

SENATE BILL NO. 977

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR ESLINGER.

4623S.01H

ADRIANE D. CROUSE, Secretary

AN ACT

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

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

Section A. Sections 162.261, 162.281, 162.291, 162.471,
2 162.481, and 162.491, RSMo, are repealed and seven new sections
3 enacted in lieu thereof, to be known as sections 162.261,
4 162.281, 162.291, 162.471, 162.481, 162.491, and 162.563, to
5 read as follows:

162.261. 1. The government and control of a seven-
2 director school district, other than an urban district, is
3 vested in a board of education of seven members, who hold
4 their office for three years, except as provided in
5 **[section] sections 162.241 and 162.563**, and until their
6 successors are duly elected and qualified. Any vacancy
7 occurring in the board shall be filled by the remaining
8 members of the board; except that if there are more than two
9 vacancies at any one time, the county commission upon
10 receiving written notice of the vacancies shall fill the
11 vacancies by appointment. If there are more than two
12 vacancies at any one time in a county without a county
13 commission, the county executive upon receiving written
14 notice of the vacancies shall fill the vacancies, with the
15 advice and consent of the county council, by appointment.
16 The person appointed shall hold office until the next

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

17 municipal election, when a director shall be elected for the
18 unexpired term.

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

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

162.281. **Except as provided in section 162.563**, in all
2 seven-director districts, including urban districts, when
3 directors are to be elected for terms of different lengths,
4 each candidate shall declare for a term of a specific number
5 of years and the different terms shall be voted upon as
6 separate propositions.

162.291. **Except as provided in section 162.563**, the
2 voters of each seven-director district other than urban
3 districts shall, at municipal elections, elect two directors
4 who are citizens of the United States and resident taxpayers
5 of the district, who have resided in [this state] the
6 **district** for one year next preceding their election or
7 appointment, and who are at least twenty-four years of age.

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

3 2. **Except as provided in section 162.563**, each
4 director shall be a voter of the district who has resided
5 within this state for one year next preceding [his] the
6 **director's** election or appointment and who is at least

7 twenty-four years of age. All directors, except as
8 otherwise provided in [section] **sections** 162.481 [and
9 section], 162.492, **and 162.563**, shall hold their offices for
10 six years and until their successors are duly elected and
11 qualified. All vacancies occurring in the board, except as
12 provided in section 162.492, shall be filled by appointment
13 by the board as soon as practicable, and the person
14 appointed shall hold [his] office until the next school
15 board election, when [his] a successor shall be elected for
16 the remainder of the unexpired term. The power of the board
17 to perform any official duty during the existence of a
18 vacancy continues unimpaired thereby.

162.481. 1. Except as otherwise provided in this
2 section and [in section] **sections** 162.492 **and 162.563**, all
3 elections of school directors in urban school districts
4 shall be held biennially at the same times and places as
5 municipal elections.

6 2. Except as otherwise provided in subsections 3, 4,
7 and 5 of this section, hereafter when a seven-director
8 district becomes an urban school district, the directors of
9 the prior seven-director district shall continue as
10 directors of the urban school district until the expiration
11 of the terms for which they were elected and until their
12 successors are elected as provided in this subsection. The
13 first biennial school election for directors shall be held
14 in the urban school district at the time provided in
15 subsection 1 which is on the date of or subsequent to the
16 expiration of the terms of the directors of the prior
17 district which are first to expire, and directors shall be
18 elected to succeed the directors of the prior district whose
19 terms have expired. If the terms of two directors only have
20 expired, the directors elected at the first biennial school

21 election in the urban school district shall be elected for
22 terms of six years. If the terms of four directors have
23 expired, two directors shall be elected for terms of six
24 years and two shall be elected for terms of four years. At
25 the next succeeding biennial election held in the urban
26 school district, successors for the remaining directors of
27 the prior seven-director district shall be elected. If only
28 two directors are to be elected they shall be elected for
29 terms of six years each. If four directors are to be
30 elected, two shall be elected for terms of six years and two
31 shall be elected for terms of two years. After seven
32 directors of the urban school district have been elected
33 under this subsection, their successors shall be elected for
34 terms of six years.

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

44 4. For any school district which becomes an urban
45 school district by reason of the 2000 federal decennial
46 census, elections shall be held annually at the same times
47 and places as general municipal elections for all years
48 where one or more terms expire, and the terms shall be for
49 three years and until their successors are duly elected and
50 qualified for all directors elected on and after August 28,
51 2001.

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

62 6. In any urban school district in a county of the
63 first classification with more than eighty-three thousand
64 but fewer than ninety-two thousand inhabitants and with a
65 home rule city with more than seventy-six thousand but fewer
66 than ninety-one thousand inhabitants as the county seat,
67 elections shall be held annually at the same times and
68 places as general municipal elections for all years where
69 one or more terms expire, and upon expiration of any term
70 after August 28, 2015, the term of office shall be for three
71 years and until their successors are duly elected and
72 qualified.

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

10 2. This section shall not be construed as providing
11 the sole method of nominating candidates for the office of

12 school director in urban **school** districts [which] **that** do
13 not contain the greater part of a city of over three hundred
14 thousand inhabitants.

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

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

29 **5. No candidate for election as a school board**
30 **director representing a subdistrict as provided in section**
31 **162.563 shall be required to file a declaration of candidacy**
32 **as provided in this section as the sole method of filing for**
33 **candidacy.**

162.563. 1. As used in this section, the following
2 terms mean:

3 (1) "School board", the board vested with the
4 government and control of a school district as described in
5 section 162.261 or section 162.471;

6 (2) "School district", a seven-director school
7 district or an urban school district established in this
8 chapter.

9 2. A school board may divide the school district into
10 seven subdistricts or a combination of subdistricts and at-

11 large districts and establish the election of school board
12 members as provided in this section.

13 3. (1) A school board desiring to divide a school
14 district as provided in this section shall vote on the
15 question of dividing the district as provided in this
16 section. Upon the approval of the question by at least four
17 members of the school board, the school board shall develop
18 a proposed plan as described in subdivision (2) of this
19 subsection.

20 (2) A school board dividing a school district as
21 provided in this section shall develop and adopt a proposed
22 plan for the division of the school district. Such proposed
23 plan shall be adopted upon the approval of at least four
24 members of the school board and shall contain at least the
25 following information:

26 (a) A summary of the proposed plan for dividing the
27 school district;

28 (b) A statement indicating whether the school district
29 will be divided into seven subdistricts or a combination of
30 subdistricts and at-large districts;

31 (c) A description of the areas of the school district
32 each newly elected school board member will represent, with
33 each subdistrict and at-large district represented by a
34 number;

35 (d) A statement indicating whether the existing school
36 board members will be replaced by the newly elected school
37 board members at one election or in succeeding elections to
38 provide for staggered terms of the members; and

39 (e) Any other information deemed necessary by the
40 school board.

41 (3) After the school board develops such proposed
42 plan, the school board shall immediately notify the election

43 authority of the county in which the school district is
44 located. Upon receiving such notification, the election
45 authority shall submit the question of whether to divide the
46 school district as described in the proposed plan to the
47 voters of the school district on the next available day for
48 any municipal election. If a majority of the registered
49 voters of the school district voting on the question approve
50 the division of the school district, the school board shall
51 follow the procedures described in subsection 4 of this
52 section. If a majority of the registered voters of the
53 school district voting on the question reject the division
54 of the school district, no division as described in this
55 section shall occur.

56 4. (1) After approval of a question submitted under
57 subdivision (3) of subsection 3 of this section, a school
58 board dividing a school district as provided in this section
59 shall adopt a final plan for the division of the school
60 district based on the proposed plan developed under
61 subsection 3 of this section. Such final plan shall contain
62 at least the following information:

63 (a) A summary of the proposed plan for dividing the
64 school district;

65 (b) The time and place of at least two public hearings
66 to be held to consider the proposed plan;

67 (c) A statement indicating whether the school district
68 will be divided into seven subdistricts or a combination of
69 subdistricts and at-large districts;

70 (d) A description of the areas of the school district
71 each newly elected school board member will represent, with
72 each subdistrict and at-large district represented by a
73 number;

74 (e) A statement indicating whether the existing school
75 board members will be replaced by the newly elected school
76 board members at one election or in succeeding elections to
77 provide for staggered terms of the members; and

78 (f) Any other information deemed necessary by the
79 school board.

80 (2) For each hearing held as provided in this
81 subsection, the school board shall:

82 (a) Publish notice of the hearing, the proposed plan,
83 and any amendments to the proposed plan adopted at a
84 previous hearing on the school district's website and by any
85 other method allowed by law, with the first publication to
86 occur no more than thirty days before the hearing and the
87 second publication to occur no earlier than fifteen days and
88 no later than ten days before the hearing;

89 (b) Hear all alternate proposals for division of the
90 school district and receive evidence for or against such
91 alternate proposals;

92 (c) Hear all protests and receive evidence for or
93 against such proposed division;

94 (d) Vote on each alternate proposal and protest, which
95 vote shall be the final determination of such alternate
96 proposal or protest;

97 (e) Adopt any amendments to the proposed plan; and

98 (f) Perform any other actions related to the proposed
99 plan deemed necessary by the school board.

100 (3) (a) After the conclusion of the final hearing
101 proceedings but before adjourning such hearing, the school
102 board shall adopt the final plan to divide the school
103 district developed as a result of the hearings.

104 (b) After the school board adopts the final plan, the
105 school board shall present the final plan to the election

106 authority of the county in which the school district is
107 located for actions required under subdivision (4) of this
108 subsection and publish the final plan in the same manner as
109 the initial proposed plan was published under paragraph (a)
110 of subdivision (2) of this subsection. The final plan shall
111 contain at least the following information:

112 a. A summary of the final plan for dividing the school
113 district;

114 b. A statement indicating whether the school district
115 will be divided into seven subdistricts or a combination of
116 subdistricts and at-large districts;

117 c. A description of the areas of the school district
118 each newly elected school board member will represent, with
119 each subdistrict and at-large district represented by a
120 number;

121 d. The date of the election of each new school board
122 member as provided in the final plan;

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

127 f. Any other information deemed necessary by the
128 school board.

129 (4) (a) After a final plan is adopted as provided in
130 subdivision (3) of this subsection, before December first of
131 the calendar year immediately preceding the general
132 municipal election day in the calendar year in which the
133 residents of the school district will vote to elect new
134 school board members as provided in the final plan, the
135 school board shall divide the school district into seven
136 subdistricts or a combination of subdistricts and at-large
137 districts as directed in the final plan. All subdistricts

138 required by the final plan shall be of contiguous and
139 compact territory and as nearly equal in population as
140 practicable in accordance with the final plan. Within six
141 months after each decennial census is reported to the
142 President of the United States, the school board shall
143 reapportion the subdistricts to be as nearly equal in
144 population as practicable. After the school board divides
145 the school district or reapportions the subdistricts, the
146 school board shall notify the residents of the school
147 district as provided by law.

148 (b) Any resident of the school district who believes
149 the school board has divided the school district or
150 reapportioned subdistricts in violation of paragraph (a) of
151 this subdivision may petition the circuit court of the
152 county in which the school district exists for an order
153 directing the school board to divide the school district or
154 reapportion the subdistricts as provided in paragraph (a) of
155 this subdivision. The petition shall be submitted to the
156 circuit court within ten business days of the school board's
157 notice required in paragraph (a) of this subdivision.

158 (5) On the first day available for candidate filing
159 for the first general municipal election occurring after the
160 school district is divided as provided in this subsection,
161 any qualified resident who has or will have resided in a
162 subdistrict or at-large district for the year immediately
163 preceding the general municipal election day may file as a
164 candidate for election to the school board as a member
165 representing such subdistrict or at-large district. At the
166 end of the time available for candidate filing, if no
167 qualified resident of a subdistrict has filed as a candidate
168 in that subdistrict, the election authority shall extend the
169 time for candidate filing by seven additional days, and any

170 qualified resident of the school district who has or will
171 have resided in the school district for the year immediately
172 preceding the general municipal election day may file as a
173 candidate for election to the school board as a member
174 representing that subdistrict. No school district shall
175 require a candidate to submit a petition signed by the
176 registered voters of the school district as a method of
177 filing a declaration of candidacy. The election authority
178 shall determine the validity of all declarations of
179 candidacy.

180 (6) When the election is held on the general municipal
181 election day, the seven candidates, one from each of the
182 subdistricts or at-large districts, who receive a plurality
183 of the votes cast by the voters of that subdistrict or at-
184 large district shall be elected. Any candidate who is not a
185 subdistrict resident but qualifies as a candidate as a
186 school district resident as provided in subdivision (5) of
187 this subsection shall be elected by the voters of the school
188 district. Each member shall be elected to a term as
189 provided in the final plan adopted as provided in
190 subdivision (3) of this subsection.

191 (7) Each member shall serve until a successor is
192 elected or the member vacates the office. Any vacancy that
193 occurs before the end of the member's term shall be filled
194 as provided in section 162.261 or 162.471.

195 (8) Except for a member who is not a subdistrict
196 resident but is elected as a school district resident to
197 represent a subdistrict as provided in subdivision (5) of
198 this subsection, each member shall reside in the subdistrict
199 the member represents during the member's term.

200 (9) All other provisions applicable to school
201 districts that are not in conflict with this subsection

202 shall apply to school districts divided as provided in this
203 subsection.

204 5. (1) If any school district receives a petition,
205 signed by at least ten percent of the number of registered
206 voters of the school district voting in the last school
207 board election, calling for the school district to divide
208 into seven subdistricts or a combination of subdistricts and
209 at-large districts and establish the election of school
210 board members as provided in this subsection, the school
211 district shall immediately notify the election authority of
212 the county in which the school district is located. Upon
213 receiving such notification, the election authority shall
214 submit the question of whether to divide the school district
215 as provided by the petition to the voters of the school
216 district on the next available day for any municipal
217 election. If a majority of the registered voters of the
218 school district voting on the question approve the division
219 of the school district, the school board shall begin the
220 process of adopting the plan as described in this
221 subsection. If a majority of the registered voters of the
222 school district voting on the question reject the division
223 of the school district, no division as described in the
224 petition shall occur.

225 (2) (a) Any such petition submitted to the school
226 district as provided in this subsection shall contain a
227 proposed plan for the division of the school district. Such
228 proposed plan shall contain at least the following
229 information:

230 a. A summary of the proposed plan for dividing the
231 school district;

232 b. A statement indicating whether the school district
233 will be divided into seven subdistricts or a combination of
234 subdistricts and at-large districts;

235 c. A description of the areas of the school district
236 each newly elected school board member will represent, with
237 each subdistrict and at-large district represented by a
238 number;

239 d. The proposed date of the election of each new
240 school board member as provided in the proposed plan;

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

245 f. Any other information deemed necessary by the
246 school board.

247 (b) If a division of the school district is approved
248 by the voters as provided in subdivision (1) of this
249 subsection, the school board shall create a school district
250 division commission to develop a final plan for division of
251 the school district. The commission shall:

252 a. Be composed of nine members as follows:

253 (i) Three members appointed by the superintendent of
254 the school district;

255 (ii) Three members appointed by the county commission;
256 and

257 (iii) Three members appointed by the organizers of the
258 petition to divide the school district; and

259 b. Set the time and place of at least two hearings to
260 be held to consider the proposed plan. For each hearing
261 held, the commission shall:

262 (i) Publish notice of the hearing, the proposed plan,
263 and any amendments to the proposed plan adopted at a

264 previous hearing on the school district's website and by any
265 other method allowed by law, with the first publication to
266 occur no more than thirty days before the hearing and the
267 second publication to occur no earlier than fifteen days and
268 no later than ten days before the hearing;

269 (ii) Conduct the hearing on the proposal for division
270 of the district on behalf of the petitioners;

271 (iii) Hear all protests and receive evidence for or
272 against such proposed division; and

273 (iv) Vote to adopt any proposed plan amendments agreed
274 to by the petitioners as a result of the hearings.

275 (c) Within ninety days after the adjournment of the
276 final hearing conducted as provided in this subdivision, the
277 commission shall submit the final plan to the election
278 authority of the county in which the school district is
279 located for actions required in subdivision (3) of this
280 subsection and publish the final plan in the same manner as
281 the initial proposed plan was published as provided in item
282 (i) of subparagraph b. of paragraph (b) of this
283 subdivision. The final plan shall contain at least the
284 following information:

285 a. A summary of the final plan for dividing the school
286 district;

287 b. A statement indicating whether the school district
288 will be divided into seven subdistricts or a combination of
289 subdistricts and at-large districts;

290 c. A description of the areas of the school district
291 each newly elected school board member will represent, with
292 each subdistrict and at-large district represented by a
293 number;

294 d. The date of the election of each new school board
295 member as provided in the final plan;

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

300 f. Any other information deemed necessary by the
301 commission.

302 (3) (a) After a final plan is submitted to the
303 election authority as provided in subdivision (2) of this
304 subsection, before December first of the calendar year
305 immediately preceding the general municipal election day in
306 the calendar year in which the residents of the school
307 district will vote to elect new school board members as
308 provided in the final plan, the school district division
309 commission shall divide the school district into seven
310 subdistricts or a combination of subdistricts and at-large
311 districts as directed in the final plan. All subdistricts
312 required by the final plan shall be of contiguous and
313 compact territory and as nearly equal in population as
314 practicable in accordance with the final plan. Within six
315 months after each decennial census is reported to the
316 President of the United States, the commission shall
317 reapportion the subdistricts to be as nearly equal in
318 population as practicable. After the commission divides the
319 school district or reapportions the subdistricts, the
320 commission shall notify the residents of the school district
321 as provided by law.

322 (b) Any resident of the school district who believes
323 the school district division commission has divided the
324 school district or reapportioned subdistricts in violation
325 of paragraph (a) of this subdivision may petition the
326 circuit court of the county in which the school district
327 exists for an order directing the commission to divide the

328 school district or reapportion the subdistricts as provided
329 in paragraph (a) of this subdivision. The petition shall be
330 submitted to the circuit court within ten business days of
331 the commission's notice provided in paragraph (a) of this
332 subdivision.

333 (4) On the first day available for candidate filing
334 for the first general municipal election occurring after the
335 school district is divided as provided in this subsection,
336 any qualified resident who has or will have resided in a
337 subdistrict or at-large district for the year immediately
338 preceding the general municipal election day may file as a
339 candidate for election to the school board as a member
340 representing such subdistrict or at-large district. At the
341 end of the time available for candidate filing, if no
342 qualified resident of a subdistrict has filed as a candidate
343 in that subdistrict, the election authority shall extend the
344 time for candidate filing by seven additional days, and any
345 qualified resident of the school district who has or will
346 have resided in the school district for the year immediately
347 preceding the general municipal election day may file as a
348 candidate for election to the school board as a member
349 representing that subdistrict. No school district shall
350 require a candidate to submit a petition signed by the
351 registered voters of the school district as a method of
352 filing a declaration of candidacy. The election authority
353 shall determine the validity of all declarations of
354 candidacy.

355 (5) When the election is held on the general municipal
356 election day, the seven candidates, one from each of the
357 subdistricts or at-large districts, who receive a plurality
358 of the votes cast by the voters of that subdistrict shall be
359 elected. Any candidate who is not a subdistrict resident

360 but qualifies as a candidate as a school district resident
361 as provided in subdivision (4) of this subsection shall be
362 elected by the voters of the school district. Each member
363 shall be elected to a term as provided in the final plan
364 approved as provided in subdivision (2) of this subsection.

365 (6) Each member shall serve until a successor is
366 elected or the member vacates the office. Any vacancy that
367 occurs before the end of the member's term shall be filled
368 as provided in section 162.261 or 162.471.

369 (7) Except for a member who is not a subdistrict
370 resident but is elected as a school district resident to
371 represent a subdistrict as provided in subdivision (4) of
372 this subsection, each member shall reside in the subdistrict
373 the member represents during the member's term.

374 (8) All other provisions applicable to school
375 districts that are not in conflict with this subsection
376 shall apply to school districts divided as provided in this
377 subsection.

378 6. No new plan for division of the school district
379 shall be proposed or adopted as provided in this section
380 sooner than five years after a division of the school
381 district as provided in this section.

✓