 **required in this section shall be subject to a class A misdemeanor.**

275 [13.] **22.** In order to ensure the safety of all students, should a student
276 be expelled for bringing a weapon to school, violent behavior, or for an act of
277 school violence, that student shall not, for the purposes of the accreditation
278 process of the Missouri school improvement plan, be considered a dropout or be
279 included in the calculation of that district's educational persistence ratio.

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

9 **2. Mediation procedures shall meet the following requirements:**

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

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

16 **3. No student, parent of a student, school employee, or school**
17 **district shall be required to participate in mediation under this section.**
18 **If either the school district or the student or student's parent does not**
19 **wish to enter into mediation, mediation shall not occur.**

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

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

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

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

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

160.353. The governing board of any urban, metropolitan, or
2 **seven director school district may adopt a policy that allows any**
3 **student at the high school level who has participated in at least one**
4 **sport per year for three years or more at the interscholastic level to be**
5 **granted a waiver for one half unit of credit of the physical education**
6 **graduation requirement. Such policy shall apply only to students who**
7 **have participated in athletics. Student or team managers or coaches**
8 **shall not be eligible to receive a waiver for any credit under a school**
9 **district policy. Such a policy may only be adopted after a public**
10 **hearing is held on the question and a majority of the board votes in**
11 **favor of the question. Any board that votes to adopt such a policy shall**
12 **contact appropriate officials at the department of elementary and**
13 **secondary education within thirty days of the affirmative vote. The**
14 **state board of education shall make any necessary alterations to bring**
15 **the state's minimum graduation requirements into compliance with this**
16 **section. Nothing in this section shall be construed to impact any other**
17 **minimum graduation requirements approved by the state board of**
18 **education.**

160.355. The governing board of any urban, metropolitan, or
2 **seven director school district may adopt a policy that allows any**
3 **student who has earned fine arts credit for participation in high school**
4 **marching band for three or more years to be granted a waiver for one**
5 **half unit of credit of the physical education graduation**
6 **requirement. Such a policy may only be adopted after a public hearing**
7 **is held on the question and a majority of the board votes in favor of the**
8 **question. Any board that votes to adopt such a policy shall contact**
9 **appropriate officials at the department of elementary and secondary**
10 **education within thirty days of the affirmative vote. The state board**

11 **of education shall make any necessary alterations to bring the state's**
12 **minimum graduation requirements into compliance with this**
13 **section. Nothing in this section shall be construed to impact any other**
14 **minimum graduation requirements approved by the state board of**
15 **education.**

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

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

6 (1) The school board of the district;

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

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

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

15 3. The mayor of a city not within a county may request a sponsor under
16 subdivision (2), (3), or (4) of subsection 2 of this section to consider sponsoring a
17 "workplace charter school", which is defined for purposes of sections 160.400 to
18 160.420 as a charter school with the ability to target prospective students whose
19 parent or parents are employed in a business district, as defined in the charter,
20 which is located in the city.

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

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

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

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

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

48 9. The expenses associated with sponsorship of charter schools shall be
49 defrayed by the department of elementary and secondary education retaining one
50 and five-tenths percent of the amount of state and local funding allocated to the
51 charter school under section 160.415, not to exceed one hundred twenty-five
52 thousand dollars, adjusted for inflation. Such amount shall not be withheld when
53 the sponsor is a school district or the state board of education. The department
54 of elementary and secondary education shall remit the retained funds for each
55 charter school to the school's sponsor, provided the sponsor remains in good
56 standing by fulfilling its sponsorship obligations under sections 160.400 to
57 160.420 and 167.349, RSMo, with regard to each charter school it sponsors,
58 including appropriate demonstration of the following:

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

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

66 (3) Negotiates contracts with charter schools that clearly articulate the
67 rights and responsibilities of each party regarding school autonomy, expected

68 outcomes, measures for evaluating success or failure, performance consequences,
69 and other material terms;

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

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

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

78 11. No sponsor shall grant a charter under sections 160.400 to 160.420
79 and 167.349, RSMo, without ensuring that a criminal background check and child
80 abuse registry check are conducted for all members of the governing board of the
81 charter schools or the incorporators of the charter school if initial directors are
82 not named in the articles of incorporation, nor shall a sponsor renew a charter
83 without ensuring a criminal background check and child abuse registry check are
84 conducted for each member of the governing board of the charter school.

85 12. No member of the governing board of a charter school shall hold any
86 office or employment from the board or the charter school while serving as a
87 member, nor shall the member have any substantial interest, as defined in
88 section 105.450, RSMo, in any entity employed by or contracting with the board.
89 No board member shall be an employee of a company that provides substantial
90 services to the charter school. All members of the governing board of the charter
91 school shall be considered decision-making public servants as defined in section
92 105.450, RSMo, for the purposes of the financial disclosure requirements
93 contained in sections 105.483, 105.485, 105.487, and 105.489, RSMo.

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

98 14. The state board of education shall ensure each sponsor is in
99 compliance with all requirements under sections 160.400 to 160.420 and 167.349,
100 RSMo, for each charter school sponsored by any sponsor. The state board shall
101 notify each sponsor of the standards for sponsorship of charter schools,
102 delineating both what is mandated by statute and what best practices
103 dictate. The state board, after a public hearing, may require remedial action for

104 a sponsor that it finds has not fulfilled its obligations of sponsorship, such
105 remedial actions including withholding the sponsor's funding and suspending for
106 a period of up to one year the sponsor's authority to sponsor a school that it
107 currently sponsors or to sponsor any additional school. If the state board removes
108 the authority to sponsor a currently operating charter school, the state board
109 shall become the interim sponsor of the school for a period of up to three years
110 until the school finds a new sponsor or until the charter contract period lapses.

111 **15. In the event that a charter school loses its sponsor or has its**
112 **charter revoked or rescinded or the charter otherwise expires, the**
113 **governing board of the charter school and the local school district**
114 **where the charter school is located may enter into a contract to**
115 **continue operations of the charter school with the governing board of**
116 **the school district serving as the sponsor of the charter school.**

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

20 (1) The educational goals and objectives to be achieved by the charter
21 school;

22 (2) A description of the charter school's educational program and
23 curriculum;

24 (3) The term of the charter, which shall be not less than five years, nor
25 greater than ten years and shall be renewable;

26 (4) A description of the charter school's pupil performance standards,
27 which must meet the requirements of subdivision (6) of subsection 5 of this
28 section. The charter school program must be designed to enable each pupil to
29 achieve such standards;

30 (5) A description of the governance and operation of the charter school,
31 including the nature and extent of parental, professional educator, and
32 community involvement in the governance and operation of the charter school;
33 and

34 (6) A description of the charter school's policies on student discipline and
35 student admission, which shall include a statement, where applicable, of the
36 validity of attendance of students who do not reside in the district but who may
37 be eligible to attend under the terms of judicial settlements.

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

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

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

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

60 applicable; and

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

77 3. If a charter is approved by a sponsor, the charter application shall be
78 submitted to the state board of education, along with a statement of finding that
79 the application meets the requirements of sections 160.400 to 160.420 and section
80 167.439, RSMo, and a monitoring plan under which the charter sponsor will
81 evaluate the academic performance of students enrolled in the charter
82 school. The state board of education may, within sixty days, disapprove the
83 granting of the charter. The state board of education may disapprove a charter
84 on grounds that the application fails to meet the requirements of sections 160.400
85 to 160.420 and section 167.349, RSMo, or that a charter sponsor previously failed
86 to meet the statutory responsibilities of a charter sponsor.

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

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

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

92 (2) Comply with laws and regulations of the state, county, or city relating
93 to health, safety, and state minimum educational standards, as specified by the
94 state board of education, including the requirements relating to student discipline
95 under sections 160.261, 167.161, 167.164, and 167.171, RSMo, notification of

96 criminal conduct to law enforcement authorities under sections 167.115 to
97 167.117, RSMo, academic assessment under section 160.518, transmittal of school
98 records under section 167.020, RSMo, and the minimum number of school days
99 and hours required under section 160.041;

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

102 (4) Be financially accountable, use practices consistent with the Missouri
103 financial accounting manual, provide for an annual audit by a certified public
104 accountant, publish audit reports and annual financial reports as provided in
105 chapter 165, RSMo, provided that the annual financial report may be published
106 on the department of elementary and secondary education's Internet web site in
107 addition to other publishing requirements, and provide liability insurance to
108 indemnify the school, its board, staff and teachers against tort claims. A charter
109 school that receives local educational agency status under subsection 6 of this
110 section shall meet the requirements imposed by the Elementary and Secondary
111 Education Act for audits of such agencies. For purposes of an audit by petition
112 under section 29.230, RSMo, a charter school shall be treated as a political
113 subdivision on the same terms and conditions as the school district in which it is
114 located. For the purposes of securing such insurance, a charter school shall be
115 eligible for the Missouri public entity risk management fund pursuant to section
116 537.700, RSMo. A charter school that incurs debt must include a repayment plan
117 in its financial plan;

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

122 (6) (a) Design a method to measure pupil progress toward the pupil
123 academic standards adopted by the state board of education pursuant to section
124 160.514, collect baseline data during at least the first three years for determining
125 how the charter school is performing and to the extent applicable, participate in
126 the statewide system of assessments, comprised of the essential skills tests and
127 the nationally standardized norm-referenced achievement tests, as designated by
128 the state board pursuant to section 160.518, complete and distribute an annual
129 report card as prescribed in section 160.522, which shall also include a statement
130 that background checks have been completed on the charter school's board
131 members, report to its sponsor, the local school district, and the state board of

132 education as to its teaching methods and any educational innovations and the
133 results thereof, and provide data required for the study of charter schools
134 pursuant to subsection 4 of section 160.410. No charter school will be considered
135 in the Missouri school improvement program review of the district in which it is
136 located for the resource or process standards of the program.

137 (b) For proposed high risk or alternative charter schools, sponsors shall
138 approve performance measures based on mission, curriculum, teaching methods,
139 and services. Sponsors shall also approve comprehensive academic and
140 behavioral measures to determine whether students are meeting performance
141 standards on a different time frame as specified in that school's charter. Student
142 performance shall be assessed comprehensively to determine whether a high risk
143 or alternative charter school has documented adequate student progress. Student
144 performance shall be based on sponsor-approved comprehensive measures as well
145 as standardized public school measures. Annual presentation of charter school
146 report card data to the department of elementary and secondary education, the
147 state board, and the public shall include comprehensive measures of student
148 progress.

149 (c) Nothing in this [paragraph] **subdivision** shall be construed as
150 permitting a charter school to be held to lower performance standards than other
151 public schools within a district; however, the charter of a charter school may
152 permit students to meet performance standards on a different time frame as
153 specified in its charter;

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

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

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

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

165 **6. (1) Proposed or existing high risk or alternative charter**
166 **schools may include alternative arrangements for students to obtain**
167 **credit for satisfying graduation requirements in the school's charter**

168 **application and charter. Alternative arrangements may include, but**
169 **not be limited to, credit for off-campus instruction, embedded credit,**
170 **work experience through a paid or unpaid internship arranged through**
171 **the school, and independent studies. When the state board of education**
172 **approves the charter, any such alternative arrangements shall be**
173 **approved at such time.**

174 **(2) The department of elementary and secondary education shall**
175 **conduct a study of any charter school granted alternative arrangements**
176 **for students to obtain credit under this subsection after three years of**
177 **operation to assess student performance, graduation rates, educational**
178 **outcomes, and entry into the workforce or higher education.**

179 7. The charter of a charter school may be amended at the request of the
180 governing body of the charter school and on the approval of the sponsor. The
181 sponsor and the governing board and staff of the charter school shall jointly
182 review the school's performance, management and operations at least once every
183 two years or at any point where the operation or management of the charter
184 school is changed or transferred to another entity, either public or private. The
185 governing board of a charter school may amend the charter, if the sponsor
186 approves such amendment, or the sponsor and the governing board may reach an
187 agreement in writing to reflect the charter school's decision to become a local
188 educational agency for the sole purpose of seeking direct access to federal grants.
189 In such case the sponsor shall give the department of elementary and secondary
190 education written notice no later than March first of any year, with the
191 agreement to become effective July first. The department may waive the March
192 first notice date in its discretion. The department shall identify and furnish a list
193 of its regulations that pertain to local educational agencies to such schools within
194 thirty days of receiving such notice.

195 [7.] 8. (1) A sponsor shall revoke a charter or take other appropriate
196 remedial action, which may include placing the charter school on probationary
197 status, at any time if the charter school commits a serious breach of one or more
198 provisions of its charter or on any of the following grounds: failure to meet
199 academic performance standards as set forth in its charter, failure to meet
200 generally accepted standards of fiscal management, failure to provide information
201 necessary to confirm compliance with all provisions of the charter and sections
202 160.400 to 160.420 and 167.349, RSMo, within forty-five days following receipt of
203 written notice requesting such information, or violation of law.

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

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

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

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

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

223 **[8.] 9.** A sponsor shall take all reasonable steps necessary to confirm that
224 each charter school sponsored by such sponsor is in material compliance and
225 remains in material compliance with all material provisions of the charter and
226 sections 160.400 to 160.420 and 167.349, RSMo. Every charter school shall
227 provide all information necessary to confirm ongoing compliance with all
228 provisions of its charter and sections 160.400 to 160.420 and 167.349, RSMo, in
229 a timely manner to its sponsor.

230 **[9.] 10.** A school district may enter into a lease with a charter school for
231 physical facilities.

232 **[10.] 11.** A governing board or a school district employee who has control
233 over personnel actions shall not take unlawful reprisal against another employee
234 at the school district because the employee is directly or indirectly involved in an
235 application to establish a charter school. A governing board or a school district
236 employee shall not take unlawful reprisal against an educational program of the
237 school or the school district because an application to establish a charter school
238 proposes the conversion of all or a portion of the educational program to a charter
239 school. As used in this subsection, "unlawful reprisal" means an action that is

240 taken by a governing board or a school district employee as a direct result of a
241 lawful application to establish a charter school and that is adverse to another
242 employee or an educational program.

243 [11.] 12. Charter school board members shall be subject to the same
244 liability for acts while in office as if they were regularly and duly elected
245 members of school boards in any other public school district in this state. The
246 governing board of a charter school may participate, to the same extent as a
247 school board, in the Missouri public entity risk management fund in the manner
248 provided under sections 537.700 to 537.756, RSMo.

249 [12.] 13. Any entity, either public or private, operating, administering,
250 or otherwise managing a charter school shall be considered a quasi-public
251 governmental body and subject to the provisions of sections 610.010 to 610.035,
252 RSMo.

253 [13.] 14. The chief financial officer of a charter school shall maintain:

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

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

160.410. 1. A charter school shall enroll:

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

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

5 (3) **In the case of a charter school whose mission includes student**
6 **drop-out prevention or recovery, any nonresident pupil who is**
7 **considered high risk or a dropout who resides in a residential care**
8 **facility, a transitional living group home, or an independent living**
9 **program and whose last school of enrollment is in the school district**
10 **where the charter school is established, who submits a timely**
11 **application; and**

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

18 of employers.

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

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

27 (2) A charter school may also give a preference for admission of children
28 whose siblings attend the school or whose parents are employed at the school or
29 in the case of a workplace charter school, a child whose parent is employed in the
30 business district or at the business site of such school; **and**

31 **(3) A charter school whose mission includes student drop-out**
32 **prevention or recovery as described in subdivision (3) of subsection 1**
33 **of this section shall give preference for admission to resident pupils**
34 **over nonresident pupils.**

35 3. A charter school shall not limit admission based on race, ethnicity,
36 national origin, disability, gender, income level, proficiency in the English
37 language or athletic ability, but may limit admission to pupils within a given age
38 group or grade level. **A charter school may give a preference for**
39 **admission to high-risk students and dropouts, as defined in subdivision**
40 **(4) of subsection 2 of section 160.405.**

41 4. The department of elementary and secondary education shall
42 commission a study of the performance of students at each charter school in
43 comparison with an equivalent group of district students representing an
44 equivalent demographic and geographic population and a study of the impact of
45 charter schools upon the constituents they serve in the districts in which they are
46 located, to be conducted by the joint committee on education. The charter school
47 study shall include analysis of the administrative and instructional practices of
48 each charter school and shall include findings on innovative programs that
49 illustrate best practices and lend themselves to replication or incorporation in
50 other schools. The joint committee on education shall coordinate with individuals
51 representing charter [public] schools and the districts in which charter schools
52 are located in conducting the study. The study of a charter school's student
53 performance in relation to a comparable group shall be designed to provide

54 information that would allow parents and educators to make valid comparisons
55 of academic performance between the charter school's students and an equivalent
56 group of district students representing an equivalent demographic and geographic
57 population. The student performance assessment and comparison shall include,
58 but may not be limited to:

59 (1) Missouri assessment program test performance and aggregate growth
60 over several years;

61 (2) Student reenrollment rates;

62 (3) Educator, parent, and student satisfaction data;

63 (4) Graduation rates in secondary programs; and

64 (5) Performance of students enrolled in the same public school for three
65 or more consecutive years. The impact study shall be undertaken every two years
66 to determine the impact of charter schools on the constituents they serve in the
67 districts where charter schools are operated. The impact study shall include, but
68 is not limited to, determining if changes have been made in district policy or
69 procedures attributable to the charter school and to perceived changes in
70 attitudes and expectations on the part of district personnel, school board
71 members, parents, students, the business community and other education
72 stakeholders. The department of elementary and secondary education shall make
73 the results of the studies public and shall deliver copies to the governing boards
74 of the charter schools, the sponsors of the charter schools, the school board and
75 superintendent of the districts in which the charter schools are operated.

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

79 (1) The school's charter;

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

82 (3) The results of background checks on the charter school's board
83 members. The charter school may charge reasonable fees, not to exceed the rate
84 specified in section 610.026, RSMo, for furnishing copies of documents under this
85 subsection.

160.420. 1. Any school district in which charter schools may be
2 established under sections 160.400 to 160.420 shall establish a uniform policy
3 which provides that if a charter school offers to retain the services of an employee
4 of a school district, and the employee accepts a position at the charter school, an

5 employee at the employee's option may remain an employee of the district and the
6 charter school shall pay to the district the district's full costs of salary and
7 benefits provided to the employee. The district's policy shall provide that any
8 teacher who accepts a position at a charter school and opts to remain an employee
9 of the district retains such teacher's permanent teacher status and retains such
10 teacher's seniority rights in the district for three years. The school district shall
11 not be liable for any such employee's acts while an employee of the charter school.

12 2. A charter school may employ noncertificated instructional personnel;
13 provided that no more than twenty percent of the full-time equivalent
14 instructional staff positions at the school are filled by noncertificated personnel.
15 All noncertificated instructional personnel shall be supervised by certificated
16 instructional personnel. A charter school that has a foreign language immersion
17 experience as its chief educational mission, as stated in its charter, shall not be
18 subject to the twenty-percent requirement of this subsection but shall ensure that
19 any teachers whose duties include instruction given in a foreign language have
20 current valid credentials in the country in which such teacher received his or her
21 training and shall remain subject to the remaining requirements of this
22 subsection. The charter school shall ensure that all instructional employees of
23 the charter school have experience, training and skills appropriate to the
24 instructional duties of the employee, and the charter school shall ensure that a
25 criminal background check and child abuse registry check are conducted for each
26 employee of the charter school prior to the hiring of the employee. The charter
27 school may not employ instructional personnel whose certificate of license to
28 teach has been revoked or is currently suspended by the state board of
29 education. Appropriate experience, training and skills of noncertificated
30 instructional personnel shall be determined considering:

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

38 3. Personnel employed by the charter school shall participate in the
39 retirement system of the school district in which the charter school is located,
40 subject to the same terms, conditions, requirements and other provisions

41 applicable to personnel employed by the school district. For purposes of
42 participating in the retirement system, the charter school shall be considered to
43 be a public school within the school district, and personnel employed by the
44 charter school shall be public school employees. In the event of a lapse of the
45 school district's corporate organization as described in subsections 1 and 4 of
46 section 162.081, RSMo, personnel employed by the charter school shall continue
47 to participate in the retirement system and shall do so on the same terms,
48 conditions, requirements and other provisions as they participated prior to the
49 lapse.

50 4. [The charter school and a local school board may agree by contract for
51 services to be provided by the school district to the charter school. The charter
52 school may contract with any other entity for services. Such services may include
53 but are not limited to food service, custodial service, maintenance, management
54 assistance, curriculum assistance, media services and libraries and shall be
55 subject to negotiation between the charter school and the local school board or
56 other entity. Documented actual costs of such services shall be paid for by the
57 charter school.

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

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

65 7. (1) The proportionate share of state and federal resources generated
66 by students with disabilities or staff serving them shall be paid in full to charter
67 schools enrolling those students by their school district where such enrollment is
68 through a contract for services described in this section. The proportionate share
69 of money generated under other federal or state categorical aid programs shall
70 be directed to charter schools serving such students eligible for that aid.

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

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

76 9. A charter school is authorized to incur debt in anticipation of receipt

77 of funds. A charter school may also borrow to finance facilities and other capital
78 items. A school district may incur bonded indebtedness or take other measures
79 to provide for physical facilities and other capital items for charter schools that
80 it sponsors or contracts with. Upon the dissolution of a charter school, any
81 liabilities of the corporation will be satisfied through the procedures of chapter
82 355, RSMo.

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

85 11. The governing body of a charter school is authorized to accept grants,
86 gifts or donations of any kind and to expend or use such grants, gifts or
87 donations. A grant, gift or donation may not be accepted by the governing body
88 if it is subject to any condition contrary to law applicable to the charter school or
89 other public schools, or contrary to the terms of the charter.] **The instructional
90 employees of a charter school in circumstances described in subsection
91 15 of section 160.400 shall continue to be employees of the governing
92 board of the former charter school and shall not be considered
93 employees of the local school district; however, such instructional
94 employees shall meet all licensure and certification requirements as
95 determined by the department.**

160.522. 1. The department of elementary and secondary education shall
2 produce or cause to be produced, at least annually, a school accountability report
3 card for each public school district, each public school building in a school
4 district, and each charter school in the state. The report card shall be designed
5 to satisfy state and federal requirements for the disclosure of statistics about
6 students, staff, finances, academic achievement, and other indicators. The
7 purpose of the report card shall be to provide educational statistics and
8 accountability information for parents, taxpayers, school personnel, legislators,
9 and the print and broadcast news media in a standardized, easily accessible form.

10 2. The department of elementary and secondary education shall develop
11 a standard form for the school accountability report card. The information
12 reported shall include, but not be limited to, the district's most recent
13 accreditation rating, enrollment, rates of pupil attendance, high school dropout
14 rate and graduation rate, the number and rate of suspensions of ten days or
15 longer and expulsions of pupils, the district ratio of students to administrators
16 and students to classroom teachers, the average years of experience of
17 professional staff and advanced degrees earned, student achievement as

18 measured through the assessment system developed pursuant to section 160.518,
19 student scores on the ACT, along with the percentage of graduates taking the
20 test, average teachers' and administrators' salaries compared to the state
21 averages, average per pupil current expenditures for the district as a whole and
22 by attendance center as reported to the department of elementary and secondary
23 education, the adjusted tax rate of the district, assessed valuation of the district,
24 percent of the district operating budget received from state, federal, and local
25 sources, the percent of students eligible for free or reduced-price lunch, data on
26 the percent of students continuing their education in postsecondary programs,
27 [and] information about the job placement rate for students who complete district
28 vocational education programs, **whether the school district currently has**
29 **a state-approved gifted education program, and if the school has had**
30 **a state-approved gifted program within the last three years.**

31 3. The report card shall permit the disclosure of data on a school-by-school
32 basis, but the reporting shall not be personally identifiable to any student or
33 education professional in the state.

34 4. The report card shall identify each school or attendance center that has
35 been identified as a priority school under sections 160.720 and 161.092,
36 RSMo. The report also shall identify attendance centers that have been
37 categorized under federal law as needing improvement or requiring specific school
38 improvement strategies.

39 5. The report card shall not limit or discourage other methods of public
40 reporting and accountability by local school districts. Districts shall provide
41 information included in the report card to parents, community members, the print
42 and broadcast news media, and legislators by December first annually or as soon
43 thereafter as the information is available to the district, giving preference to
44 methods that incorporate the reporting into substantive official communications
45 such as student report cards. The school district shall provide a printed copy of
46 the district-level or school-level report card to any patron upon request and shall
47 make reasonable efforts to supply businesses such as, but not limited to, real
48 estate and employment firms with copies or other information about the reports
49 so that parents and businesses from outside the district who may be
50 contemplating relocation have access.

160.545. 1. There is hereby established within the department of
2 elementary and secondary education the "A+ Schools Program" to be administered
3 by the commissioner of education. The program shall consist of grant awards

4 made to public secondary schools that demonstrate a commitment to ensure that:
5 (1) All students be graduated from school;
6 (2) All students complete a selection of high school studies that is
7 challenging and for which there are identified learning expectations; and
8 (3) All students proceed from high school graduation to a college or
9 postsecondary vocational or technical school or high-wage job with work place
10 skill development opportunities.

11 2. The state board of education shall promulgate rules and regulations for
12 the approval of grants made under the program to schools that:

13 (1) Establish measurable districtwide performance standards for the goals
14 of the program outlined in subsection 1 of this section; and
15 (2) Specify the knowledge, skills and competencies, in measurable terms,
16 that students must demonstrate to successfully complete any individual course
17 offered by the school, and any course of studies which will qualify a student for
18 graduation from the school; and
19 (3) Do not offer a general track of courses that, upon completion, can lead
20 to a high school diploma; and
21 (4) Require rigorous coursework with standards of competency in basic
22 academic subjects for students pursuing vocational and technical education as
23 prescribed by rule and regulation of the state board of education; and
24 (5) Have a partnership plan developed in cooperation and with the advice
25 of local business persons, labor leaders, parents, and representatives of college
26 and postsecondary vocational and technical school representatives, with the plan
27 then approved by the local board of education. The plan shall specify a
28 mechanism to receive information on an annual basis from those who developed
29 the plan in addition to senior citizens, community leaders, and teachers to update
30 the plan in order to best meet the goals of the program as provided in subsection
31 1 of this section. Further, the plan shall detail the procedures used in the school
32 to identify students that may drop out of school and the intervention services to
33 be used to meet the needs of such students. The plan shall outline counseling
34 and mentoring services provided to students who will enter the work force upon
35 graduation from high school, address apprenticeship and intern programs, and
36 shall contain procedures for the recruitment of volunteers from the community
37 of the school to serve in schools receiving program grants.

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

40 other requirements.

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

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

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

76 7. The commissioner of education shall, by rule and regulation of the state
77 board of education and with the advice of the coordinating board for higher
78 education, establish a procedure for the reimbursement of the cost of tuition,
79 books and fees to any public community college or vocational or technical school
80 or within the limits established in subsection 9 of this section for any two-year
81 private vocational or technical school for any student:

82 (1) Who has attended a public high school in the state for at least three
83 years immediately prior to graduation that meets the requirements of subsection
84 2 of this section, except that students who are active duty military dependents,
85 **and students who are dependants of retired military who relocate to**
86 **Missouri within one year of the date of the parents retirement from**
87 **active duty**, who, in the school year immediately preceding graduation, meet all
88 other requirements of this subsection and are attending a school that meets the
89 requirements of subsection 2 of this section shall be exempt from the three-year
90 attendance requirement of this subdivision; and

91 (2) Who has made a good faith effort to first secure all available federal
92 sources of funding that could be applied to the reimbursement described in this
93 subsection; and

94 (3) Who has earned a minimal grade average while in high school as
95 determined by rule of the state board of education, and other requirements for the
96 reimbursement authorized by this subsection as determined by rule and
97 regulation of said board.

98 8. The commissioner of education shall develop a procedure for evaluating
99 the effectiveness of the program described in this section. Such evaluation shall
100 be conducted annually with the results of the evaluation provided to the governor,
101 speaker of the house, and president pro tempore of the senate.

102 9. For a two-year private vocational or technical school to obtain
103 reimbursements under subsection 7 of this section, the following requirements
104 shall be satisfied:

105 (1) Such two-year private vocational or technical school shall be a member
106 of the North Central Association and be accredited by the Higher Learning
107 Commission as of July 1, 2008, and maintain such accreditation;

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

111 (3) No two-year private vocational or technical school shall receive tuition

112 reimbursements in excess of the tuition rate charged by a public community
113 college for course work offered by the private vocational or technical school within
114 the service area of such college; and

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

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

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

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

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

17 **3.** Any rule or portion of a rule, as that term is defined in section 536.010,
18 RSMo, that is created under the authority delegated in this section shall become
19 effective only if it complies with and is subject to all of the provisions of chapter
20 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter
21 536, RSMo, are nonseverable and if any of the powers vested with the general
22 assembly pursuant to chapter 536, RSMo, to review, to delay the effective date
23 or to disapprove and annul a rule are subsequently held unconstitutional, then
24 the grant of rulemaking authority and any rule proposed or adopted after August
25 28, 2000, shall be invalid and void.

160.775. 1. Every district shall adopt an antibullying policy by September
2 1, 2007.

3 2. "Bullying" means intimidation or harassment that causes a reasonable
4 student to fear for his or her physical safety or property. Bullying may consist

5 of physical actions, including gestures, or oral, **cyberbullying, electronic,** or
6 written communication, and any threat of retaliation for reporting of such acts.

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

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

161.209. 1. The department of elementary and secondary education has
2 an affirmative duty to seek comment on its rules, regulations, and policies after
3 their final approval or implementation. The department shall undertake such
4 review on existing rules, regulations, and policies on an ad hoc, periodic basis
5 with a priority given to such rules, regulations, and policies that could
6 successfully be revised without affecting student achievement to accommodate
7 periods when there is no increase in the appropriation for basic state aid funding
8 pursuant to section 163.031, RSMo, from one fiscal year to the next or when
9 withholdings of appropriated funds result in a situation equivalent to no increase
10 in such appropriation.

11 **2. For fiscal years 2011, 2012, and 2013, if the appropriation for**
12 **subsections 1 and 2 of section 163.031 is less than the annualized**
13 **calculation of the amount needed for the phase-in required under**
14 **subsection 4 for that fiscal year or the appropriation for transportation**
15 **as provided in subsection 3 of section 163.031 is funded at a level that**
16 **provides less than seventy-five percent of allowable costs, the**
17 **department shall not penalize any district undergoing its accreditation**
18 **review for a failure to meet resource standards under the Missouri**
19 **school improvement program. If the governor withholds funds for the**
20 **school funding formula basic apportionment under section 163.031,**
21 **school districts undergoing accreditation review in the fiscal year**
22 **following the fiscal year of withholding shall not be penalized for**
23 **failure to meet resource standards under the Missouri school**
24 **improvement program.**

161.370. 1. There is hereby created in the state treasury the
2 "School Safety and School Violence Prevention Fund", which shall
3 consist of money collected under this section. The state treasurer shall
4 be custodian of the fund. In accordance with sections 30.170 and 30.180,
5 the state treasurer may approve disbursements. Upon appropriation,
6 money in the fund shall be used solely for the administration of this
7 section. Notwithstanding the provisions of section 33.080 to the
8 contrary, any moneys remaining in the fund at the end of the biennium
9 shall not revert to the credit of the general revenue fund. The state
10 treasurer shall invest moneys in the fund in the same manner as other
11 funds are invested. Any interest and moneys earned on such
12 investments shall be credited to the fund.

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

18 3. The department may contract with a non-profit organization
19 of its choosing on a cost-recovery basis that shall serve, under the
20 department's direction, as the statewide center for school safety and
21 school violence prevention and be available to provide services and
22 resources for all public school districts in the state.

23 4. The department shall provide funding from the school safety
24 and school violence prevention fund to the statewide center each
25 year. The center shall use such funds for staff salaries and benefits,
26 equipment, supplies, program materials, workshops, training sessions,
27 and other items directly related to carrying out the mission of the
28 center.

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

32 (1) Make violence prevention and intervention programs and
33 models available, as well as provide training in the areas of bullying
34 prevention, character education, conflict resolution, fight prevention
35 and intervention, Internet safety education, which shall include
36 cyberbullying prevention, peer mediation, post-trauma defusing and
37 debriefing, suicide prevention, human sensitivity awareness, violence

38 **prevention curriculum framework, and other related areas as**
39 **determined by the center and the department;**

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

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

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

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

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

48 **(7) Provide annual training programs for school safety**
49 **coordinators and provide an information network for these**
50 **coordinators;**

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

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

56 **6. The center shall furnish the department with an annual**
57 **budget each fiscal year, as well as a list of actual expenditures, at the**
58 **end of each fiscal year. The center shall also provide for the**
59 **department an annual year-end summary that highlights the different**
60 **services and programs provided by the center during the year, as well**
61 **as the number of schools that utilized each service or program. The**
62 **department shall make such information available to the legislature**
63 **annually.**

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

12 rule as approved for use in Missouri public schools. The program or programs of
13 instruction shall encourage nonviolent conflict resolution of problems facing
14 youth; present alternative constructive activities for the students; encourage
15 community participation in program instruction, including but not limited to
16 parents and law enforcement officials; and shall be administered as appropriate
17 for different grade levels and shall not be offered for academic credit.

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

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

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

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

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

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

**162.068. 1. By July 1, 2011, every school district shall adopt a
2 written policy on information that the district provides about former
3 employees, both certificated and noncertificated, to other public
4 schools. The policy shall include who is permitted to respond to
5 requests for information from potential employers and the information
6 the district would provide when responding to such a request. The
7 policy shall require that notice of this provision be provided to all
8 current employees and to all potential employers who contact the**

9 school district regarding the possible employment of a school district
10 employee.

11 2. Any school district that employs a person about whom the
12 children's division conducts an investigation involving allegations of
13 sexual misconduct with a student and reaches a finding of
14 substantiated shall immediately suspend the employment of such
15 person, notwithstanding any other provision of law, but the district
16 may return the person to his or her employment if the child abuse and
17 neglect review board's finding that the allegation is substantiated is
18 reversed by a court on appeal and becomes final. Nothing shall
19 preclude a school district from otherwise lawfully terminating the
20 employment of any employee about whom there has been a finding of
21 unsubstantiated resulting from an investigation by the children's
22 division involving allegations of sexual misconduct with a student.

23 3. Any school district employee who is permitted to respond to
24 requests for information regarding former employees under a policy
25 adopted by his or her school district under subsection 2 of this section
26 and who communicates only the information which such policy directs,
27 and who acts in good faith and without malice shall be immune against
28 any civil action for damages brought by the former employee arising
29 out of the communication of such information. If any such action is
30 brought, the school district employee may, at his or her option, request
31 the attorney general to defend him or her in such suit and the attorney
32 general shall provide such defense, except that if the attorney general
33 represents the school district or the department of elementary and
34 secondary education in a pending licensing matter under section
35 168.071 the attorney general shall not represent the school district
36 employee.

37 4. Notwithstanding the provisions of subsection 2 of this section,
38 if a district that has employed any employee whose job involves contact
39 with children receives allegations of sexual misconduct concerning the
40 employee and as a result of such allegations or as a result of such
41 allegations being substantiated by the child abuse and neglect review
42 board dismisses the employee or allows the employee to resign in lieu
43 of being fired and fails to disclose the allegations of sexual misconduct
44 when furnishing a reference for the former employee or responding to
45 a potential employer's request for information regarding such

46 employee, the district shall be directly liable for damages to any
47 student of a subsequent employing district who is found by a court of
48 competent jurisdiction to be a victim of the former employee's sexual
49 misconduct, and the district shall bear third-party liability to the
50 employing district for any legal liability, legal fees, costs, and expenses
51 incurred by the employing district caused by the failure to disclose
52 such information to the employing district.

53 5. If a school district has previously employed a person about
54 whom the children's division has conducted an investigation involving
55 allegations of sexual misconduct with a student and has reached a
56 finding of substantiated and another public school contacts the district
57 for a reference for the former employee, the district shall disclose the
58 results of the children's division's investigation to the public school.

162.069. 1. Every school district shall, by January 1, 2011,
2 promulgate a written policy concerning teacher-student communication
3 and employee-student communication. Such policy shall contain at
4 least the following elements:

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

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

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

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

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

21 (3) "Nonwork-related internet site", any internet website or web
22 page used by a teacher primarily for personal purposes and not for
23 educational purposes;

24 (4) "Work-related internet site", any internet website or web

25 **pages used by a teacher for educational purposes.**

26 **3. No teacher shall establish, maintain, or use a work-related**
27 **internet site unless such site is available to school administrators and**
28 **the child's legal custodian, physical custodian, or legal guardian.**

29 **4. No teacher shall establish, maintain, or use a nonwork-related**
30 **internet site which allows exclusive access with a current or former**
31 **student. Nothing in this subsection shall be construed as prohibiting**
32 **a teacher from establishing a nonwork related internet site, provided**
33 **the site is used in accordance with this section.**

34 **5. Every school district shall, by July 1, 2011, include in its**
35 **teacher and employee training, a component that provides up-to-date**
36 **and reliable information on identifying signs of sexual abuse in**
37 **children and danger signals of potentially abusive relationships**
38 **between children and adults. The training shall emphasize the**
39 **importance of mandatory reporting of abuse under section 210.115**
40 **including the obligation of mandated reporters to report suspected**
41 **abuse by other mandated reporters, and how to establish an**
42 **atmosphere of trust so that students feel their school has concerned**
43 **adults with whom they feel comfortable discussing matters related to**
44 **abuse.**

162.081. 1. Whenever any school district in this state fails or refuses in
2 any school year to provide for the minimum school term required by section
3 163.021, RSMo, or is classified unaccredited for two successive school years by the
4 state board of education, its corporate organization shall lapse **on a date**
5 **determined by the state board of education.** The corporate organization of
6 any school district that is classified as unaccredited shall lapse [on] **not prior**
7 **to June thirtieth of the second full school year of such unaccredited classification**
8 **after the school year during which the unaccredited classification is initially**
9 **assigned. The territory theretofore embraced within any district that lapses**
10 **pursuant to this section or any portion thereof may be attached to any district for**
11 **school purposes by the state board of education; but no school district, except a**
12 **district classified as unaccredited pursuant to section 163.023, RSMo, and section**
13 **160.538, RSMo, shall lapse where provision is lawfully made for the attendance**
14 **of the pupils of the district at another school district that is classified as**
15 **provisionally accredited or accredited by the state board of education.**

16 **2. Prior to or at the time any school district in this state shall lapse, but**

17 after the school district has been classified as unaccredited, the department of
18 elementary and secondary education shall conduct a public hearing at a location
19 in the unaccredited school district[. The purpose of the hearing shall be to:

- 20 (1) Review any plan by the district to return to accredited status; or
21 (2) Offer any technical assistance that can be provided to the district.]

22 **regarding the accreditation status of the school district.**

23 3. Except as otherwise provided in section 162.1100, in a metropolitan
24 school district or an urban school district containing most or all of a city with a
25 population greater than three hundred fifty thousand inhabitants and in any
26 other school district if the local board of education does not anticipate a return
27 to accredited status, the state board of education may appoint a special
28 administrative board to supervise the financial operations, maintain and preserve
29 the financial assets or, if warranted, continue operation of the educational
30 programs within the district or what provisions might otherwise be made in the
31 best interest of the education of the children of the district. The special
32 administrative board shall consist of two persons who are residents of the school
33 district, who shall serve without compensation, and a professional administrator,
34 who shall chair the board and shall be compensated, as determined by the state
35 board of education, in whole or in part with funds from the district.

36 4. Upon lapse of the district, the state board of education may:

37 (1) Appoint a special administrative board, if such a board has not already
38 been appointed, and authorize the special administrative board to retain the
39 authority granted to a board of education for the operation of all or part of the
40 district;

41 (2) Attach the territory of the lapsed district to another district or
42 districts for school purposes; [or]

43 (3) Establish one or more school districts within the territory of the lapsed
44 district, with a governance structure consistent with the laws applicable to
45 districts of a similar size, with the option of permitting a district to remain intact
46 for the purposes of assessing, collecting, and distributing property taxes, to be
47 distributed equitably on a weighted average daily attendance basis, but to be
48 divided for operational purposes, which shall take effect sixty days after the
49 adjournment of the regular session of the general assembly next following the
50 state board's decision unless a statute or concurrent resolution is enacted to
51 nullify the state board's decision prior to such effective date. The special
52 administrative board may retain the authority granted to a board of education for

53 the operation of the lapsed school district under the laws of the state in effect at
54 the time of the lapse; **or**

55 **(4) Allow continued governance by the existing school district**
56 **board of education under terms and conditions established by the state**
57 **board of education.**

58 5. The authority of the special administrative board shall expire at the
59 end of the third full school year following its appointment, unless extended by the
60 state board of education. If the lapsed district is reassigned, the special
61 administrative board shall provide an accounting of all funds, assets and
62 liabilities of the lapsed district and transfer such funds, assets, and liabilities of
63 the lapsed district as determined by the state board of education.

64 6. Upon recommendation of the special administrative board, the state
65 board of education may assign the funds, assets and liabilities of the lapsed
66 district to another district or districts. Upon assignment, all authority of the
67 special administrative board shall transfer to the assigned districts.

68 7. Neither the special administrative board nor any district or other entity
69 assigned territory, assets or funds from a lapsed district shall be considered a
70 successor entity for the purpose of employment contracts, unemployment
71 compensation payment pursuant to section 288.110, RSMo, or any other purpose.

72 8. If additional teachers are needed by a district as a result of increased
73 enrollment due to the annexation of territory of a lapsed or dissolved district,
74 such district shall grant an employment interview to any permanent teacher of
75 the lapsed or dissolved district upon the request of such permanent teacher.

76 9. (1) The governing body of a school district, upon an initial declaration
77 by the state board of education that such district is provisionally accredited, may,
78 and, upon an initial declaration by the state board of education that such district
79 is unaccredited, shall develop a plan to be submitted to the voters of the school
80 district to divide the school district if the district cannot attain accreditation
81 within three years of the initial declaration that such district is unaccredited. In
82 the case of such a district being declared unaccredited, such plan shall be
83 presented to the voters of the district before the district lapses. In the case of
84 such a district being declared provisionally accredited, such plan may be
85 presented before the close of the current accreditation cycle.

86 (2) The plan may provide that the school district shall remain intact for
87 the purposes of assessing, collecting and distributing taxes for support of the
88 schools, and the governing body of the district shall develop a plan for the

89 distribution of such taxes equitably on a per-pupil basis if the district selects this
90 option.

91 (3) The makeup of the new districts shall be racially balanced as far as
92 the proportions of students allow.

93 (4) If a majority of the district's voters approve the plan, the state board
94 of education shall cooperate with the local board of education to implement the
95 plan, which may include use of the provisions of this section to provide an orderly
96 transition to new school districts and achievement of accredited status for such
97 districts.

98 10. In the event that a school district with an enrollment in excess of five
99 thousand pupils lapses, no school district shall have all or any part of such lapsed
100 school district attached without the approval of the board of the receiving school
101 district.

162.720. 1. [Where a sufficient number of children are determined to be
2 gifted and their development requires programs or services beyond the level of
3 those ordinarily provided in regular public school programs, districts may
4 establish special programs for such gifted children.

5 **2.] Each school district shall identify which of the district's**
6 **students are academically gifted as established under the rules**
7 **prescribed by the department of elementary and secondary**
8 **education. The department shall develop a list of identification criteria**
9 **with emphasis on early identification.**

10 **2. Each school district may establish appropriate programs or**
11 **differentiated services for students who are identified as academically**
12 **gifted under subsection 1 of this section and whose educational needs**
13 **require programs or services beyond what is provided in the regular**
14 **public school program.**

15 **3. The state board of education shall determine standards for such**
16 **programs or services. Approval of such programs or services shall be made**
17 **by the state department of elementary and secondary education based upon**
18 **[project] applications submitted [by July fifteenth of each year] in a format and**
19 **at a time established by the department. Each school district shall**
20 **report annually to the department, by a date established by the**
21 **department on the programs or services provided to academically**
22 **gifted students.**

23 **4. Gifted programs and services shall be funded by the district**

24 from its basic state aid, except as further provided in this subsection:

25 (1) A district that formerly received categorical gifted funds may
26 determine an appropriate amount of funding by referring to its last
27 year of such categorical funding; and

28 (2) A district that did not provide a state-approved program or
29 services previously may determine an appropriate amount of funding
30 within its increases in basic state aid since fiscal year 2006.

31 The districts described in subdivisions (1) and (2) of this subsection and
32 a district receiving a payment under subsection 2 of section 163.031
33 that did not have such programs or services may use local funding to
34 support such programs or services.

162.1195. 1. Beginning in fiscal year 2013, the division of school
2 improvement within the department of elementary and secondary
3 education may ensure that each regional professional development
4 center in the state provides professional development educational
5 assistance for fine arts.

6 2. The emphasis may include the following:

7 (1) To act as a resource for school districts under the regional
8 office of professional development with regard to fine arts education,
9 as delivered by certified arts specialists, and the integration of the arts
10 into nonarts curricula;

11 (2) To work with school districts in staff development and
12 curriculum issues related to fine arts education and fine arts
13 integration;

14 (3) To collaborate with regional office of professional
15 development personnel and other regional personnel associated with
16 the regional office of professional development;

17 (4) To coordinate services available from other entities involved
18 in fine arts education and fine arts integration;

19 (5) To assist and support local school districts in providing fine
20 arts education and the integration of the fine arts; and

21 (6) To contribute to the development and implementation of in-
22 service training, regionally and statewide, which responds to the needs
23 of arts specialists, and other educators pertaining to the needs of
24 Missouri students in fine arts and the integration of the arts.

162.1196. 1. Each regional professional development center in
2 the state shall identify ways in which school districts can achieve

3 **efficiencies, become more cost effective, reduce costs, and reduce and**
4 **minimize duplicative operations, services, and purchasing, including**
5 **but not limited to the following:**

6 (1) **Allowing two or more adjacent school districts classified as**
7 **accredited by the state board of education to share a superintendent or**
8 **chief executive officer;**

9 (2) **Allowing two or more school districts to engage in group**
10 **purchases of supplies;**

11 (3) **Allowing two or more school districts to engage in group**
12 **purchases of life insurance, property insurance, and health insurance;**

13 (4) **Allowing two or more school districts to engage in group**
14 **administration of services for payroll, secretarial, human resources,**
15 **maintenance, sanitation, janitorial, and administrative assistance; and**

16 (5) **Allowing two or more school districts to engage in group**
17 **participation in a deferred compensation plan.**

18 **2. Regional professional development centers shall provide**
19 **assistance to school districts that choose to implement any of the**
20 **measures identified in subsection 1 of this section or any other measure**
21 **proposed by a regional professional development center or a school**
22 **district that would achieve cost savings or efficiencies for a school**
23 **district.**

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

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

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

11 (a) For the 2006-07 school year, the state revenue per weighted average
12 daily attendance received by a district from the state aid calculation under
13 subsections 1 and 4 of this section, as applicable, and the classroom trust fund
14 under section 163.043 shall not be less than the state revenue received by a
15 district in the 2005-06 school year from the foundation formula, line 14, gifted,

16 remedial reading, exceptional pupil aid, fair share, and free textbook payment
17 amounts multiplied by the sum of one plus the product of one-third multiplied by
18 the remainder of the dollar value modifier minus one, and dividing this product
19 by the weighted average daily attendance computed for the 2005-06 school year;

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

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

38 (d) **Except as provided in paragraph (e) of this subdivision,** for
39 each year subsequent to the 2008-09 school year, the amount shall be no less than
40 that computed in paragraph (c) of this subdivision, multiplied by the weighted
41 average daily attendance pursuant to section 163.036, less any increase in
42 revenue received from the classroom trust fund under section 163.043;

43 (e) **In any school year in which the foundation formula**
44 **appropriation under subsections 1, 2, and 4 of this section is**
45 **insufficient to fully fund the applicable percentages provided for in any**
46 **school year under subsection 4 of this section or is reduced by at least**
47 **one percent from the current year appropriation by the governor as**
48 **provided in Section 27 of Article IV of the Missouri Constitution and as**
49 **a result of said reduction the reduced appropriation is insufficient to**
50 **fully fund the applicable percentages provided for in any school year**
51 **under subsection 4 of this section, a reduction equal to the percentage**

52 **calculated in subdivision (13) of subsection 4 of this section shall be**
53 **levied against the payment calculated under paragraph (d) of this**
54 **subdivision;**

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

57 (a) For the 2006-07 school year, the state revenue received by a district
58 from the state aid calculation under subsections 1 and 4 of this section, as
59 applicable, and the classroom trust fund under section 163.043 shall not be less
60 than the greater of state revenue received by a district in the 2004-05 or 2005-06
61 school year from the foundation formula, line 14, gifted, remedial reading,
62 exceptional pupil aid, fair share, and free textbook payment amounts multiplied
63 by the sum of one plus the product of one-third multiplied by the remainder of the
64 dollar value modifier minus one;

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

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

80 (d) **Except as provided in paragraph (e) of this subdivision,** for
81 each year subsequent to the 2008-09 school year, the amount shall be no less than
82 that computed in paragraph (c) of this subdivision;

83 (e) **In any school year in which the foundation formula**
84 **appropriation under subsections 1, 2, and 4 of this section is**
85 **insufficient to fully fund the applicable percentages provided for in any**
86 **school year under subsection 4 of this section or is reduced by at least**
87 **one percent from the current year appropriation by the governor as**

88 **provided in section 27 of article IV of the Missouri Constitution and as**
89 **a result of said reduction the reduced appropriation is insufficient to**
90 **fully fund the applicable percentages provided for in any school year**
91 **under subsection 4 of this section, a reduction equal to the percentage**
92 **calculated in subdivision (13) of subsection 4 of this section shall be**
93 **levied against the payment calculated under paragraph (d) of this**
94 **subdivision;**

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

98 3. School districts that meet the requirements of section 163.021 shall
99 receive categorical add-on revenue as provided in this subsection. The categorical
100 add-on for the district shall be the sum of: seventy-five percent of the district
101 allowable transportation costs under section 163.161; the career ladder
102 entitlement for the district, as provided for in sections 168.500 to 168.515, RSMo;
103 the vocational education entitlement for the district, as provided for in section
104 167.332, RSMo; and the district educational and screening program entitlements
105 as provided for in sections 178.691 to 178.699, RSMo. The categorical add-on
106 revenue amounts may be adjusted to accommodate available appropriations.

107 4. In the 2006-07 school year and each school year thereafter for **[five] ten**
108 years, those districts entitled to receive state aid under the provisions of
109 subsection 1 of this section shall receive state aid in an amount as provided in
110 this subsection.

111 (1) For the 2006-07 school year, the amount shall be fifteen percent of the
112 amount of state aid calculated for the district for the 2006-07 school year under
113 the provisions of subsection 1 of this section, plus eighty-five percent of the total
114 amount of state revenue received by the district for the 2005-06 school year from
115 the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid,
116 fair share, and free textbook payments less any amounts received under section
117 163.043.

118 (2) For the 2007-08 school year, the amount shall be thirty percent of the
119 amount of state aid calculated for the district for the 2007-08 school year under
120 the provisions of subsection 1 of this section, plus seventy percent of the total
121 amount of state revenue received by the district for the 2005-06 school year from
122 the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid,
123 fair share, and free textbook payments less any amounts received under section

124 163.043.

125 (3) For the 2008-09 school year, the amount of state aid shall be forty-four
126 percent of the amount of state aid calculated for the district for the 2008-09
127 school year under the provisions of subsection 1 of this section plus fifty-six
128 percent of the total amount of state revenue received by the district for the
129 2005-06 school year from the foundation formula, line 14, gifted, remedial
130 reading, exceptional pupil aid, fair share, and free textbook payments less any
131 amounts received under section 163.043.

132 (4) For the 2009-10 school year, the amount of state aid shall be fifty-eight
133 percent of the amount of state aid calculated for the district for the 2009-10
134 school year under the provisions of subsection 1 of this section plus forty-two
135 percent of the total amount of state revenue received by the district for the
136 2005-06 school year from the foundation formula, line 14, gifted, remedial
137 reading, exceptional pupil aid, fair share, and free textbook payments less any
138 amounts received under section 163.043.

139 (5) For the 2010-11 school year, the amount of state aid shall be
140 ~~[seventy-two]~~ **fifty** percent of the amount of state aid calculated for the district
141 for the 2010-11 school year under the provisions of subsection 1 of this section
142 plus ~~[twenty-eight]~~ **fifty** percent of the total amount of state revenue received by
143 the district for the 2005-06 school year from the foundation formula, line 14,
144 gifted, remedial reading, exceptional pupil aid, fair share, and free textbook
145 payments less any amounts received under section 163.043.

146 (6) For the 2011-12 school year, the amount of state aid shall be
147 ~~[eighty-six]~~ **fifty** percent of the amount of state aid calculated for the district for
148 the 2011-12 school year under the provisions of subsection 1 of this section plus
149 ~~[fourteen]~~ **fifty** percent of the total amount of state revenue received by the
150 district for the 2005-06 school year from the foundation formula, line 14, gifted,
151 remedial reading, exceptional pupil aid, fair share, and free textbook payments
152 less any amounts received under section 163.043.

153 (7) **For the 2012-13 school year, the amount of state aid shall be**
154 **fifty-five percent of the amount of state aid calculated for the district**
155 **for the 2012-13 school year under the provisions of subsection 1 of this**
156 **section plus forty-five percent of the total amount of state revenue**
157 **received by the district for the 2005-06 school year from the foundation**
158 **formula, line 14, gifted, remedial reading, exceptional pupil aid, fair**
159 **share, and free textbook payments less any amounts received under**

160 section 163.043.

161 (8) For the 2013-14 school year, the amount of state aid shall be
162 sixty percent of the amount of state aid calculated for the district for
163 the 2013-14 school year under the provisions of subsection 1 of this
164 section plus forty percent of the total amount of state revenue received
165 by the district for the 2005-06 school year from the foundation formula,
166 line 14, gifted, remedial reading, exceptional pupil aid, fair share, and
167 free textbook payments less any amounts received under section
168 163.043.

169 (9) For the 2014-15 school year, the amount of state aid shall be
170 seventy percent of the amount of state aid calculated for the district for
171 the 2014-15 school year under the provisions of subsection 1 of this
172 section plus thirty percent of the total amount of state revenue
173 received by the district for the 2005-06 school year from the foundation
174 formula, line 14, gifted, remedial reading, exceptional pupil aid, fair
175 share, and free textbook payments less any amounts received under
176 section 163.043.

177 (10) For the 2015-16 school year, the amount of state aid shall be
178 eighty percent of the amount of state aid calculated for the district for
179 the 2015-16 school year under the provisions of subsection 1 of this
180 section plus twenty percent of the total amount of state revenue
181 received by the district for the 2005-06 school year from the foundation
182 formula, line 14, gifted, remedial reading, exceptional pupil aid, fair
183 share, and free textbook payments less any amounts received under
184 section 163.043.

185 (11) For the 2016-17 school year, the amount of state aid shall be
186 ninety percent of the amount of state aid calculated for the district for
187 the 2016-17 school year under the provisions of subsection 1 of this
188 section plus ten percent of the total amount of state revenue received
189 by the district for the 2005-06 school year from the foundation formula,
190 line 14, gifted, remedial reading, exceptional pupil aid, fair share, and
191 free textbook payments less any amounts received under section
192 163.043.

193 (12) The provisions of this subsection shall not prohibit the
194 general assembly from appropriating more funds than required to fund
195 the applicable percentages provided for in any school year under this
196 subsection. In such an instance, the department of elementary and

197 secondary education shall adjust such phase-in percentages in order to
198 accommodate the total amount of available appropriations so that such
199 percentages equal one hundred percent and the total amount of the
200 appropriated funds is distributed.

201 (13) For any school year governed by this subsection, if the
202 foundation formula appropriation under subsections 1, 2, and 4 of this
203 section is insufficient to fully fund the applicable percentages provided
204 for in any school year under subsection 4 of this section or is reduced
205 by at least one percent from the current year appropriation by the
206 governor as provided in section 27 of article IV of the Missouri
207 Constitution and as a result of said reduction the reduced
208 appropriation is insufficient to fully fund the applicable percentages
209 provided for in any school year under subsection 4 of this section, the
210 department of elementary and secondary education shall reduce the
211 payment amounts awarded to all districts, including those districts that
212 qualify under subsection 2 of this section. The department shall
213 calculate a uniform proportional reduction percentage based on all
214 available foundation formula state aid for the given school year to be
215 applied to the payment amount to which all districts would otherwise
216 be entitled under the applicable phase-in percentage for the applicable
217 school year as provided in this subsection;

218 (14) (a) Notwithstanding subdivision (18) of section 163.011, the state
219 adequacy target may not be adjusted downward to accommodate available
220 appropriations in any year governed by this subsection.

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

228 b. For the 2007-08 school year, if a school district experiences a decrease
229 in summer school average daily attendance of more than thirty percent from the
230 district's 2005-06 summer school average daily attendance, an amount equal to
231 the product of the percent reduction that is in excess of thirty percent of the
232 district's summer school average daily attendance multiplied by the funds

233 generated by the district's summer school program in the 2005-06 school year
234 shall be subtracted from the district's payment amount.

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

242 d. Notwithstanding the provisions of this paragraph, no such reduction
243 shall be made in the case of a district that is receiving a payment under section
244 163.044 or any district whose regular school term average daily attendance for
245 the preceding year was three hundred fifty or less.

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

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

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

263 6. (1) No less than seventy-five percent of the state revenue received
264 under the provisions of subsections 1, 2, and 4 of this section shall be placed in
265 the teachers' fund, and the remaining percent of such moneys shall be placed in
266 the incidental fund. No less than seventy-five percent of one-half of the funds
267 received from the school district trust fund distributed under section 163.087
268 shall be placed in the teachers' fund. One hundred percent of revenue received

269 under the provisions of section 163.161 shall be placed in the incidental
270 fund. One hundred percent of revenue received under the provisions of sections
271 168.500 to 168.515, RSMo, shall be placed in the teachers' fund.

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

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

276 (b) An amount equal to at least seventy-five percent of one-half of the
277 funds received from the school district trust fund distributed under section
278 163.087 during the preceding school year; and

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

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

163.036. 1. In computing the amount of state aid a school district is
2 entitled to receive for the minimum school term only under section 163.031, a
3 school district may use an estimate of the weighted average daily attendance for

4 the current year, or the weighted average daily attendance for the immediately
5 preceding year or the weighted average daily attendance for the second preceding
6 school year, whichever is greater. Beginning with the 2006-07 school year, the
7 summer school attendance included in the average daily attendance as defined
8 in subdivision (2) of section 163.011 shall include only the attendance hours of
9 pupils that attend summer school in the current year. **Beginning with the**
10 **2010-2011 school year, the summer school attendance included in the**
11 **payment weighted average daily attendance calculation shall include**
12 **only the current year summer school attendance hours of pupils based**
13 **exclusively on academic areas of study. The curriculum shall be based**
14 **on core subject areas of the regular instruction program for the**
15 **relevant grade levels. In order for summer school attendance to be**
16 **included in the average daily attendance definition, each school district**
17 **shall verify to the department of elementary and secondary education**
18 **that the district's summer school program conforms to this**
19 **subsection. This subsection shall not be construed to disallow a school**
20 **district from providing a summer school program that offers**
21 **nonacademic or enrichment activities at such district's expense. No**
22 **more than ten percent of a school district's weighted average daily**
23 **attendance shall be derived from summer school attendance, except for**
24 **any district with a free and reduced lunch population in excess of**
25 **seventy-five percent, which may have up to twenty-five percent of**
26 **weighted average daily attendance derived from summer school**
27 **attendance.** Beginning with the 2004-05 school year, when a district's official
28 calendar for the current year contributes to a more than ten percent reduction in
29 the average daily attendance for kindergarten compared to the immediately
30 preceding year, the payment attributable to kindergarten shall include only the
31 current year kindergarten average daily attendance. Any error made in the
32 apportionment of state aid because of a difference between the actual weighted
33 average daily attendance and the estimated weighted average daily attendance
34 shall be corrected as provided in section 163.091, except that if the amount paid
35 to a district estimating weighted average daily attendance exceeds the amount
36 to which the district was actually entitled by more than five percent, interest at
37 the rate of six percent shall be charged on the excess and shall be added to the
38 amount to be deducted from the district's apportionment the next succeeding
39 year.

40 2. Notwithstanding the provisions of subsection 1 of this section or any
41 other provision of law, the state board of education shall make an adjustment for
42 the immediately preceding year for any increase in the actual weighted average
43 daily attendance above the number on which the state aid in section 163.031 was
44 calculated. Said adjustment shall be made in the manner providing for correction
45 of errors under subsection 1 of this section.

46 3. Any error made in the apportionment of state aid because of a
47 difference between the actual equalized assessed valuation for the current year
48 and the estimated equalized assessed valuation for the current year shall be
49 corrected as provided in section 163.091, except that if the amount paid to a
50 district estimating current equalized assessed valuation exceeds the amount to
51 which the district was actually entitled, interest at the rate of six percent shall
52 be charged on the excess and shall be added to the amount to be deducted from
53 the district's apportionment the next succeeding year.

54 4. For the purposes of distribution of state school aid pursuant to section
55 163.031, a school district with ten percent or more of its assessed valuation that
56 is owned by one person or corporation as commercial or personal property who is
57 delinquent in a property tax payment may elect, after receiving notice from the
58 county clerk on or before March fifteenth that more than ten percent of its
59 current taxes due the preceding December thirty-first by a single property owner
60 are delinquent, to use in the local effort calculation of the state aid formula the
61 district's equalized assessed valuation for the preceding year or the actual
62 assessed valuation of the year for which the taxes are delinquent less the
63 assessed valuation of property for which the current year's property tax is
64 delinquent. To qualify for use of the actual assessed valuation of the year for
65 which the taxes are delinquent less the assessed valuation of property for which
66 the current year's property tax is delinquent, a district must notify the
67 department of elementary and secondary education on or before April first, except
68 in the year enacted, of the current year amount of delinquent taxes, the assessed
69 valuation of such property for which delinquent taxes are owed and the total
70 assessed valuation of the district for the year in which the taxes were due but not
71 paid. Any district giving such notice to the department of elementary and
72 secondary education shall present verification of the accuracy of such notice
73 obtained from the clerk of the county levying delinquent taxes. When any of the
74 delinquent taxes identified by such notice are paid during a four-year period
75 following the due date, the county clerk shall give notice to the district and the

76 department of elementary and secondary education, and state aid paid to the
77 district shall be reduced by an amount equal to the delinquent taxes received plus
78 interest. The reduction in state aid shall occur over a period not to exceed five
79 years and the interest rate on excess state aid not refunded shall be six percent
80 annually.

81 5. If a district receives state aid based on equalized assessed valuation as
82 determined by subsection 4 of this section and if prior to such notice the district
83 was paid state aid pursuant to section 163.031, the amount of state aid paid
84 during the year of such notice and the first year following shall equal the sum of
85 state aid paid pursuant to section 163.031 plus the difference between the state
86 aid amount being paid after such notice minus the amount of state aid the district
87 would have received pursuant to section 163.031 before such notice. To be
88 eligible to receive state aid based on this provision the district must levy during
89 the first year following such notice at least the maximum levy permitted school
90 districts by article X, section 11(b) of the Missouri Constitution and have a
91 voluntary rollback of its tax rate which is no greater than one cent per one
92 hundred dollars assessed valuation.

**163.410. 1. Notwithstanding the provisions of section 163.021, in
2 fiscal years 2011, 2012, and 2013, if the appropriation for subsections 1
3 and 2 of section 163.031 is less than the annualized calculation of the
4 amount needed for the phase-in required under subsection 4 for that
5 fiscal year or the appropriation for transportation as provided in
6 subsection 3 of section 163.031 is funded at a level that provides less
7 than seventy-five percent of allowable costs, school districts shall be
8 excused from compliance with:**

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

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

13 **2. If the governor withholds funds for the school funding formula
14 basic apportionment under section 163.031, in fiscal years 2011, 2012,
15 and 2013, school districts shall be excused from compliance with the
16 statutes listed in subsection 1 of this section in the following fiscal
17 year.**

167.020. 1. As used in this section, the term "homeless child" or
2 "homeless youth" shall [mean a person less than twenty-one years of age who

3 lacks a fixed, regular and adequate nighttime residence, including a child or
4 youth who:

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

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

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

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

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

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

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

37 3. Any person subject to the requirements of subsection 2 of this section
38 may request a waiver from the district board of any of those requirements on the

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

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

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

60 6. Subsection 2 of this section shall not apply to a pupil who is a homeless
61 child or youth, or a pupil attending a school not in the pupil's district of residence
62 as a participant in an interdistrict transfer program established under a
63 court-ordered desegregation program, a pupil who is a ward of the state and has
64 been placed in a residential care facility by state officials, a pupil who has been
65 placed in a residential care facility due to a mental illness or developmental
66 disability, a pupil attending a school pursuant to sections 167.121 and 167.151,
67 a pupil placed in a residential facility by a juvenile court, a pupil with a disability
68 identified under state eligibility criteria if the student is in the district for
69 reasons other than accessing the district's educational program, or a pupil
70 attending a regional or cooperative alternative education program or an
71 alternative education program on a contractual basis.

72 7. Within two business days of enrolling a pupil, the school official
73 enrolling a pupil, including any special education pupil, shall request **all**
74 **education records deemed necessary by the school official for**

75 **enrollment, including but not limited to** those records required by district
76 policy for student transfer, **individual education plans, health records,** and
77 those discipline records required by subsection 9 of section 160.261, RSMo, from
78 all schools previously attended by the pupil within the last twelve months. Any
79 school district that receives a request for such records from another school district
80 **or private or parochial school** enrolling a pupil that had previously attended
81 a school in such district shall respond to such request within five business days
82 of receiving the request. School districts may report or disclose education records
83 to law enforcement [and], juvenile justice authorities, **or other state or local**
84 **officials** if the disclosure concerns law enforcement's or juvenile justice
85 authorities' ability to effectively serve, prior to adjudication, the student whose
86 records are released. The officials and authorities to whom such information is
87 disclosed must comply with applicable restrictions set forth in 20 U.S.C. Section
88 1232g (b)(1)(E).

167.022. Consistent with the provisions of section 167.020, within
2 [forty-eight hours] **two business days** of enrolling a nonresident pupil placed
3 pursuant to sections 210.481 to 210.536, RSMo, the school official enrolling a
4 pupil, including any special education pupil, shall request **all education**
5 **records deemed necessary by the school official for enrollment,**
6 **including but not limited to** those records required by district policy for
7 student transfer, **individual education plans, health records,** and those
8 discipline records required by subsection [7] **9** of section 160.261, RSMo, from all
9 schools and other facilities previously attended by the pupil and from other state
10 agencies as enumerated in section 210.518, RSMo, and any entities involved with
11 the placement of the student within the last twenty-four months. Any request for
12 records under this section shall include, if applicable to the student, any records
13 relating to an act of violence as defined under subsection [7] **9** of section
14 [160.262] **160.261**, RSMo.

167.023. **1. When a student is found to have committed a**
2 **reportable offense under subdivisions (1) to (25) of subsection 2 of**
3 **section 160.261, the school district shall provide notice of such**
4 **reportable offense to any school district or private or parochial school**
5 **to which the student transfers or enrolls. In addition, if the student**
6 **has been certified for trial as an adult under section 211.071, then the**
7 **school district shall attach notice of the commission of the reportable**
8 **offense to the student's disciplinary record. However, if the student is**

9 under the jurisdiction of the juvenile court, the school shall attach a
10 notice to the student's disciplinary record stating only that a
11 reportable offense under subdivisions (1) to (25) of subsection 2 of
12 section 160.261 has been committed by the student. Expungement of
13 school disciplinary records may occur in accordance with section
14 167.026.

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

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

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

- 8 (1) First degree murder under section 565.020, RSMo;
- 9 (2) Second degree murder under section 565.021, RSMo;
- 10 (3) Kidnapping under section 565.110, RSMo;
- 11 (4) First degree assault under section 565.050, RSMo;
- 12 (5) Forcible rape under section 566.030, RSMo;
- 13 (6) Forcible sodomy under section 566.060, RSMo;
- 14 (7) Burglary in the first degree under section 569.160, RSMo;

- 15 (8) **Burglary in the second degree under section 569.170;**
16 (9) Robbery in the first degree under section 569.020, RSMo;
17 [(9)] (10) Distribution of drugs under section 195.211, RSMo;
18 [(10)] (11) Distribution of drugs to a minor under section 195.212, RSMo;
19 [(11)] (12) Arson in the first degree under section 569.040, RSMo;
20 [(12)] (13) Voluntary manslaughter under section 565.023, RSMo;
21 [(13)] (14) Involuntary manslaughter under section 565.024, RSMo;
22 [(14)] (15) Second degree assault under section 565.060, RSMo;
23 [(15)] (16) Sexual assault under section 566.040, RSMo;
24 [(16)] (17) Felonious restraint under section 565.120, RSMo;
25 [(17)] (18) Property damage in the first degree under section 569.100,
26 RSMo;
27 [(18)] (19) The possession of a weapon under chapter 571, RSMo;
28 [(19)] (20) Child molestation in the first degree pursuant to section
29 566.067, RSMo;
30 [(20)] (21) Deviate sexual assault pursuant to section 566.070, RSMo;
31 [(21)] (22) Sexual misconduct involving a child pursuant to section
32 566.083, RSMo; [or]
33 [(22)] (23) Sexual abuse pursuant to section 566.100, RSMo;
34 **(24) Harassment under section 565.090; or**
35 **(25) Stalking under section 565.225.**

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

46 3. The superintendent or the designee of the superintendent shall report
47 such information to **all teachers at the student's attendance center and to**
48 **any** other school district employees with a need to know while acting within the
49 scope of their assigned duties. Any information received by school district
50 officials pursuant to this section shall be received in confidence and used for the

51 limited purpose of assuring that good order and discipline is maintained in the
52 school. This information shall not be used as the sole basis for not providing
53 educational services to a public school pupil.

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

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

61 6. Upon the transfer of any pupil described in this section to any other
62 school district in this state, the superintendent or the superintendent's designee
63 shall forward the written notification given to the superintendent pursuant to
64 subsection 2 of this section to the superintendent of the new school district in
65 which the pupil has enrolled. Such written notification shall be required again
66 in the event of any subsequent transfer by the pupil.

67 7. As used in this section, the terms "school" and "school district" shall
68 include any charter, private or parochial school or school district, and the term
69 "superintendent" shall include the principal or equivalent chief school officer in
70 the cases of charter, private or parochial schools.

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

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

13 enforcement agency in accordance with such agreement.

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

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

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

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

**167.128. 1. Notwithstanding the provisions of section 167.121, a
2 student who rides a bus to a school in his or her district of residence
3 with a travel time of more than one hour each way may, with the
4 approval of both the student's school district of residence and the
5 receiving district, enroll in the receiving district to attend a school if
6 the travel time to that school is one-half or less of the travel time to the
7 school in the student's residence district.**

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

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

167.151. 1. The school board of any district, in its discretion, may admit
2 to the school pupils not entitled to free instruction and prescribe the tuition fee
3 to be paid by them, except as provided in sections 167.121 and 167.131. **The
4 school board of any district may, in its discretion, allow the children of**

5 **teachers or regular employees of the district not otherwise entitled to**
6 **free instruction in the district to attend school in the district and may**
7 **prescribe the tuition fee, if any, to be paid by them irrespective of**
8 **whether the district admits other pupils not entitled to free instruction**
9 **in the district.**

10 2. Orphan children, children with only one parent living, and children
11 whose parents do not contribute to their support--if the children are between the
12 ages of six and twenty years and are unable to pay tuition--may attend the
13 schools of any district in the state in which they have a permanent or temporary
14 home without paying a tuition fee.

15 3. Any person who pays a school tax in any other district than that in
16 which he resides may send his children to any public school in the district in
17 which the tax is paid and receive as a credit on the amount charged for tuition
18 the amount of the school tax paid to the district; except that any person who owns
19 real estate of which eighty acres or more are used for agricultural purposes and
20 upon which his residence is situated may send his children to public school in any
21 school district in which a part of such real estate, contiguous to that upon which
22 his residence is situated, lies and shall not be charged tuition therefor; so long
23 as thirty-five percent of the real estate is located in the school district of
24 choice. The school district of choice shall count the children in its average daily
25 attendance for the purpose of distribution of state aid through the foundation
26 formula.

27 4. Any owner of agricultural land who, pursuant to subsection 3 of this
28 section, has the option of sending his children to the public schools of more than
29 one district shall exercise such option as provided in this subsection. Such person
30 shall send written notice to all school districts involved specifying to which school
31 district his children will attend by June thirtieth in which such a school year
32 begins. If notification is not received, such children shall attend the school in
33 which the majority of his property lies. Such person shall not send any of his
34 children to the public schools of any district other than the one to which he has
35 sent notice pursuant to this subsection in that school year or in which the
36 majority of his property lies without paying tuition to such school district.

37 [5. If a pupil is attending school in a district other than the district of
38 residence and the pupil's parent is teaching in the school district or is a regular
39 employee of the school district which the pupil is attending, then the district in
40 which the pupil attends school shall allow the pupil to attend school upon

41 payment of tuition in the same manner in which the district allows other pupils
42 not entitled to free instruction to attend school in the district. The provisions of
43 this subsection shall apply only to pupils attending school in a district which has
44 an enrollment in excess of thirteen thousand pupils and not in excess of fifteen
45 thousand pupils and which district is located in a county of the first classification
46 with a charter form of government which has a population in excess of six
47 hundred thousand persons and not in excess of nine hundred thousand persons.]

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

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

28 3. The school board shall make a good-faith effort to have the parents or
29 others having custodial care present at any such hearing. Notwithstanding any

30 other provision of law to the contrary, student discipline hearings or proceedings
31 related to the rights of students to attend school or to receive academic credit
32 shall not be required to comply with the requirements applicable to contested
33 case hearings as provided in chapter 536, RSMo, provided that appropriate due
34 process procedures shall be observed which shall include the right for a trial de
35 novo by the circuit court.

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

30 2. A school district may contract with other political subdivisions, public

31 agencies, not-for-profit organizations, or private agencies for the provision of
32 alternative education services for students whose demonstrated disruptive
33 behavior indicates that they cannot be adequately served in the traditional
34 classroom setting. Such contracting may be included as part of a grant
35 application pursuant to section 167.335 or conducted independent of the
36 provisions of section 167.335.

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

4 2. No employee of any school district may be required to administer
5 medication or medical services for which the employee is not qualified according
6 to standard medical practices. No **unqualified** employee who refuses to [violate
7 this provision] **administer medication or medical services** shall be subject
8 to any disciplinary action for such refusal. Nothing herein shall be construed to
9 prevent any employee from providing routine first aid, provided that any
10 employee shall be held harmless **and immune** from any liability if such
11 employee is following a proper procedure adopted by the local school board.

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

167.624. Each school board in the state, if the school district does not
2 presently have a program as described below, may develop and implement a
3 program to train the students **and employees** of the district in the
4 administration of cardiopulmonary resuscitation and other lifesaving methods,
5 as they determine best, and may consult the department of public safety, the
6 state fire marshal's office, the local fire protection authorities, and others as the
7 board sees fit. The board may make completion of the program a requirement for
8 graduation. **Any trained employee shall be held harmless and immune**
9 **from any civil liability for administering cardiopulmonary resuscitation**
10 **and other lifesaving methods in good faith and according to standard**
11 **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
3 the treatment of asthma or anaphylaxis, including without limitation inhaled
4 bronchodilators and auto-injectible epinephrine;

5 (2) "Self-administration", a pupil's discretionary use of medication

6 prescribed by a physician or under a written treatment plan from a physician.

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

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

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

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

23 (4) The pupil's parent or guardian has completed and submitted to the
24 school any written documentation required by the school, including the treatment
25 plan required under subdivision (3) of this subsection and the liability statement
26 required under subdivision (5) of this subsection; and

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

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

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

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

40 4. Any current duplicate prescription medication, if provided by a pupil's
41 parent or guardian or by the school, shall be kept at a pupil's school in a location

42 at which the pupil or school staff has immediate access in the event of an asthma
43 or anaphylaxis emergency.

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

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

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

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

168.017. **No school district or the department of elementary and**
2 **secondary education shall consider whether the applicant's completion**
3 **of the required number of semester hours occurred at a postsecondary**
4 **institution for religious or theological studies when issuing a substitute**
5 **Missouri certificate of license to teach.**

168.021. 1. Certificates of license to teach in the public schools of the
2 state shall be granted as follows:

- 3 (1) By the state board, under rules and regulations prescribed by it:
4 (a) Upon the basis of college credit;
5 (b) Upon the basis of examination;
6 (2) By the state board, under rules and regulations prescribed by the state

7 board with advice from the advisory council established by section 168.015 to any
8 individual who presents to the state board a valid doctoral degree from an
9 accredited institution of higher education accredited by a regional accrediting
10 association such as North Central Association. Such certificate shall be limited
11 to the major area of postgraduate study of the holder, shall be issued only after
12 successful completion of the examination required for graduation pursuant to
13 rules adopted by the state board of education, and shall be restricted to those
14 certificates established pursuant to subdivision (1) of subsection 3 of this section;

15 (3) By the state board, which shall issue the professional certificate
16 classification in both the general and specialized areas most closely aligned with
17 the current areas of certification approved by the state board, commensurate with
18 the years of teaching experience of the applicant, and based upon the following
19 criteria:

20 (a) Recommendation of a state-approved baccalaureate-level teacher
21 preparation program;

22 (b) Successful attainment of the Missouri qualifying score on the exit
23 assessment for teachers or administrators designated by the state board of
24 education. Applicants who have not successfully achieved a qualifying score on
25 the designated examinations will be issued a two-year nonrenewable provisional
26 certificate; and

27 (c) Upon completion of a background check **as prescribed in section**
28 **168.133** and possession of a valid teaching certificate in the state from which the
29 applicant's teacher preparation program was completed;

30 (4) By the state board, under rules prescribed by it, on the basis of a
31 relevant bachelor's degree, or higher degree, and a passing score for the
32 designated exit examination, for individuals whose academic degree and
33 professional experience are suitable to provide a basis for instruction solely in the
34 subject matter of banking or financial responsibility, at the discretion of the state
35 board. Such certificate shall be limited to the major area of study of the holder
36 and shall be restricted to those certificates established under subdivision (1) of
37 subsection 3 of this section. Holders of certificates granted under this subdivision
38 shall be exempt from the teacher tenure act under sections 168.102 to 168.130
39 and each school district shall have the decision-making authority on whether to
40 hire the holders of such certificates; or

41 (5) By the state board, under rules and regulations prescribed by it, on
42 the basis of certification by the American Board for Certification of Teacher

43 Excellence (ABCTE) and verification of ability to work with children as
44 demonstrated by sixty contact hours in any one of the following areas as validated
45 by the school principal: sixty contact hours in the classroom, of which at least
46 forty-five must be teaching; sixty contact hours as a substitute teacher, with at
47 least thirty consecutive hours in the same classroom; sixty contact hours of
48 teaching in a private school; or sixty contact hours of teaching as a
49 paraprofessional, for an initial four-year ABCTE certificate of license to teach,
50 except that such certificate shall not be granted for the areas of early childhood
51 education, elementary education, or special education. Upon the completion of
52 the requirements listed in paragraphs (a), (b), (c), and (d) of this subdivision, an
53 applicant shall be eligible to apply for a career continuous professional certificate
54 under subdivision (2) of subsection 3 of this section:

55 (a) Completion of thirty contact hours of professional development within
56 four years, which may include hours spent in class in an appropriate college
57 curriculum;

58 (b) Validated completion of two years of the mentoring program of the
59 American Board for Certification of Teacher Excellence or a district mentoring
60 program approved by the state board of education;

61 (c) Attainment of a successful performance-based teacher evaluation; and

62 (d) Participate in a beginning teacher assistance program.

63 2. All valid teaching certificates issued pursuant to law or state board
64 policies and regulations prior to September 1, 1988, shall be exempt from the
65 professional development requirements of this section and shall continue in effect
66 until they expire, are revoked or suspended, as provided by law. When such
67 certificates are required to be renewed, the state board or its designee shall grant
68 to each holder of such a certificate the certificate most nearly equivalent to the
69 one so held. Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II, or
70 continuous professional certificate shall, upon expiration of his or her current
71 certificate, be issued the appropriate level of certificate based upon the
72 classification system established pursuant to subsection 3 of this section.

73 3. Certificates of license to teach in the public schools of the state shall
74 be based upon minimum requirements prescribed by the state board of education
75 **which shall include successful completion of a background check as**
76 **prescribed in section 168.133.** The state board shall provide for the following
77 levels of professional certification: an initial professional certificate and a career
78 continuous professional certificate.

79 (1) The initial professional certificate shall be issued upon completion of
80 requirements established by the state board of education and shall be valid based
81 upon verification of actual teaching within a specified time period established by
82 the state board of education. The state board shall require holders of the
83 four-year initial professional certificate to:

84 (a) Participate in a mentoring program approved and provided by the
85 district for a minimum of two years;

86 (b) Complete thirty contact hours of professional development, which may
87 include hours spent in class in an appropriate college curriculum, or for holders
88 of a certificate under subdivision (4) of subsection 1 of this section, an amount of
89 professional development in proportion to the certificate holder's hours in the
90 classroom, if the certificate holder is employed less than full time; and

91 (c) Participate in a beginning teacher assistance program;

92 (2) (a) The career continuous professional certificate shall be issued upon
93 verification of completion of four years of teaching under the initial professional
94 certificate and upon verification of the completion of the requirements articulated
95 in paragraphs (a), (b), and (c) of subdivision (1) of this subsection or paragraphs
96 (a), (b), (c), and (d) of subdivision (5) of subsection 1 of this section.

97 (b) The career continuous professional certificate shall be continuous
98 based upon verification of actual employment in an educational position as
99 provided for in state board guidelines and completion of fifteen contact hours of
100 professional development per year which may include hours spent in class in an
101 appropriate college curriculum. Should the possessor of a valid career continuous
102 professional certificate fail, in any given year, to meet the fifteen-hour
103 professional development requirement, the possessor may, within two years, make
104 up the missing hours. In order to make up for missing hours, the possessor shall
105 first complete the fifteen-hour requirement for the current year and then may
106 count hours in excess of the current year requirement as make-up hours. Should
107 the possessor fail to make up the missing hours within two years, the certificate
108 shall become inactive. In order to reactivate the certificate, the possessor shall
109 complete twenty-four contact hours of professional development which may
110 include hours spent in the classroom in an appropriate college curriculum within
111 the six months prior to or after reactivating his or her certificate. The
112 requirements of this paragraph shall be monitored and verified by the local school
113 district which employs the holder of the career continuous professional certificate.

114 (c) A holder of a career continuous professional certificate shall be exempt

115 from the professional development contact hour requirements of paragraph (b) of
116 this subdivision if such teacher has a local professional development plan in place
117 within such teacher's school district and meets two of the three following criteria:

118 a. Has ten years of teaching experience as defined by the state board of
119 education;

120 b. Possesses a master's degree; or

121 c. Obtains a rigorous national certification as approved by the state board
122 of education.

123 4. Policies and procedures shall be established by which a teacher who
124 was not retained due to a reduction in force may retain the current level of
125 certification. There shall also be established policies and procedures allowing a
126 teacher who has not been employed in an educational position for three years or
127 more to reactivate his or her last level of certification by completing twenty-four
128 contact hours of professional development which may include hours spent in the
129 classroom in an appropriate college curriculum within the six months prior to or
130 after reactivating his or her certificate.

131 5. The state board shall, upon [an appropriate] **completion of a**
132 **background check as prescribed in section 168.133**, issue a professional
133 certificate classification in the areas most closely aligned with an applicant's
134 current areas of certification, commensurate with the years of teaching experience
135 of the applicant, to any person who is hired to teach in a public school in this
136 state and who possesses a valid teaching certificate from another state or
137 certification under subdivision (4) of subsection 1 of this section, provided that
138 the certificate holder shall annually complete the state board's requirements for
139 such level of certification, and shall establish policies by which residents of states
140 other than the state of Missouri may be assessed a fee for a certificate license to
141 teach in the public schools of Missouri. Such fee shall be in an amount sufficient
142 to recover any or all costs associated with the issuing of a certificate of license to
143 teach. The board shall promulgate rules to authorize the issuance of a
144 provisional certificate of license, which shall allow the holder to assume classroom
145 duties pending the completion of a criminal background check under section
146 168.133, for any applicant who:

147 (1) Is the spouse of a member of the armed forces stationed in Missouri;

148 (2) Relocated from another state within one year of the date of
149 application;

150 (3) Underwent a criminal background check in order to be issued a

151 teaching certificate of license from another state; and

152 (4) Otherwise qualifies under this section.

153 6. The state board may assess to holders of an initial professional
154 certificate a fee, to be deposited into the excellence in education revolving fund
155 established pursuant to section 160.268, RSMo, for the issuance of the career
156 continuous professional certificate. However, such fee shall not exceed the
157 combined costs of issuance and any criminal background check required as a
158 condition of issuance. Applicants for the initial ABCTE certificate shall be
159 responsible for any fees associated with the program leading to the issuance of
160 the certificate, but nothing in this section shall prohibit a district from developing
161 a policy that permits fee reimbursement.

162 7. Any member of the public school retirement system of Missouri who
163 entered covered employment with ten or more years of educational experience in
164 another state or states and held a certificate issued by another state and
165 subsequently worked in a school district covered by the public school retirement
166 system of Missouri for ten or more years who later became certificated in
167 Missouri shall have that certificate dated back to his or her original date of
168 employment in a Missouri public school.

169 8. The provisions of subdivision (5) of subsection 1 of this section, as well
170 as any other provision of this section relating to the American Board for
171 Certification of Teacher Excellence, shall terminate on August 28, 2014.

168.071. 1. The state board of education may refuse to issue or renew a
2 certificate, or may, upon hearing, discipline the holder of a certificate of license
3 to teach for the following causes:

4 (1) A certificate holder or applicant for a certificate has pleaded to or been
5 found guilty of a felony or crime involving moral turpitude under the laws of this
6 state, any other state, of the United States, or any other country, whether or not
7 sentence is imposed;

8 (2) The certification was obtained through use of fraud, deception,
9 misrepresentation or bribery;

10 (3) There is evidence of incompetence, immorality, or neglect of duty by
11 the certificate holder;

12 (4) A certificate holder has been subject to disciplinary action relating to
13 certification issued by another state, territory, federal agency, or country upon
14 grounds for which discipline is authorized in this section; or

15 (5) If charges are filed by the local board of education, based upon the

16 annulling of a written contract with the local board of education, for reasons other
17 than election to the general assembly, without the consent of the majority of the
18 members of the board that is a party to the contract.

19 2. A public school district may file charges seeking the discipline of a
20 holder of a certificate of license to teach based upon any cause or combination of
21 causes outlined in subsection 1 of this section, including annulment of a written
22 contract. Charges shall be in writing, specify the basis for the charges, and be
23 signed by the chief administrative officer of the district, or by the president of the
24 board of education as authorized by a majority of the board of education. The
25 board of education may also petition the office of the attorney general to file
26 charges on behalf of the school district for any cause other than annulment of
27 contract, with acceptance of the petition at the discretion of the attorney general.

28 3. The department of elementary and secondary education may file
29 charges seeking the discipline of a holder of a certificate of license to teach based
30 upon any cause or combination of causes outlined in subsection 1 of this section,
31 other than annulment of contract. Charges shall be in writing, specify the basis
32 for the charges, and be signed by legal counsel representing the department of
33 elementary and secondary education.

34 4. If the underlying conduct or actions which are the basis for charges
35 filed pursuant to this section are also the subject of a pending criminal charge
36 against the person holding such certificate, the certificate holder may request, in
37 writing, a delayed hearing on advice of counsel under the fifth amendment of the
38 Constitution of the United States. Based upon such a request, no hearing shall
39 be held until after a trial has been completed on this criminal charge.

40 5. The certificate holder shall be given not less than thirty days' notice of
41 any hearing held pursuant to this section.

42 6. Other provisions of this section notwithstanding, the certificate of
43 license to teach shall be revoked or, in the case of an applicant, a certificate shall
44 not be issued, if the certificate holder or applicant has pleaded guilty to or been
45 found guilty of any of the following offenses established pursuant to Missouri law
46 or offenses of a similar nature established under the laws of any other state or
47 of the United States, or any other country, whether or not the sentence is
48 imposed:

49 (1) Any dangerous felony as defined in section 556.061, RSMo, or murder
50 in the first degree **under section 565.020**;

51 (2) Any of the following sexual offenses: rape **under section 566.030**;

52 statutory rape in the first degree **under section 566.032**; statutory rape in the
53 second degree **under section 566.034**; sexual assault **under section 566.040**;
54 forcible sodomy **under section 566.060**; statutory sodomy in the first degree
55 **under section 566.062**; statutory sodomy in the second degree **under section**
56 **566.064**; child molestation in the first degree **under section 566.067**; child
57 molestation in the second degree **under section 566.068**; deviate sexual assault
58 **under section 566.070**; sexual misconduct involving a child **under section**
59 **566.083**; **sexual contact with a student while on public school property**
60 **under section 566.086**; sexual misconduct in the first degree **under section**
61 **566.090**; **sexual misconduct in the second degree under section 566.093**;
62 **sexual misconduct in the third degree under section 566.095**; sexual
63 abuse **under section 565.100**; enticement of a child **under section 566.151**;
64 or attempting to entice a child;

65 (3) Any of the following offenses against the family and related offenses:
66 incest **under section 568.020**; abandonment of child in the first degree **under**
67 **section 568.030**; abandonment of child in the second degree **under section**
68 **568.032**; endangering the welfare of a child in the first degree **under section**
69 **568.045**; abuse of a child **under section 568.060**; child used in a sexual
70 performance **under section 568.080**; promoting sexual performance by a child
71 **under section 568.090**; or trafficking in children **under section 568.175**; and

72 (4) Any of the following offenses involving child pornography and related
73 offenses: promoting obscenity in the first degree **under section 573.020**;
74 promoting obscenity in the second degree when the penalty is enhanced to a class
75 D felony **under section 573.030**; promoting child pornography in the first degree
76 **under section 573.025**; promoting child pornography in the second degree
77 **under section 573.035**; possession of child pornography [in the first degree]
78 **under section 573.037**; [possession of child pornography in the second degree;
79 furnishing child pornography to a minor;] furnishing pornographic materials to
80 minors **under section 573.040**; or coercing acceptance of obscene material
81 **under section 573.065**.

82 7. When a certificate holder pleads guilty or is found guilty of any offense
83 that would authorize the state board of education to seek discipline against that
84 holder's certificate of license to teach, the local board of education or the
85 department of elementary and secondary education shall immediately provide
86 written notice to the state board of education and the attorney general regarding
87 the plea of guilty or finding of guilty.

88 8. The certificate holder whose certificate was revoked pursuant to
89 subsection 6 of this section may appeal such revocation to the state board of
90 education. Notice of this appeal must be received by the commissioner of
91 education within ninety days of notice of revocation pursuant to this
92 subsection. Failure of the certificate holder to notify the commissioner of the
93 intent to appeal waives all rights to appeal the revocation. Upon notice of the
94 certificate holder's intent to appeal, an appeal hearing shall be held by a hearing
95 officer designated by the commissioner of education, with the final decision made
96 by the state board of education, based upon the record of that hearing. The
97 certificate holder shall be given not less than thirty days' notice of the hearing,
98 and an opportunity to be heard by the hearing officer, together with witnesses.

99 9. In the case of any certificate holder who has surrendered or failed to
100 renew his or her certificate of license to teach, the state board of education may
101 refuse to issue or renew, or may suspend or revoke, such certificate for any of the
102 reasons contained in this section.

103 10. In those cases where the charges filed pursuant to this section are
104 based upon an allegation of misconduct involving a minor child, the hearing
105 officer may accept into the record the sworn testimony of the minor child relating
106 to the misconduct received in any court or administrative hearing.

107 11. Hearings, appeals or other matters involving certificate holders,
108 licensees or applicants pursuant to this section may be informally resolved by
109 consent agreement or agreed settlement or voluntary surrender of the certificate
110 of license pursuant to the rules promulgated by the state board of education.

111 12. The final decision of the state board of education is subject to judicial
112 review pursuant to sections 536.100 to 536.140, RSMo.

113 13. A certificate of license to teach to an individual who has been
114 convicted of a felony or crime involving moral turpitude, whether or not sentence
115 is imposed, shall be issued only upon motion of the state board of education
116 adopted by a unanimous affirmative vote of those members present and voting.

 168.104. The following words and phrases when used in sections 168.102
2 to 168.130, except in those instances where the context indicates otherwise, mean:

3 (1) "Board of education", the school board or board of directors of a school
4 district, except a metropolitan school district, having general control of the affairs
5 of the district;

6 (2) "Demotion", any reduction in salary or transfer to a position carrying
7 a lower salary, except on request of a teacher, other than any change in salary

8 applicable to all teachers or all teachers in a classification;

9 (3) "Indefinite contract", every contract heretofore or hereafter entered
10 into between a school district and a permanent teacher;

11 (4) "Permanent teacher", any teacher who has been employed or who is
12 hereafter employed as a teacher in the same school district for five successive
13 years and who has continued or who thereafter continues to be employed as a
14 teacher by the school district or any supervisor of teachers who was employed as
15 a teacher in the same school district for at least five successive years prior to
16 becoming a supervisor of teachers and who continues thereafter to be employed
17 as a certificated employee by the school district; except that, when a permanent
18 teacher resigns or is permanently separated from employment by a school district,
19 and is afterwards reemployed by the same school district, reemployment for the
20 first school year does not constitute an indefinite contract but if he is employed
21 for the succeeding year, the employment constitutes an indefinite contract; and
22 except that any teacher employed under a part-time contract by a school district
23 shall accrue credit toward permanent status on a prorated basis. Any permanent
24 teacher who is promoted with his consent to a supervisory position including
25 principal or assistant principal, or is first employed by a district in a supervisory
26 position including principal or assistant principal, shall not have permanent
27 status in such position but shall retain tenure in the position previously held
28 within the district, or, after serving two years as principal or assistant principal,
29 shall have tenure as a permanent teacher of that system;

30 (5) "Probationary teacher", any teacher as herein defined who has been
31 employed in the same school district for five successive years or less. In the case
32 of any probationary teacher who has been employed in any other school system
33 as a teacher for two or more years, the board of education shall waive one year
34 of his probationary period;

35 (6) "School district", every school district in this state, except metropolitan
36 school district as defined in section 162.571, RSMo;

37 (7) "Teacher", any employee of a school district, except a metropolitan
38 school district, regularly required to be certified under laws relating to the
39 certification of teachers, except superintendents and assistant superintendents
40 but including certified teachers who teach at the prekindergarten level in a
41 nonmetropolitan public school within a prekindergarten program [in which no
42 fees are charged to parents or guardians] **and are paid on a school district**
43 **salary schedule.**

168.133. 1. The school district shall ensure that a criminal background
2 check is conducted on any person employed after January 1, 2005, authorized to
3 have contact with pupils and prior to the individual having contact with any
4 pupil. Such persons include, but are not limited to, administrators, teachers,
5 aides, paraprofessionals, assistants, secretaries, custodians, cooks, and
6 nurses. The school district shall also ensure that a criminal background check
7 is conducted for school bus drivers. The district may allow such drivers to
8 operate buses pending the result of the criminal background check. For bus
9 drivers, the **school district shall be responsible for conducting the**
10 **criminal** background check [shall be conducted] on drivers employed by the
11 school district [or]. **For drivers** employed by a pupil transportation company
12 under contract with the school district, **the criminal background check shall**
13 **be conducted pursuant to section 43.540 and conform to the**
14 **requirements established in the National Child Protection Act of 1993,**
15 **as amended by the Volunteers for Children Act. Personnel who have**
16 **successfully undergone a criminal background check and a check of the**
17 **family care safety registry as part of the professional license**
18 **application process under section 168.021 and who have received**
19 **clearance on the checks within one prior year of employment shall be**
20 **considered to have completed the background check requirement. A**
21 **criminal background check under this section shall include a search of**
22 **any information publicly available in an electronic format through a**
23 **public index or single case display.**

24 2. In order to facilitate the criminal history background check [on any
25 person employed after January 1, 2005], the applicant shall submit [two sets] a
26 **set** of fingerprints collected pursuant to standards determined by the Missouri
27 highway patrol. [One set of] **The** fingerprints shall be used by the highway
28 patrol to search the criminal history repository [and the family care safety
29 registry pursuant to sections 210.900 to 210.936, RSMo,] and [the second set]
30 shall be forwarded to the Federal Bureau of Investigation for searching the
31 federal criminal history files. **In addition to the state and federal criminal**
32 **background check, any employee employed after July 1, 2011, and**
33 **required by the provisions of subsection 1 of this section to undergo a**
34 **criminal background check shall be required to register with the family**
35 **care safety registry under the provisions of sections 210.900 to 210.936.**

36 3. The applicant shall pay the fee for the state criminal history record

37 information pursuant to section 43.530, RSMo, and sections 210.900 to 210.936,
38 RSMo, and pay the appropriate fee determined by the Federal Bureau of
39 Investigation for the federal criminal history record when he or she applies for
40 a position authorized to have contact with pupils pursuant to this section. The
41 department shall distribute the fees collected for the state and federal criminal
42 histories to the Missouri highway patrol.

43 **4. The department of elementary and secondary education shall**
44 **facilitate an annual check of employed persons holding current active**
45 **certificates under section 168.021 against criminal history records in**
46 **the central repository under section 43.530, the sexual offender registry**
47 **under sections 589.400 to 589.475, and child abuse central registry**
48 **under sections 210.109 to 210.183. The department of elementary and**
49 **secondary education shall facilitate procedures for school districts to**
50 **submit personnel information annually for persons employed by the**
51 **school districts who do not hold a current valid certificate who are**
52 **required by subsection 1 of this section to undergo a criminal**
53 **background check, sexual offender registry check, and child abuse**
54 **central registry check. The Missouri state highway patrol shall provide**
55 **ongoing electronic updates to criminal history background checks of**
56 **those persons previously submitted, both those who have an active**
57 **certificate and those who do not have an active certificate, by the**
58 **department of elementary and secondary education. This shall fulfill**
59 **the annual check against the criminal history records in the central**
60 **repository under section 43.530.**

61 **5.** The school district may adopt a policy to provide for reimbursement of
62 expenses incurred by an employee for state and federal criminal history
63 information pursuant to section 43.530, RSMo.

64 **[5.] 6.** If, as a result of the criminal history background check mandated
65 by this section, it is determined that the holder of a certificate issued pursuant
66 to section 168.021 has pled guilty or nolo contendere to, or been found guilty of
67 a crime or offense listed in section 168.071, or a similar crime or offense
68 committed in another state, the United States, or any other country, regardless
69 of imposition of sentence, such information shall be reported to the department
70 of elementary and secondary education.

71 **[6.] 7.** Any school official making a report to the department of
72 elementary and secondary education in conformity with this section shall not be

73 subject to civil liability for such action.

74 [7.] 8. For any teacher who is employed by a school district on a
75 substitute or part-time basis within one year of such teacher's retirement from
76 a Missouri school, the state of Missouri shall not require such teacher to be
77 subject to any additional background checks prior to having contact with
78 pupils. Nothing in this subsection shall be construed as prohibiting or otherwise
79 restricting a school district from requiring additional background checks for such
80 teachers employed by the school district.

81 [8.] 9. A criminal background check and fingerprint collection conducted
82 under subsections 1 and 2 of this section shall be valid for at least a period of one
83 year and transferrable from one school district to another district. **A school**
84 **district may, in its discretion, conduct a new criminal background**
85 **check and fingerprint collection under subsections 1 and 2 for a newly**
86 **hired employee.** A teacher's change in type of certification shall have no effect
87 on the transferability or validity of such records.

88 [9.] 10. Nothing in this section shall be construed to alter the standards
89 for suspension, denial, or revocation of a certificate issued pursuant to this
90 chapter.

91 [10.] 11. The state board of education may promulgate rules for criminal
92 history background checks made pursuant to this section. Any rule or portion of
93 a rule, as that term is defined in section 536.010, RSMo, that is created under the
94 authority delegated in this section shall become effective only if it complies with
95 and is subject to all of the provisions of chapter 536, RSMo, and, if applicable,
96 section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
97 and if any of the powers vested with the general assembly pursuant to chapter
98 536, RSMo, to review, to delay the effective date, or to disapprove and annul a
99 rule are subsequently held unconstitutional, then the grant of rulemaking
100 authority and any rule proposed or adopted after January 1, 2005, shall be
101 invalid and void.

168.151. **Except as provided in section 167.151,** it is unlawful for any
2 school board or any member or employee of a school board to solicit or to receive
3 any money from any teacher employed by their district for the purpose of paying
4 [tuition or any other] expenses of the operation of schools. It is unlawful for any
5 teacher to contribute or to agree to contribute any portion of his salary to his
6 school board, or any member, or employee thereof, for the purposes stated
7 above. Any person who violates the provisions of this section is guilty of a

8 misdemeanor and, upon conviction, shall be punished by a fine of not to exceed
9 one thousand dollars or by imprisonment for not more than one year or by both
10 fine and imprisonment.

168.221. 1. The first five years of employment of all teachers entering the
2 employment of the metropolitan school district shall be deemed a period of
3 probation during which period all appointments of teachers shall expire at the
4 end of each school year. During the probationary period any probationary teacher
5 whose work is unsatisfactory shall be furnished by the superintendent of schools
6 with a written statement setting forth the nature of his incompetency. If
7 improvement satisfactory to the superintendent is not made within one semester
8 after the receipt of the statement, the probationary teacher shall be
9 dismissed. The semester granted the probationary teacher in which to improve
10 shall not in any case be a means of prolonging the probationary period beyond
11 five years and six months from the date on which the teacher entered the employ
12 of the board of education. The superintendent of schools on or before the fifteenth
13 day of April in each year shall notify probationary teachers who will not be
14 retained by the school district of the termination of their services. Any
15 probationary teacher who is not so notified shall be deemed to have been
16 appointed for the next school year. Any principal who prior to becoming a
17 principal had attained permanent employee status as a teacher shall upon
18 ceasing to be a principal have a right to resume his or her permanent teacher
19 position with the time served as a principal being treated as if such time had
20 been served as a teacher for the purpose of calculating seniority and pay
21 scale. The rights and duties and remuneration of a teacher who was formerly a
22 principal shall be the same as any other teacher with the same level of
23 qualifications and time of service.

24 2. After completion of satisfactory probationary services, appointments of
25 teachers shall become permanent, subject to removal for any one or more causes
26 herein described and to the right of the board to terminate the services of all who
27 attain the age of compulsory retirement fixed by the retirement system. In
28 determining the duration of the probationary period of employment in this section
29 specified, the time of service rendered as a substitute teacher shall not be
30 included.

31 3. No teacher whose appointment has become permanent may be removed
32 except for one or more of the following causes: immorality, inefficiency in line of
33 duty, violation of the published regulations of the school district, violation of the

34 laws of Missouri governing the public schools of the state, or physical or mental
35 condition which incapacitates him for instructing or associating with children,
36 and then only by a vote of not less than a majority of all the members of the
37 board, upon written charges presented by the superintendent of schools, to be
38 heard by the board after thirty days' notice, with copy of the charges served upon
39 the person against whom they are preferred, who shall have the privilege of being
40 present **at the hearing**, together with counsel, offering evidence and making
41 defense thereto. Notifications received by an employee during a vacation period
42 shall be considered as received on the first day of the school term following. At
43 the request of any person so charged the hearing shall be public. **During any**
44 **time in which powers granted to the district's board of education are**
45 **vested in a special administrative board, the special administrative**
46 **board may appoint a hearing officer to conduct the hearing. The**
47 **hearing officer shall conduct the hearing as a contested case under**
48 **chapter 536 and shall issue a written recommendation to the board**
49 **rendering the charges against the teacher. The board shall render a**
50 **decision on the charges upon the review of the hearing officer's**
51 **recommendations and the record from the hearing.** The action and
52 decision of the board upon the charges shall be final. Pending the hearing of the
53 charges, the person charged may be suspended if the rules of the board so
54 prescribe, but in the event the board does not by a majority vote of all the
55 members remove the teacher upon charges presented by the superintendent, the
56 person shall not suffer any loss of salary by reason of the suspension. Inefficiency
57 in line of duty is cause for dismissal only after the teacher has been notified in
58 writing at least one semester prior to the presentment of charges against him by
59 the superintendent. The notification shall specify the nature of the inefficiency
60 with such particularity as to enable the teacher to be informed of the nature of
61 his inefficiency.

62 4. No teacher whose appointment has become permanent shall be demoted
63 nor shall his salary be reduced unless the same procedure is followed as herein
64 stated for the removal of the teacher because of inefficiency in line of duty, and
65 any teacher whose salary is reduced or who is demoted may waive the
66 presentment of charges against him by the superintendent and a hearing thereon
67 by the board. The foregoing provision shall apply only to permanent teachers
68 prior to the compulsory retirement age under the retirement system. Nothing
69 herein contained shall in any way restrict or limit the power of the board of

70 education to make reductions in the number of teachers or principals, or both,
71 because of insufficient funds, decrease in pupil enrollment, or abolition of
72 particular subjects or courses of instruction, except that the abolition of particular
73 subjects or courses of instruction shall not cause those teachers who have been
74 teaching the subjects or giving the courses of instruction to be placed on leave of
75 absence as herein provided who are qualified to teach other subjects or courses
76 of instruction, if positions are available for the teachers in the other subjects or
77 courses of instruction.

78 5. Whenever it is necessary to decrease the number of teachers because
79 of insufficient funds or a substantial decrease of pupil population within the
80 school district, the board of education upon recommendation of the
81 superintendent of schools may cause the necessary number of teachers beginning
82 with those serving probationary periods to be placed on leave of absence without
83 pay, but only in the inverse order of their appointment. Nothing herein stated
84 shall prevent a readjustment by the board of education of existing salary
85 schedules. No teacher placed on a leave of absence shall be precluded from
86 securing other employment during the period of the leave of absence. Each
87 teacher placed on leave of absence shall be reinstated in inverse order of his
88 placement on leave of absence. Such reemployment shall not result in a loss of
89 status or credit for previous years of service. No new appointments shall be made
90 while there are available teachers on leave of absence who are seventy years of
91 age or less and who are adequately qualified to fill the vacancy unless the
92 teachers fail to advise the superintendent of schools within thirty days from the
93 date of notification by the superintendent of schools that positions are available
94 to them that they will return to employment and will assume the duties of the
95 position to which appointed not later than the beginning of the school year next
96 following the date of the notice by the superintendent of schools.

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

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

168.500. 1. For the purpose of providing career pay, which shall be a

2 salary supplement, for public school teachers, which for the purpose of sections
3 168.500 to 168.515 shall include classroom teachers, librarians, guidance
4 counselors and certificated teachers who hold positions as school psychological
5 examiners, parents as teachers educators, school psychologists, special education
6 diagnosticians and speech pathologists, and are on the district salary schedule,
7 there is hereby created and established a career advancement program which
8 shall be known as the "Missouri Career Development and Teacher Excellence
9 Plan", hereinafter known as the "career plan or program". Participation by local
10 school districts in the career advancement program established under this section
11 shall be voluntary. The career advancement program is a matching fund program
12 [of variable match rates]. The general assembly [shall] **may** make an annual
13 appropriation to the excellence in education fund established under section
14 160.268, RSMo, for the purpose of providing the state's portion for the career
15 advancement program. The "Career Ladder Forward Funding Fund" is hereby
16 established in the state treasury. Beginning with fiscal year 1998 and until the
17 career ladder forward funding fund is terminated pursuant to this subsection, the
18 general assembly [shall] **may** appropriate funds to the career ladder forward
19 funding fund. Notwithstanding the provisions of section 33.080, RSMo, to the
20 contrary, moneys in the fund shall not be transferred to the credit of the general
21 revenue fund at the end of the biennium. All interest or other gain received from
22 investment of moneys in the fund shall be credited to the fund. All funds
23 deposited in the fund shall be maintained in the fund until such time as the
24 balance in the fund at the end of the fiscal year is equal to or greater than the
25 appropriation for the career ladder program for the following year, at which time
26 all such revenues shall be used to fund, in advance, the career ladder program for
27 such following year and the career ladder forwarding funding fund shall
28 thereafter be terminated.

29 2. The department of elementary and secondary education, at the
30 direction of the commissioner of education, shall study and develop model career
31 plans which shall be made available to the local school districts. These state
32 model career plans shall:

- 33 (1) Contain three steps or stages of career advancement;
- 34 (2) Contain a detailed procedure for the admission of teachers to the
35 career program;
- 36 (3) Contain specific criteria for career step qualifications and
37 attainment. These criteria shall clearly describe the minimum number of

38 professional responsibilities required of the teacher at each stage of the plan and
39 shall include reference to classroom performance evaluations performed pursuant
40 to section 168.128;

41 (4) Be consistent with the teacher certification process recommended by
42 the Missouri advisory council of certification for educators and adopted by the
43 department of elementary and secondary education;

44 (5) Provide that public school teachers in Missouri shall become eligible
45 to apply for admission to the career plans adopted under sections 168.500 to
46 168.515 after five years of public school teaching in Missouri. All teachers
47 seeking admission to any career plan shall, as a minimum, meet the requirements
48 necessary to obtain the first renewable professional certificate as provided in
49 section 168.021;

50 (6) Provide procedures for appealing decisions made under career plans
51 established under sections 168.500 to 168.515.

52 3. The commissioner of education shall cause the department of
53 elementary and secondary education to establish guidelines for all career plans
54 established under this section, and criteria that must be met by any school
55 district which seeks funding for its career plan.

56 4. A participating local school district may have the option of
57 implementing a career plan developed by the department of elementary and
58 secondary education or a local plan which has been developed with advice from
59 teachers employed by the district and which has met with the approval of the
60 department of elementary and secondary education. In approving local career
61 plans, the department of elementary and secondary education may consider
62 provisions in the plan of the local district for recognition of teacher mobility from
63 one district to another within this state.

64 5. The career plans of local school districts shall not discriminate on the
65 basis of race, sex, religion, national origin, color, creed, or age. Participation in
66 the career plan of a local school district is optional, and any teacher who declines
67 to participate shall not be penalized in any way.

68 6. In order to receive funds under this section, a school district which is
69 not subject to section 162.920, RSMo, must have a total levy for operating
70 purposes which is in excess of the amount allowed in section 11(b) of article X of
71 the Missouri Constitution; and a school district which is subject to section
72 162.920, RSMo, must have a total levy for operating purposes which is equal to
73 or in excess of twenty-five cents on each hundred dollars of assessed valuation.

74 7. The commissioner of education shall cause the department of
75 elementary and secondary education to regard a speech pathologist who holds
76 both a valid certificate of license to teach and a certificate of clinical competence
77 to have fulfilled the standards required to be placed on stage III of the career
78 program, provided that such speech pathologist has been employed by a public
79 school in Missouri for at least five years and is approved for placement at such
80 stage III by the local school district.

81 **8. Beginning in fiscal year 2012, the state portion of career**
82 **ladder payments shall only be made available to local school districts**
83 **if the general assembly makes an appropriation for such**
84 **program. Payments authorized under sections 168.500 to 168.515 shall**
85 **only be made available in a year for which a state appropriation is**
86 **made. Any state appropriation shall be made prospectively in relation**
87 **to the year in which work under the program is performed.**

88 **9. Nothing in this section shall be construed to prohibit a local**
89 **school district from funding the program for its teachers, for work**
90 **performed in years for which no state appropriation is made available.**

168.515. 1. Each teacher selected to participate in a career plan
2 established under sections 168.500 to 168.515, who meets the requirements of
3 such plan, [shall] **may** receive a salary supplement, the state's share of which
4 shall be distributed under section 163.031, RSMo, equal to the following amounts
5 applied to the career ladder entitlement of section 163.031, RSMo:

6 (1) Career stage I teachers may receive up to an additional one thousand
7 five hundred dollars per school year;

8 (2) Career stage II teachers may receive up to an additional three
9 thousand dollars per school year;

10 (3) Career stage III teachers may receive up to an additional five
11 thousand dollars per school year. All teachers within each stage within the same
12 school district shall receive equal salary supplements.

13 2. The state [shall] **may** make payments pursuant to section 163.031,
14 RSMo, to the local school district for the purpose of [reimbursing] **providing**
15 **funding to** the local school district for the payment of any salary supplements
16 provided for in this section, subject to the availability of funds as appropriated
17 each year and distributed on a [variable match formula which shall] **matching**
18 **basis where the percentage of state funding shall be forty percent and**
19 **the percentage of local funding shall be sixty percent.** [be based on

20 assessed valuation of the district for the second preceding school year.

21 3. In distributing these matching funds, school districts shall be ranked
 22 by the assessed valuation for the second preceding school year per weighted
 23 average daily attendance from the highest to the lowest and divided into three
 24 groups. Group one shall contain the highest twenty-five percent of all public
 25 school districts, groups two and three combined shall contain the remaining
 26 seventy-five percent of all public school districts. The districts in groups two and
 27 three shall be rank-ordered from largest to smallest based on enrollment as of the
 28 last Wednesday in September during the second preceding school year, group two
 29 shall contain twenty-five percent of all public school districts that are larger on
 30 the enrollment-based rank-ordered list and group three shall contain the
 31 remaining fifty percent of all public school districts. Pursuant to subsection 4 of
 32 this section, districts in group one shall receive forty percent state funding and
 33 shall contribute sixty percent local funding, group two shall receive fifty percent
 34 state funding and shall contribute fifty percent local funding and group three
 35 shall receive sixty percent state funding and shall contribute forty percent local
 36 funding.

37 4. The incremental groups are as follows:

38	Percentage	Percentage	Percentage
39	Group of Districts	of State Funding	of Local Funding
40	1 25%	40%	60%
41	2 25%	50%	50%
42	3 50%	60%	40%

43 5. Beginning in the 1996-97 school year, any school district in any group
 44 which participated in the career ladder program in 1995-96 and paid less than
 45 the local funding percentage required by subsection 4 of this section shall
 46 increase its local share of career ladder costs by five percentage points from the
 47 preceding year until the district pays the percentage share of cost required by
 48 subsection 4 of this section, and in no case shall the local funding percentage be
 49 increased by a greater amount for any year. For any district, the state payment
 50 shall not exceed the local payment times the state percentage share divided by
 51 the local percentage share. Except as provided in subsection 10 of this section,
 52 any district not participating in the 1995-96 school year or any district which
 53 interrupts its career ladder program for any subsequent year shall enter the
 54 program on the cost-sharing basis required by subsection 4 of this section.]

55 [6.] 3. Not less than every fourth year, beginning with calendar year

56 1988, the general assembly, through the joint committee established under
57 section 160.254, RSMo, shall review the amount of the career pay provided for in
58 this section to determine if any increases are necessary to reflect the increases
59 in the cost of living which have occurred since the salary supplements were last
60 reviewed or set.

61 [7.] 4. To participate in the salary supplement program established under
62 this section, a school district may submit to the voters of the district a proposition
63 to increase taxes for this purpose. If a school district's current tax rate ceiling
64 is at or above the rate from which an increase would require a two-thirds
65 majority, the school board may submit to the voters of the district a proposition
66 to reduce or eliminate the amount of the levy reduction resulting from section
67 164.013, RSMo. If a majority of the voters voting thereon vote in favor of the
68 proposition, the board may certify that seventy-five percent of the revenue
69 generated from this source shall be used to implement the salary supplement
70 program established under this section.

71 [8.] 5. In no case shall a school district use state funds received under
72 this section nor local revenue generated from a tax established under subsection
73 7 of this section to comply with the minimum salary requirements for teachers
74 established pursuant to section 163.172, RSMo.

75 [9. Beginning in the 1996-97 school year, for any teacher who participated
76 in the career program in the 1995-96 school year, continues to participate in the
77 program thereafter, and remains qualified to receive career pay pursuant to
78 section 168.510, the state's share of the teacher's salary supplement shall
79 continue to be the percentage paid by the state in the 1995-96 school year,
80 notwithstanding any provisions of subsection 4 of this section to the contrary, and
81 the state shall continue to pay such percentage of the teacher's salary supplement
82 until any of the following occurs:

83 (1) The teacher ceases his or her participation in the program; or
84 (2) The teacher suspends his or her participation in the program for any
85 school year after the 1995-96 school year. If the teacher later resumes
86 participation in the program, the state funding shall be subject to the provisions
87 of subsection 4 of this section.

88 10. Any school district that participated in the career ladder program
89 prior to the 2001-02 school year but ceased its participation at any time from July
90 1, 2001, to July 1, 2005, may resume participation in the program no later than
91 July 1, 2006, at the same matching level, pursuant to subsections 4 and 5 of this

92 section, for which the district qualified during its last year of participation.]

173.231. 1. There is hereby established the "Early High School
2 Graduation Scholarship Program" to provide assistance for tuition and
3 mandatory fees to an eligible student to attend a public or private
4 institution of higher education in Missouri who graduates from high
5 school in accordance with the provisions of this section. The
6 department of higher education shall implement and administer the
7 program.

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

9 (1) "Private institution of higher education", a nonprofit
10 institution, dedicated to educational purposes, located in Missouri
11 which:

12 (a) Is operated privately under the control of an independent
13 board and not directly controlled or administered by any public agency
14 or political subdivision;

15 (b) Provides a postsecondary course of instruction at least six
16 months in length leading to or directly creditable toward a certificate
17 or degree;

18 (c) Meets the standards for accreditation as determined by either
19 the Higher Learning Commission or by other accrediting bodies
20 recognized by the United States Department of Education or by
21 utilizing accreditation standards applicable to nondegree-granting
22 institutions as established by the coordinating board for higher
23 education;

24 (d) Does not discriminate in the hiring of administrators, faculty
25 and staff or in the admission of students on the basis of race, color,
26 religion, sex, or national origin and is in compliance with the Federal
27 Civil Rights Acts of 1964 and 1968 and executive orders issued pursuant
28 thereto. Sex discrimination as used herein shall not apply to admission
29 practices of institutions offering the enrollment limited to one sex;

30 (e) Permits faculty members to select textbooks without
31 influence or pressure by any religious or sectarian source;

32 (2) "Public institution of higher education", an educational
33 institution located in Missouri which:

34 (a) Is directly controlled or administered by a public agency or
35 political subdivision;

36 (b) Receives appropriations directly or indirectly from the

37 **general assembly for operating expenses;**

38 **(c) Provides a postsecondary course of instruction at least six**
39 **months in length leading to or directly creditable toward a degree or**
40 **certificate;**

41 **(d) Meets the standards for accreditation as determined by**
42 **either the Higher Learning Commission, or if a public community**
43 **college created under the provisions of sections 178.370 to 178.400**
44 **meets the standards established by the coordinating board for higher**
45 **education for such public community colleges, or by other accrediting**
46 **bodies recognized by the United States Department of Education or by**
47 **utilizing accreditation standards applicable to the institution as**
48 **established by the coordinating board for higher education;**

49 **(e) Does not discriminate in the hiring of administrators, faculty**
50 **and staff or in the admission of students on the basis of race, color,**
51 **religion, sex, or national origin and is otherwise in compliance with the**
52 **Federal Civil Rights Acts of 1964 and 1968 and executive orders issued**
53 **pursuant thereto;**

54 **(f) Permits faculty members to select textbooks without influence**
55 **or pressure by any religious or sectarian source.**

56 **3. To be eligible for a scholarship under this section, a student**
57 **shall meet the following criteria:**

58 **(1) Have received approval from a parent or legal guardian;**

59 **(2) Have graduated from a public high school in Missouri in the**
60 **timeframe specified in subsection 4 of this section;**

61 **(3) Have attended one or more public high schools in Missouri**
62 **for more than half of the time the student attended high school; and**

63 **(4) Be a United States citizen, permanent resident, or otherwise**
64 **lawfully authorized to be present in the United States.**

65 **4. If the student completes high school graduation requirements**
66 **and receives a high school diploma in not more than thirty-six months,**
67 **the student shall be offered a scholarship in an amount equal to eighty**
68 **percent of the school district's state aid payments pursuant to the**
69 **provisions of sections 163.031, 163.043, and 163.044, divided by the**
70 **district's average daily attendance for the year immediately preceding**
71 **the student's receipt of the high school diploma. The school district**
72 **from which the student graduated shall be offered a grant in an amount**
73 **equal to twenty percent of the school district's state aid payments**

74 pursuant to the provisions of sections 163.031, 163.043, and 163.044,
75 divided by the district's average daily attendance for the year
76 immediately preceding the student's receipt of the high school diploma
77 when the student is offered, and accepts, the scholarship.

78 5. The recipient of a scholarship under this section may use the
79 scholarship money at a public institution of higher education for
80 tuition, mandatory fees, or both.

81 6. The recipient of a scholarship under this section may use the
82 scholarship money at a private institution of higher education for
83 tuition, mandatory fees, or both.

84 7. The recipient of a scholarship under this section shall use the
85 scholarship within one year of graduating from high school except as
86 provided within this subsection. If an eligible student is unable to
87 enroll during the first academic year following high school graduation
88 for the purpose of providing service to a nonprofit organization, a state
89 or federal government agency, or any branch of the armed forces of the
90 United States, such student shall be offered a scholarship upon
91 enrollment in any public or private institution of higher education
92 after the completion of his or her service, if the student meets all other
93 requirements and if the following criteria are met:

94 (1) For an eligible student who cannot attend a public or private
95 institution of higher education as a result of service to a non-profit
96 organization or the state or federal government, the student returns to
97 full-time status within twenty-seven months and provides verification
98 to the department of higher education that the service to the nonprofit
99 organization was satisfactorily completed and was not compensated
100 other than for expenses, or that the service to the state or federal
101 government was satisfactorily completed; or

102 (2) For an eligible student who cannot attend a public or private
103 institution of higher education as a result of military service in the
104 armed forces of the United States, the student returns to full-time
105 status within six months after the eligible student first ceases service
106 to the armed forces and provides verification to the department of
107 higher education that the military service was satisfactorily completed.

108 8. A student may seek an extension under this subsection if he
109 or she is able to show hardship or other good cause that prevents him
110 or her from enrolling in a public or private institution of higher

111 education within one year of graduating from high school. Hardship or
112 other good cause shall include a severe illness or other debilitating
113 condition or responsibility for the care of a sick, injured, or needy
114 person. The department of higher education shall determine whether
115 a student qualifies for an extension under this subsection.

116 9. Upon enrollment of an eligible student in a public or private
117 institution of higher education, the institution shall apply to the
118 person's charges for tuition or mandatory fees, as applicable, for the
119 enrollment period an amount equal to the lesser of the:

120 (1) Amount of the scholarship as calculated under subsection 4
121 of this section; or

122 (2) Student's actual tuition or mandatory fees.

123 10. The department of elementary and secondary education shall
124 place an amount equal to the cumulative total of the amounts
125 calculated under subsection 4 of this section in the early high school
126 graduation scholarship program fund. The department of higher
127 education shall use the moneys in the fund to distribute scholarships
128 to students and grants to high schools under this section.

129 11. The department of higher education shall annually prepare
130 a report that includes the following information:

131 (1) The name of each student who qualifies for the scholarship
132 under this section;

133 (2) The length of time taken for each student who qualifies for
134 the scholarship to graduate from high school; and

135 (3) The school district from which each student graduated from
136 high school.

137 The department of higher education shall submit the report to the
138 commissioner of education.

139 12. The department of elementary and secondary education shall
140 confirm with the high school from which the student graduated that the
141 student has completed all of the eligibility requirements of the
142 program. The department shall also, with the cooperation of the
143 department of higher education, confirm that the student has enrolled
144 in and is attending a public or private institution of higher education.

145 13. Each public high school in Missouri shall provide information
146 about the early high school graduation scholarship program and its
147 requirements to the following individuals:

148 (1) Each student at the beginning of his or her first year of high
149 school;

150 (2) Each student who enrolls in the school before the student's
151 senior year who did not receive the information under subdivision (1)
152 of this subsection; and

153 (3) A parent, conservator, or legal guardian of the student under
154 subdivisions (1) and (2) of this subsection;

155 14. The information provided under subsection 15 of this section
156 shall include the following:

157 (1) Number and type of high school course credits necessary to
158 satisfy the eligibility requirements for the early high school graduation
159 scholarship program; and

160 (2) Appropriate order in which those high school course credits
161 shall be earned to satisfy eligibility requirements.

162 15. By January 31, 2011, the department of higher education, in
163 cooperation with the department of elementary and secondary
164 education, shall prepare a publication that includes the information
165 required to be provided under this section. The department of higher
166 education shall post that publication on its website in a form that
167 enables a public high school to reproduce the information for
168 distribution to students, parents, and other persons as required by this
169 section.

170 16. The department of higher education shall promulgate rules
171 and regulations necessary to implement this section. Any rule or
172 portion of a rule, as that term is defined in section 536.010 that is
173 created under the authority delegated in this section shall become
174 effective only if it complies with and is subject to all of the provisions
175 of chapter 536, and, if applicable, section 536.028. This section and
176 chapter 536 are nonseverable and if any of the powers vested with the
177 general assembly pursuant to chapter 536, to review, to delay the
178 effective date, or to disapprove and annul a rule are subsequently held
179 unconstitutional, then the grant of rulemaking authority and any rule
180 proposed or adopted after August 28, 2010, shall be invalid and void.

181 17. There is hereby created in the state treasury the "Early High
182 School Graduation Scholarship Program Fund", which shall consist of
183 money collected under this section. The state treasurer shall be
184 custodian of the fund and may approve disbursements from the fund in

185 **accordance with sections 30.170 and 30.180. Upon appropriation, money**
186 **in the fund shall be used solely for the administration of this**
187 **section. Any moneys remaining in the fund at the end of the biennium**
188 **shall revert to the credit of the general revenue fund. The state**
189 **treasurer shall invest moneys in the fund in the same manner as other**
190 **funds are invested. Any interest and moneys earned on such**
191 **investments shall be credited to the fund.**

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

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

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

178.693. 1. School districts that offer an approved program of parent
2 education shall be eligible for state reimbursement, pursuant to section 163.031,
3 RSMo, subject to appropriations therefor for each participating family. If a school
4 district fails or is unable to offer an approved program of parent education, the
5 district shall enter into a contract which meets the requirements under section
6 178.697, with another district, public agency or state approved not-for-profit
7 agency offering an approved program for such services. If the district finds that
8 no approved program is available in another district, public agency, or through
9 a state approved not-for-profit agency, it shall request the state department of
10 elementary and secondary education to assist it in obtaining from an approved
11 program, services at the reimbursable rate. **If available appropriations are**
12 **insufficient to fund services for all individuals who request such**
13 **services, the department of elementary and secondary education shall**
14 **direct funds to serve those individuals designated as high need or low**
15 **income, as defined by the department. School districts may charge a**
16 **co-pay or a fee based on adjusted gross income and family size based**
17 **on a sliding fee scale adopted by the department. The department shall**
18 **promulgate rules necessary to implement the provisions of this**
19 **subsection.**

20 2. School districts that offer an approved program of developmental
21 screening for all children under the age of five years shall be eligible for state
22 reimbursement, pursuant to section 163.031, RSMo, subject to appropriations
23 therefor for each participating child. If a school district fails or is unable to offer
24 an approved program of developmental screening, the district shall enter into a
25 contract which meets the requirements under section 178.697, with another
26 district, public agency or state approved not-for-profit agency offering an
27 approved program for such services. If the district finds that no approved
28 program is available in another district, public agency or state approved
29 not-for-profit agency, it shall request the state department of elementary and

30 secondary education to assist it in obtaining from an approved program, services
31 at the reimbursable rate.

32 3. School districts that offer approved programs for developmentally
33 delayed children ages three and four who may also be eligible for programs under
34 the provisions of sections 162.670 to 162.995, RSMo, shall be eligible for state
35 reimbursement, pursuant to section 163.031, RSMo, subject to appropriations,
36 provided the children are not receiving the same or similar services for
37 handicapped or severely handicapped children under another program for which
38 reimbursements from the department of elementary and secondary education are
39 available to the district. If a school district fails or is unable to offer an approved
40 program for developmentally delayed children ages three and four, the district
41 shall enter into a contract which meets the requirements under section 178.697,
42 with another district, public agency or state approved not-for-profit agency
43 offering an approved program for such services. If the district finds that no
44 approved program is available in another district, public agency or state approved
45 not-for-profit agency, it shall request the state department of elementary and
46 secondary education to assist it in obtaining from an approved program, services
47 at the reimbursable rate.

48 **4. Any rule or portion of a rule, as that term is defined in section**
49 **536.010 that is created under the authority delegated in this section**
50 **shall become effective only if it complies with and is subject to all of**
51 **the provisions of chapter 536, and, if applicable, section 536.028. This**
52 **section and chapter 536 are nonseverable and if any of the powers**
53 **vested with the general assembly pursuant to chapter 536, to review, to**
54 **delay the effective date, or to disapprove and annul a rule are**
55 **subsequently held unconstitutional, then the grant of rulemaking**
56 **authority and any rule proposed or adopted after August 28, 2010, shall**
57 **be invalid and void.**

178.695. 1. Programs shall be subject to review and approval under
2 standards developed by the department of elementary and secondary education
3 consisting of early childhood education and parents as teachers programs and
4 published as an administrative rule under the provisions of chapter 536, RSMo.

5 **2. The department of elementary and secondary education shall,**
6 **by October first of each year, submit to the joint committee on**
7 **education a report concerning the demographics of the individuals**
8 **served by any approved program of parent education, including**

9 **whether such individuals would be considered high need or low**
10 **income. No information shall identify any specific individual.**

11 3. The lieutenant governor shall act as an advisor to the department for
12 all such programs reviewed by the department.

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

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

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

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

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

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

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

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

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

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

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

26 (d) A report from the commission regarding the state of children in
27 Missouri; **and**

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

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

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

38 (2) A representative from each of the following departments: health and
39 senior services, mental health, social services, and elementary and secondary
40 education;

41 (3) A representative of the judiciary;

42 (4) A representative of the family and community trust board (FACT);

43 (5) A representative from the head start program;

44 (6) Nine members appointed by the governor with the advice and consent
45 of the senate who are representatives of the groups, such as business,
46 philanthropy, civic groups, faith-based organizations, parent groups, advocacy
47 organizations, early childhood service providers, and other stakeholders.

48 The coordinating board may make all rules it deems necessary to enable it to
49 conduct its meetings, elect its officers, and set the terms and duties of its
50 officers. The coordinating board shall elect from amongst its members a
51 chairperson, vice chairperson, a secretary-reporter, and such other officers as it
52 deems necessary. Members of the board shall serve without compensation but
53 may be reimbursed for actual expenses necessary to the performance of their
54 official duties for the board.

55 3. The coordinating board for early childhood shall have the power to:

56 (1) Develop a comprehensive statewide long-range strategic plan for a
57 cohesive early childhood system;

58 (2) Confer with public and private entities for the purpose of promoting
59 and improving the development of children from birth through age five of this
60 state;

61 (3) Identify legislative recommendations to improve services for children
62 from birth through age five;

63 (4) Promote coordination of existing services and programs across public
64 and private entities;

65 (5) Promote research-based approaches to services and ongoing program
66 evaluation;

67 (6) Identify service gaps and advise public and private entities on methods
68 to close such gaps;

69 (7) Apply for and accept gifts, grants, appropriations, loans, or
70 contributions to the coordinating board for early childhood fund from any source,
71 public or private, and enter into contracts or other transactions with any federal
72 or state agency, any private organizations, or any other source in furtherance of
73 the purpose of subsections 2 and 3 of this section, and take any and all actions
74 necessary to avail itself of such aid and cooperation;

75 (8) Direct disbursements from the coordinating board for early childhood
76 fund as provided in this section;

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

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

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

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

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

92 (14) Adopt and use an official seal;

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

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

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

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

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

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

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

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

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

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

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

210.135. 1. Any person, official, or institution complying with the
2 provisions of sections 210.110 to 210.165 in the making of a report, the taking of
3 color photographs, or the making of radiologic examinations pursuant to sections
4 210.110 to 210.165, or both such taking of color photographs and making of
5 radiologic examinations, or the removal or retaining a child pursuant to sections
6 210.110 to 210.165, or in cooperating with the division, or any other law
7 enforcement agency, juvenile office, court, or child-protective service agency of
8 this or any other state, in any of the activities pursuant to sections 210.110 to
9 210.165, or any other allegation of child abuse, neglect or assault, pursuant to
10 sections 568.045 to 568.060, RSMo, shall have immunity from any liability, civil
11 or criminal, that otherwise might result by reason of such actions. Provided,
12 however, any person, official or institution intentionally filing a false report,
13 acting in bad faith, or with ill intent, shall not have immunity from any liability,
14 civil or criminal. Any such person, official, or institution shall have the same
15 immunity with respect to participation in any judicial proceeding resulting from
16 the report.

17 **2. Any person, who is not a school district employee, who makes**
18 **a report to any employee of the school district of child abuse by a**
19 **school employee shall have immunity from any liability, civil or**
20 **criminal, that otherwise might result because of such report. Provided,**
21 **however, that any such person who makes a false report, knowing that**
22 **the report is false, or who acts in bad faith or with ill intent in making**
23 **such report shall not have immunity from any liability, civil or**
24 **criminal. Any such person shall have the same immunity with respect**
25 **to participation in any judicial proceeding resulting from the report.**

210.145. 1. The division shall develop protocols which give priority to:

2 (1) Ensuring the well-being and safety of the child in instances where
3 child abuse or neglect has been alleged;

4 (2) Promoting the preservation and reunification of children and families
5 consistent with state and federal law;

6 (3) Providing due process for those accused of child abuse or neglect; and

7 (4) Maintaining an information system operating at all times, capable of
8 receiving and maintaining reports. This information system shall have the ability
9 to receive reports over a single, statewide toll-free number. Such information
10 system shall maintain the results of all investigations, family assessments and
11 services, and other relevant information.

12 2. The division shall utilize structured decision-making protocols for
13 classification purposes of all child abuse and neglect reports. The protocols
14 developed by the division shall give priority to ensuring the well-being and safety
15 of the child. All child abuse and neglect reports shall be initiated within
16 twenty-four hours and shall be classified based upon the reported risk and injury
17 to the child. The division shall promulgate rules regarding the structured
18 decision-making protocols to be utilized for all child abuse and neglect reports.

19 3. Upon receipt of a report, the division shall determine if the report
20 merits investigation, including reports which if true would constitute a suspected
21 violation of any of the following: section 565.020, 565.021, 565.023, 565.024, or
22 565.050, RSMo, if the victim is a child less than eighteen years of age, section
23 566.030 or 566.060, RSMo, if the victim is a child less than eighteen years of age,
24 or other crimes under chapter 566, RSMo, if the victim is a child less than
25 eighteen years of age and the perpetrator is twenty-one years of age or older,
26 section 567.050, RSMo, if the victim is a child less than eighteen years of age,
27 section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080, or 568.090, RSMo,
28 section 573.025, 573.035, 573.037, or 573.040, RSMo, or an attempt to commit any
29 such crimes. The division shall immediately communicate all reports that merit
30 investigation to its appropriate local office and any relevant information as may
31 be contained in the information system. The local division staff shall determine,
32 through the use of protocols developed by the division, whether an investigation
33 or the family assessment and services approach should be used to respond to the
34 allegation. The protocols developed by the division shall give priority to ensuring
35 the well-being and safety of the child.

36 4. The local office shall contact the appropriate law enforcement agency
37 immediately upon receipt of a report which division personnel determine merits

38 an investigation and provide such agency with a detailed description of the report
39 received. In such cases the local division office shall request the assistance of the
40 local law enforcement agency in all aspects of the investigation of the
41 complaint. The appropriate law enforcement agency shall either assist the
42 division in the investigation or provide the division, within twenty-four hours, an
43 explanation in writing detailing the reasons why it is unable to assist.

44 5. The local office of the division shall cause an investigation or family
45 assessment and services approach to be initiated in accordance with the protocols
46 established in subsection 2 of this section, except in cases where the sole basis for
47 the report is educational neglect. If the report indicates that educational neglect
48 is the only complaint and there is no suspicion of other neglect or abuse, the
49 investigation shall be initiated within seventy-two hours of receipt of the report.
50 If the report indicates the child is in danger of serious physical harm or threat
51 to life, an investigation shall include direct observation of the subject child within
52 twenty-four hours of the receipt of the report. Local law enforcement shall take
53 all necessary steps to facilitate such direct observation. If the parents of the
54 child are not the alleged abusers, a parent of the child must be notified prior to
55 the child being interviewed by the division. If the abuse is alleged to have
56 occurred in a school or child-care facility the division shall not meet with the
57 child in any school building or child-care facility building where abuse of such
58 child is alleged to have occurred. When the child is reported absent from the
59 residence, the location and the well-being of the child shall be verified. For
60 purposes of this subsection, child-care facility shall have the same meaning as
61 such term is defined in section 210.201.

62 6. The director of the division shall name at least one chief investigator
63 for each local division office, who shall direct the division response on any case
64 involving a second or subsequent incident regarding the same subject child or
65 perpetrator. The duties of a chief investigator shall include verification of direct
66 observation of the subject child by the division and shall ensure information
67 regarding the status of an investigation is provided to the public school district
68 liaison. The public school district liaison shall develop protocol in conjunction
69 with the chief investigator to ensure information regarding an investigation is
70 shared with appropriate school personnel. The superintendent of each school
71 district shall designate a specific person or persons to act as the public school
72 district liaison. Should the subject child attend a nonpublic school the chief
73 investigator shall notify the school principal of the investigation. Upon

74 notification of an investigation, all information received by the public school
75 district liaison or the school shall be subject to the provisions of the federal
76 Family Educational Rights and Privacy Act (FERPA), 20 U.S.C., Section 1232g,
77 and federal rule 34 C.F.R., Part 99.

78 7. The investigation shall include but not be limited to the nature, extent,
79 and cause of the abuse or neglect; the identity and age of the person responsible
80 for the abuse or neglect; the names and conditions of other children in the home,
81 if any; the home environment and the relationship of the subject child to the
82 parents or other persons responsible for the child's care; any indication of
83 incidents of physical violence against any other household or family member; and
84 other pertinent data.

85 8. When a report has been made by a person required to report under
86 section 210.115, the division shall contact the person who made such report
87 within forty-eight hours of the receipt of the report in order to ensure that full
88 information has been received and to obtain any additional information or
89 medical records, or both, that may be pertinent.

90 9. Upon completion of the investigation, if the division suspects that the
91 report was made maliciously or for the purpose of harassment, the division shall
92 refer the report and any evidence of malice or harassment to the local prosecuting
93 or circuit attorney.

94 10. Multidisciplinary teams shall be used whenever conducting the
95 investigation as determined by the division in conjunction with local law
96 enforcement. Multidisciplinary teams shall be used in providing protective or
97 preventive social services, including the services of law enforcement, a liaison of
98 the local public school, the juvenile officer, the juvenile court, and other agencies,
99 both public and private.

100 11. For all family support team meetings involving an alleged victim of
101 child abuse or neglect, the parents, legal counsel for the parents, foster parents,
102 the legal guardian or custodian of the child, the guardian ad litem for the child,
103 and the volunteer advocate for the child shall be provided notice and be permitted
104 to attend all such meetings. Family members, other than alleged perpetrators,
105 or other community informal or formal service providers that provide significant
106 support to the child and other individuals may also be invited at the discretion
107 of the parents of the child. In addition, the parents, the legal counsel for the
108 parents, the legal guardian or custodian and the foster parents may request that
109 other individuals, other than alleged perpetrators, be permitted to attend such

110 team meetings. Once a person is provided notice of or attends such team
111 meetings, the division or the convenor of the meeting shall provide such persons
112 with notice of all such subsequent meetings involving the child. Families may
113 determine whether individuals invited at their discretion shall continue to be
114 invited.

115 12. If the appropriate local division personnel determine after an
116 investigation has begun that completing an investigation is not appropriate, the
117 division shall conduct a family assessment and services approach. The division
118 shall provide written notification to local law enforcement prior to terminating
119 any investigative process. The reason for the termination of the investigative
120 process shall be documented in the record of the division and the written
121 notification submitted to local law enforcement. Such notification shall not
122 preclude nor prevent any investigation by law enforcement.

123 13. If the appropriate local division personnel determines to use a family
124 assessment and services approach, the division shall:

125 (1) Assess any service needs of the family. The assessment of risk and
126 service needs shall be based on information gathered from the family and other
127 sources;

128 (2) Provide services which are voluntary and time-limited unless it is
129 determined by the division based on the assessment of risk that there will be a
130 high risk of abuse or neglect if the family refuses to accept the services. The
131 division shall identify services for families where it is determined that the child
132 is at high risk of future abuse or neglect. The division shall thoroughly document
133 in the record its attempt to provide voluntary services and the reasons these
134 services are important to reduce the risk of future abuse or neglect to the child.
135 If the family continues to refuse voluntary services or the child needs to be
136 protected, the division may commence an investigation;

137 (3) Commence an immediate investigation if at any time during the family
138 assessment and services approach the division determines that an investigation,
139 as delineated in sections 210.109 to 210.183, is required. The division staff who
140 have conducted the assessment may remain involved in the provision of services
141 to the child and family;

142 (4) Document at the time the case is closed, the outcome of the family
143 assessment and services approach, any service provided and the removal of risk
144 to the child, if it existed.

145 14. Within thirty days of an oral report of abuse or neglect, the local office

146 shall update the information in the information system. The information system
147 shall contain, at a minimum, the determination made by the division as a result
148 of the investigation, identifying information on the subjects of the report, those
149 responsible for the care of the subject child and other relevant dispositional
150 information. The division shall complete all investigations within thirty days,
151 unless good cause for the failure to complete the investigation is documented in
152 the information system. If a child involved in a pending investigation dies, the
153 investigation shall remain open until the division's investigation surrounding the
154 death is completed. If the investigation is not completed within thirty days, the
155 information system shall be updated at regular intervals and upon the completion
156 of the investigation. The information in the information system shall be updated
157 to reflect any subsequent findings, including any changes to the findings based
158 on an administrative or judicial hearing on the matter.

159 15. A person required to report under section 210.115 to the division and
160 any person making a report of child abuse or neglect made to the division which
161 is not made anonymously shall be informed by the division of his or her right to
162 obtain information concerning the disposition of his or her report. Such person
163 shall receive, from the local office, if requested, information on the general
164 disposition of his or her report. Such person may receive, if requested, findings
165 and information concerning the case. Such release of information shall be at the
166 discretion of the director based upon a review of the reporter's ability to assist in
167 protecting the child or the potential harm to the child or other children within the
168 family. The local office shall respond to the request within forty-five days. The
169 findings shall be made available to the reporter within five days of the outcome
170 of the investigation. If the report is determined to be unsubstantiated, the
171 reporter may request that the report be referred by the division to the office of
172 child advocate for children's protection and services established in sections 37.700
173 to 37.730, RSMo. Upon request by a reporter under this subsection, the division
174 shall refer an unsubstantiated report of child abuse or neglect to the office of
175 child advocate for children's protection and services.

176 **16. The division shall provide to any individual, who is not**
177 **satisfied with the results of an investigation, information about the**
178 **office of the child advocate and services it may provide under sections**
179 **37.700 to 37.730.**

180 17. In any judicial proceeding involving the custody of a child the fact
181 that a report may have been made pursuant to sections 210.109 to 210.183 shall

182 not be admissible. However:

183 (1) Nothing in this subsection shall prohibit the introduction of evidence
184 from independent sources to support the allegations that may have caused a
185 report to have been made; and

186 (2) The court may on its own motion, or shall if requested by a party to
187 the proceeding, make an inquiry not on the record with the children's division to
188 determine if such a report has been made. If a report has been made, the court
189 may stay the custody proceeding until the children's division completes its
190 investigation.

191 [17.] 18. In any judicial proceeding involving the custody of a child where
192 the court determines that the child is in need of services pursuant to subdivision
193 (d) of subsection 1 of section 211.031, RSMo, and has taken jurisdiction, the
194 child's parent, guardian or custodian shall not be entered into the registry.

195 [18.] 19. The children's division is hereby granted the authority to
196 promulgate rules and regulations pursuant to the provisions of section 207.021,
197 RSMo, and chapter 536, RSMo, to carry out the provisions of sections 210.109 to
198 210.183.

199 [19.] 20. Any rule or portion of a rule, as that term is defined in section
200 536.010, RSMo, that is created under the authority delegated in this section shall
201 become effective only if it complies with and is subject to all of the provisions of
202 chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and
203 chapter 536, RSMo, are nonseverable and if any of the powers vested with the
204 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective
205 date or to disapprove and annul a rule are subsequently held unconstitutional,
206 then the grant of rulemaking authority and any rule proposed or adopted after
207 August 28, 2000, shall be invalid and void.

210.152. 1. All identifying information, including telephone reports
2 reported pursuant to section 210.145, relating to reports of abuse or neglect
3 received by the division shall be retained by the division and removed from the
4 records of the division as follows:

5 (1) For investigation reports contained in the central registry, identifying
6 information shall be retained by the division;

7 (2) (a) For investigation reports initiated against a person required to
8 report pursuant to section 210.115, where insufficient evidence of abuse or neglect
9 is found by the division and where the division determines the allegation of abuse
10 or neglect was made maliciously, for purposes of harassment or in retaliation for

11 the filing of a report by a person required to report, identifying information shall
12 be expunged by the division within forty-five days from the conclusion of the
13 investigation;

14 (b) For investigation reports, where insufficient evidence of abuse or
15 neglect is found by the division and where the division determines the allegation
16 of abuse or neglect was made maliciously, for purposes of harassment or in
17 retaliation for the filing of a report, identifying information shall be expunged by
18 the division within forty-five days from the conclusion of the investigation;

19 (c) For investigation reports initiated by a person required to report under
20 section 210.115, where insufficient evidence of abuse or neglect is found by the
21 division, identifying information shall be retained for five years from the
22 conclusion of the investigation. For all other investigation reports where
23 insufficient evidence of abuse or neglect is found by the division, identifying
24 information shall be retained for two years from the conclusion of the
25 investigation. Such reports shall include any exculpatory evidence known by the
26 division, including exculpatory evidence obtained after the closing of the case. At
27 the end of such time period, the identifying information shall be removed from
28 the records of the division and destroyed;

29 (3) For reports where the division uses the family assessment and services
30 approach, identifying information shall be retained by the division;

31 (4) For reports in which the division is unable to locate the child alleged
32 to have been abused or neglected, identifying information shall be retained for ten
33 years from the date of the report and then shall be removed from the records of
34 the division.

35 2. Within ninety days after receipt of a report of abuse or neglect that is
36 investigated, the alleged perpetrator named in the report and the parents of the
37 child named in the report, if the alleged perpetrator is not a parent, shall be
38 notified in writing of any determination made by the division based on the
39 investigation. The notice shall advise either:

40 (1) That the division has determined by a probable cause finding prior to
41 August 28, 2004, or by a preponderance of the evidence after August 28, 2004,
42 that abuse or neglect exists and that the division shall retain all identifying
43 information regarding the abuse or neglect; that such information shall remain
44 confidential and will not be released except to law enforcement agencies,
45 prosecuting or circuit attorneys, or as provided in section 210.150; that the
46 alleged perpetrator has sixty days from the date of receipt of the notice to seek

47 reversal of the division's determination through a review by the child abuse and
48 neglect review board as provided in subsection 3 of this section; or

49 (2) That the division has not made a probable cause finding or determined
50 by a preponderance of the evidence that abuse or neglect exists.

51 **3. The children's division may reopen a case for review at the**
52 **request of any party to an investigation in which the alleged**
53 **perpetrator is a school employee if information is obtained that the**
54 **investigation was not properly conducted under this chapter or if new**
55 **information becomes available. For any case previously investigated**
56 **by the children's division for which there was a finding of**
57 **unsubstantiated in which the alleged perpetrator was a school**
58 **employee, the children's division shall reconduct its investigation one**
59 **time at the request of the office of the child advocate if the office of the**
60 **child advocate has reasonable suspicion of wrongdoing. The children's**
61 **division shall not reopen an investigation if a court of law has entered**
62 **a final judgment on the matter.**

63 4. Any person named in an investigation as a perpetrator who is
64 aggrieved by a determination of abuse or neglect by the division as provided in
65 this section may seek an administrative review by the child abuse and neglect
66 review board pursuant to the provisions of section 210.153. Such request for
67 review shall be made within sixty days of notification of the division's decision
68 under this section. In those cases where criminal charges arising out of facts of
69 the investigation are pending, the request for review shall be made within sixty
70 days from the court's final disposition or dismissal of the charges.

71 [4.] 5. In any such action for administrative review, the child abuse and
72 neglect review board shall sustain the division's determination if such
73 determination was supported by evidence of probable cause prior to August 28,
74 2004, or is supported by a preponderance of the evidence after August 28, 2004,
75 and is not against the weight of such evidence. The child abuse and neglect
76 review board hearing shall be closed to all persons except the parties, their
77 attorneys and those persons providing testimony on behalf of the parties.

78 [5.] 6. If the alleged perpetrator is aggrieved by the decision of the child
79 abuse and neglect review board, the alleged perpetrator may seek de novo judicial
80 review in the circuit court in the county in which the alleged perpetrator resides
81 and in circuits with split venue, in the venue in which the alleged perpetrator
82 resides, or in Cole County. If the alleged perpetrator is not a resident of the

83 state, proper venue shall be in Cole County. The case may be assigned to the
84 family court division where such a division has been established. The request for
85 a judicial review shall be made within sixty days of notification of the decision of
86 the child abuse and neglect review board decision. In reviewing such decisions,
87 the circuit court shall provide the alleged perpetrator the opportunity to appear
88 and present testimony. The alleged perpetrator may subpoena any witnesses
89 except the alleged victim or the reporter. However, the circuit court shall have
90 the discretion to allow the parties to submit the case upon a stipulated record.

91 [6.] 7. In any such action for administrative review, the child abuse and
92 neglect review board shall notify the child or the parent, guardian or legal
93 representative of the child that a review has been requested.

210.915. The department of corrections, the department of public safety,
2 the department of social services, **the department of elementary and**
3 **secondary education**, and the department of mental health shall collaborate
4 with the department to compare records on child-care, elder-care, mental health,
5 and personal-care workers, **including those individuals required to**
6 **undergo a background check under the provisions of section 168.133,**
7 and the records of persons with criminal convictions and the background checks
8 pursuant to subdivisions (1) to (8) of subsection 2 of section 210.903, and to enter
9 into any interagency agreements necessary to facilitate the receipt of such
10 information and the ongoing updating of such information. The department shall
11 promulgate rules and regulations concerning such updating, including subsequent
12 background reviews as listed in subsection 1 of section 210.909.

210.922. The department of health and senior services, department of
2 mental health, **department of elementary and secondary education**, and
3 department of social services may use the registry information to carry out the
4 duties assigned to the department pursuant to this chapter and chapters **168,**
5 **190, 195, 197, 198, 630, and 660, RSMo.**

556.037. Notwithstanding the provisions of section 556.036, prosecutions
2 for unlawful sexual offenses involving a person eighteen years of age or under
3 must be commenced within [twenty] **thirty** years after the victim reaches the age
4 of eighteen unless the prosecutions are for forcible rape, attempted forcible rape,
5 forcible sodomy, kidnapping, or attempted forcible sodomy in which case such
6 prosecutions may be commenced at any time.

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

Section C. Because of the need to provide adequate funding to public
2 schools, the enactment of section 163.410 of this act and the repeal and
3 reenactment of sections 163.031, 163.036, 168.500, and 168.515 of this act is
4 deemed necessary for the immediate preservation of the public health, welfare,
5 peace and safety, and is hereby declared to be an emergency act within the
6 meaning of the constitution, and the enactment of section 163.410 of this act and
7 the repeal and reenactment of sections 163.031, 163.036, 168.500, and 168.515 of
8 this act shall be in full force and effect upon its passage and approval or July 1,
9 2010, whichever occurs later.

Unofficial ✓

Bill

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