

SENATE BILL NO. 839

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CIERPIOT.

3843S.02I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 162.083, 162.221, 162.223, 162.241, 162.261, 162.291, 162.301, 162.341, 162.431, 162.459, 162.471, 162.481, 162.492, 162.563, 162.601, 162.821, 162.825, 162.865, 162.867, and 162.910, RSMo, and to enact in lieu thereof twenty-one new sections relating to school board elections, with an effective date.

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

Section A. Sections 162.083, 162.221, 162.223, 162.241, 162.261, 162.291, 162.301, 162.341, 162.431, 162.459, 162.471, 162.481, 162.492, 162.563, 162.601, 162.821, 162.825, 162.865, 162.867, and 162.910, RSMo, are repealed and twenty-one new sections enacted in lieu thereof, to be known as sections 162.082, 162.083, 162.221, 162.223, 162.241, 162.261, 162.291, 162.301, 162.341, 162.431, 162.459, 162.471, 162.481, 162.492, 162.563, 162.601, 162.821, 162.825, 162.865, 162.867, and 162.910, to read as follows:

162.082. 1. Elections for all school board members shall be held on the first Tuesday after the first Monday in November of even-numbered years, and the term of every school board member elected in 2028 and every year thereafter shall be four years, except as specifically provided in other sections.

2. Any school board member whose term expires prior to the first Tuesday after the first Monday in November of 2028 or in any other odd-numbered year thereafter shall continue

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

to serve until his or her successor is duly elected and qualified at the next general election.

3. In an even-numbered year, the number of school board seats to be elected shall be equal to those with terms that would have expired in the previous odd-numbered year and those with terms expiring in such even-numbered year. Except as specifically provided in other sections, the candidates in each school board election receiving the highest number of votes shall be elected for terms of four years.

4. As used in this chapter, "school board member election" or "school board election" means the election held on the first Tuesday after the first Monday of November in even-numbered years starting in 2028.

5. (1) Each declaration of candidacy for school board member shall state the candidate's full name, residence address, office for which such candidate proposes to be a candidate, the party ticket on which he or she wishes to be a candidate, and that if elected he or she will qualify. The declaration shall be in substantially the following form:

I, _____, a resident and registered voter of the county of _____ and the state of Missouri, residing at _____, do announce myself a candidate for the office of _____ on the _____ party ticket, to be voted for at the _____ election to be held on the _____ day of _____, _____, and I further declare that if elected to such office I will qualify.

Signature of candidate

Subscribed and sworn to
before me this _____ day
_____ of, _____

42 _____
43 **Residence address** **Signature of election**
44 **official or other officer**
45 **authorized to administer**
46 **oaths**

47 _____
48 **Mailing address (if different)**

49 _____
50 **Telephone Number (Optional)**

51 (2) If the declaration is to be filed in person, it
52 shall be subscribed and sworn to by the candidate before an
53 official authorized to accept his or her declaration of
54 candidacy. If the declaration is to be filed by certified
55 mail or any other means, it shall be subscribed and sworn to
56 by the candidate before a notary public or other officer
57 authorized by law to administer oaths.

58 (3) Political parties and groups of voters may
59 nominate candidates for school board member in the manner
60 provided by sections 115.307 to 115.405 and in no other
61 manner.

162.083. 1. The state board of education may appoint
2 additional members to any special administrative board
3 appointed under section 162.081.

4 2. The state board of education may set a final term
5 of office for any member of a special administrative board,
6 after which a successor member shall be elected by the
7 voters of the district.

8 (1) All final terms of office for members of the
9 special administrative board established under this section
10 shall expire on June thirtieth.

11 (2) The election of a successor member shall occur on
12 the [general municipal election day] **first Tuesday after the**
13 **first Monday in November of the even-numbered year**
14 immediately prior to the expiration of the final term of
15 office.

16 (3) The election shall be conducted in a manner
17 consistent with the election laws applicable to the school
18 district.

19 3. Nothing in this section shall be construed as
20 barring an otherwise qualified member of the special
21 administrative board from standing for an elected term on
22 the board.

23 4. On a date set by the state board of education, any
24 district operating under the governance of a special
25 administrative board shall return to local governance, and
26 continue operation as a school district as otherwise
27 authorized by law.

162.221. 1. When the voters of any one or more
2 districts as authorized in section 162.211, except those
3 districts designated in subdivision (2) thereof, desire to
4 form a seven-director district, a petition signed by at
5 least ten percent in number of those voting for school board
6 members in the last [annual] school election in each
7 district or one hundred voters, whichever is the higher
8 number, shall be filed with the state board of education.
9 On receipt of the petition, a representative of the state
10 department of education, designated by the commissioner of
11 education, shall visit the districts and determine the exact
12 boundaries of the proposed seven-director district. In

determining these boundaries, he shall so locate the boundary lines as will in his judgment form the best possible seven-director district, having due regard also to the welfare of adjoining districts.

2. Within sixty days after the receipt of the petition, the commissioner of education shall submit the question to the voters of the proposed district. The notice shall include a statement of the purpose together with a plat of the proposed district. The state commissioner shall file a copy of the petition and of the plat with the county clerk. The election shall be conducted in the manner provided in section 162.191.

162.223. 1. When the voters in any two or more adjacent districts without limitation as to size or enrollment desire to consolidate and form a new district, a petition asking for an election upon the question of consolidation shall be filed with the boards of education of the affected districts; provided, however, that such petition shall be signed by ten percent of those in each district who voted for school directors at the last election in which such directors were elected, or one hundred voters, whichever is the higher number.

2. As an alternative to the procedure in subsection 1 of this section, two or more adjacent districts may, by a majority vote of each board of education, call for an election upon the question of consolidation.

3. The question shall be submitted in substantially the following form:

Shall the _____ school district and the _____ school district (and the _____ school district) form a new district with a tax rate ceiling of _____ per one hundred dollars of assessed

21 valuation? If this proposition is approved, the
22 adjusted operating levy of the new school
23 district is estimated to be _____ (amount) per
24 one hundred dollars of assessed valuation.

25 4. The board of directors of each affected district
26 shall cause the question to be included on the ballot to be
27 submitted to the voters in each such district at the next
28 election day. A plat of the proposed new district shall be
29 published and posted with the notices of election.

30 5. The results of the voting on the proposal in each
31 district affected shall be certified to the state
32 commissioner of education by the secretary of each board of
33 education of each district or by such other person or body
34 charged with conducting such elections and, should the
35 majority of the votes cast in each affected district be in
36 favor of the proposal, the state commissioner shall declare
37 the new district formed as of July first following the
38 submission of the question.

39 6. If the commissioner of education declares, before
40 the closing date for filing for the election of board
41 members [on the municipal election date], that the new
42 district is to be formed as of July first, no candidates
43 shall be certified by the districts involved in the
44 consolidation and the board members whose terms would
45 otherwise have expired on that date shall remain as board
46 members until July first. In consolidation cases where
47 there is insufficient time from the date the commissioner of
48 education declares that the new district shall be formed as
49 of July first and July first to hold an election of board
50 members, seven board members from the boards of the
51 consolidating districts shall be drawn by lot to serve until
52 the next election at which the new board of education can be

53 elected. The number of board members selected from one
54 district shall not exceed the quotient resulting from seven
55 divided by the number of districts consolidating rounded
56 down to the nearest whole number plus one. The commissioner
57 of education or a designee shall supervise the drawing, by
58 lot, of the board members which shall be approved by the
59 state board of education.

162.241. If a proposal to form a district pursuant to
2 the provisions of sections 162.171 to 162.191, 162.211 and
3 162.221, or section 162.223 receives the required majority
4 of the votes cast on the proposition, the state board of
5 education or the county commission, in the case of a
6 district formed pursuant to the provisions of sections
7 162.171 to 162.191 or 162.211 and 162.221, shall order an
8 election in the district to be held. This election shall be
9 for the purpose of electing seven members to serve on the
10 school board of the district. Such election shall be held
11 on the [next election day as provided under section 115.123]
12 **first Tuesday after the first Monday in November of an even-**
13 **numbered year.** The election shall be conducted in the
14 manner provided by section 162.371. A letter from the
15 commissioner of education, delivered by certified mail to
16 the presiding commissioner of the county commission of the
17 county to which the district formed by provisions of section
18 162.223 is assigned shall be the authority for the county
19 commission to proceed with election procedures in the same
20 manner as they would be performed by the district board of
21 education were it in existence; but the costs of the
22 election shall be paid from the incidental fund of the new
23 district. [Two] **Three** directors shall be elected to serve
24 [until the next municipal election] **two-year terms**, two to
25 serve [until the second municipal election] **four-year terms**,

26 and two to serve [until the third municipal election. The
27 seventh board member shall be elected to serve until the
28 municipal election during which the majority of school
29 districts elect three board members] **six-year terms. Any**
30 **director elected after this initial election shall serve a**
31 **four-year term.**

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] **four** years, except as provided in
5 sections 162.241 and 162.563, and until their successors are
6 duly elected and qualified. Any vacancy occurring in the
7 board shall be filled by the remaining members of the board;
8 except that if there are more than two vacancies at any one
9 time, the county commission upon receiving written notice of
10 the vacancies shall fill the vacancies by appointment. If
11 there are more than two vacancies at any one time in a
12 county without a county commission, the county executive
13 upon receiving written notice of the vacancies shall fill
14 the vacancies, with the advice and consent of the county
15 council, by appointment. The person appointed shall hold
16 office until the next [municipal] election, when a director
17 shall be elected for the unexpired term.

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

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

 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] on the first**
4 **Tuesday after the first Monday in November of even-numbered**
5 **years,** elect **[two]** directors, who are citizens of the United
6 States and resident taxpayers of the district, **[who] in**
7 **accordance with the provisions of section 162.082. Such**
8 **directors shall** have resided in the district for one year
9 next preceding their election or appointment, and **[who are]**
10 **be** at least twenty-four years of age.

 162.301. 1. Within fourteen days after the election
2 of the first school board in each seven-director district,
3 other than an urban district, and within fourteen days after
4 each **[annual]** election, the board shall meet. The newly
5 elected members shall qualify by taking the oath of office
6 prescribed by Article VII, Section 11, of the Constitution
7 of Missouri.

 2. The board shall organize by the election of a
9 president and vice president, and the board shall, on or
10 before the fifteenth day of **[July of each year] January in**
11 **odd-numbered years,** elect a secretary and a treasurer, who
12 shall enter upon their respective duties on the fifteenth
13 day of **[July] January.** The secretary and treasurer may be
14 or may not be members of the board. No compensation shall
15 be granted to either the secretary or the treasurer until
16 his report and settlement are made and filed or published as
17 the law directs.

 3. A majority of the board constitutes a quorum for
19 the transaction of business, but no contract shall be let,

20 person employed, bill approved or warrant ordered unless a
21 majority of the whole board votes therefor.

162.341. The [annual] school board member election in
2 seven-director districts[, except urban districts,] shall be
3 held on [municipal election days] the first Tuesday after
4 the first Monday in November of even-numbered years.

162.431. 1. When it is necessary to change the
2 boundary lines between seven-director school districts, in
3 each district affected, ten percent of the voters by number
4 of those voting for school board members in the last
5 [annual] school election in each district may petition the
6 district boards of education in the districts affected,
7 regardless of county lines, for a change in boundaries. The
8 question shall be submitted at the next election, as the
9 term election is referenced and defined in section 115.123.

10 2. The voters shall decide the question by a majority
11 vote of those who vote upon the question. If assent to the
12 change is given by each of the various districts voting,
13 each voting separately, the boundaries are changed from that
14 date.

15 3. If one of the districts votes against the change
16 and the other votes for the change, the matter may be
17 appealed to the state board of education, in writing, within
18 fifteen days of the submission of the question by either one
19 of the districts affected, or in the above event by a
20 majority of the signers of the petition requesting a vote on
21 the proposal. At the first meeting of the state board
22 following the appeal, a board of arbitration composed of
23 three members, none of whom shall be a resident of any
24 district affected, shall be appointed. In determining
25 whether it is necessary to change the boundary line between

26 seven-director districts, the board of arbitration shall
27 base its decision upon the following:

28 (1) The presence of school-aged children in the
29 affected area;

30 (2) The presence of actual educational harm to school-
31 aged children, either due to a significant difference in the
32 time involved in transporting students or educational
33 deficiencies in the district which would have its boundary
34 adversely affected; and

35 (3) The presence of an educational necessity, not of a
36 commercial benefit to landowners or to the district
37 benefitting for the proposed boundary adjustment.

38 For purposes of subdivision (2) of this subsection,
39 "significant difference in the time involved in transporting
40 students" shall mean a difference of forty-five minutes or
41 more per trip in travel time. "Travel time" is the period
42 of time required to transport a pupil from the pupil's place
43 of residence or other designated pick-up point to the site
44 of the pupil's educational placement.

45 4. Within twenty days after notification of
46 appointment, the board of arbitration shall meet and
47 consider the necessity for the proposed changes and shall
48 decide whether the boundaries shall be changed as requested
49 in the petition or be left unchanged, which decision shall
50 be final. The decision by the board of arbitration shall be
51 rendered not more than thirty days after the matter is
52 referred to the board. The chairman of the board of
53 arbitration shall transmit the decision to the secretary of
54 each district affected who shall enter the same upon the
55 records of his district and the boundaries shall thereafter
56 be in accordance with the decision of the board of

57 arbitration. The members of the board of arbitration shall
58 be allowed a fee of fifty dollars each, to be paid at the
59 time the appeal is made by the district taking the appeal or
60 by the petitioners should they institute the appeal.

61 5. If the board of arbitration decides that the
62 boundaries shall be left unchanged, no new petition for the
63 same, or substantially the same, boundary change between the
64 same districts shall be filed until after the expiration of
65 two years from the date of the municipal election at which
66 the question was submitted to the voters of the districts.

162.459. 1. Notwithstanding other provisions of law
2 to the contrary, the school board of each school district
3 designated in the statutes as a seven-director or urban
4 school district shall consist of seven members. [At the
5 first election for members of the school board in each of
6 such districts after January 1, 1993, and each three years
7 thereafter, three members of the school board shall be
8 elected; except, no school district composed of seven
9 members as of January 1, 1993, shall be required to modify
10 its schedule of electing board members] **For all board
11 members serving terms as of January 1, 2028, such terms
12 shall be modified in accordance with the provisions of
13 section 162.082. The term of every board member elected in
14 2028 or thereafter shall be four years.**

15 2. Provisions of law applicable to seven-director and
16 urban school districts, except those which conflict with the
17 provisions of this section, shall apply to and govern the
18 school districts designated in subsection 1 of this section.

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 the director's
6 election or appointment and who is at least twenty-four
7 years of age. All directors **elected in 2028 or thereafter,**
8 except as otherwise provided in sections 162.481, 162.492,
9 and 162.563, shall hold their offices for **[six] four** years
10 and until their successors are duly elected and qualified.
11 **The term of any board member serving a six-year term as of**
12 **January 1, 2028, shall be modified in accordance with the**
13 **provisions of section 162.082.** All vacancies occurring in
14 the board shall be filled by appointment by the board as
15 soon as practicable, and the person appointed shall hold
16 office until the next school board election, when a
17 successor shall be elected for the remainder of the
18 unexpired term. The power of the board to perform any
19 official duty during the existence of a vacancy continues
20 unimpaired thereby.

162.481. 1. Except as otherwise provided in **[this**
2 **section and]** sections 162.492 and 162.563, all elections of
3 school directors in urban school districts shall be held
4 biennially **[at the same times and places as municipal**
5 **elections]** **on the first Tuesday after the first Monday in**
6 **November of even-numbered years.**

7 2. **[Except as otherwise provided in subsections 3, 4,**
8 **and 5 of this section, hereafter]** When a seven-director
9 district becomes an urban school district, the directors of
10 the prior seven-director district shall continue as
11 directors of the urban school district until the expiration
12 of the terms for which they were elected and until their
13 successors are elected as provided in this subsection. The
14 first biennial school election for directors shall be held
15 in the urban school district at the time provided in
16 subsection 1 **of this section** which is on the date of or

subsequent to the expiration of the terms of the directors of the prior district which are first to expire, and directors shall be elected to succeed the directors of the prior district whose terms have expired. If the terms of two directors only have expired, the directors elected at the first biennial school election in the urban school district shall be elected for terms of six years. If the terms of four directors have expired, two directors shall be elected for terms of six years and two shall be elected for terms of four years. At the next succeeding biennial election held in the urban school district, successors for the remaining directors of the prior seven-director district shall be elected. If only two directors are to be elected they shall be elected for terms of six years each. If four directors are to be elected, two shall be elected for terms of six years and two shall be elected for terms of two years. After seven directors of the urban school district have been elected under this subsection, their successors shall be elected for terms of ~~[six]~~ **four** years.

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

4. For any school district which becomes an urban school district by reason of the 2000 federal decennial census, elections shall be held annually at the same times and places as general municipal elections for all years

49 where one or more terms expire , and the terms shall be for
50 three years and until their successors are duly elected and
51 qualified for all directors elected on and after August 28,
52 2001 .

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

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

162.492. 1. In all urban districts containing the
2 greater part of the population of a city which has more than
3 three hundred thousand inhabitants, the election authority
4 of the city in which the greater portion of the school
5 district lies, and of the county if the district includes
6 territory not within the city limits, shall serve ex officio
7 as a redistricting commission. The commission shall on or

8 before November 1, 2018, divide the school district into
9 five subdistricts, all subdistricts being of compact and
10 contiguous territory and as nearly equal in the number of
11 inhabitants as practicable and thereafter the board shall
12 redistrict the district into subdivisions as soon as
13 practicable after each United States decennial census. In
14 establishing the subdistricts each member shall have one
15 vote and a majority vote of the total membership of the
16 commission is required to make effective any action of the
17 commission.

18 2. School **board** elections for the election of
19 directors shall be held on municipal election days in 2014
20 and 2016. At the election in 2014, directors shall be
21 elected to hold office until 2019 and until their successors
22 are elected and qualified. At the election in 2016,
23 directors shall be elected until 2019 and until their
24 successors are elected and qualified. Beginning in [2019]
25 **2028**, school elections for the election of directors shall
26 be held on the [local election date as specified in the
27 charter of a home rule city with more than four hundred
28 thousand inhabitants and located in more than one county]
29 **first Tuesday after the first Monday in November of even-**
30 **numbered years. The terms of board members described in**
31 **this subsection shall be modified in accordance with the**
32 **provisions of section 162.082.** Beginning at the election
33 for school directors in 2019, the number of directors on the
34 board shall be reduced from nine to seven. Two directors
35 shall be at-large directors and five directors shall
36 represent the subdistricts, with one director from each of
37 the subdistricts. At the 2019 election, one of the at-large
38 directors and the directors from subdistricts one, three,
39 and five shall be elected for a two-year term, and the other

40 at-large director and the directors from subdistricts two
41 and four shall be elected for a four-year term. Thereafter,
42 all seven directors shall serve a four-year term. Directors
43 shall serve until the next election and until their
44 successors, then elected, are duly qualified as provided in
45 this section. In addition to other qualifications
46 prescribed by law, each member elected from a subdistrict
47 shall be a resident of the subdistrict from which he or she
48 is elected. The subdistricts shall be numbered from one to
49 five.

50 3. The five candidates, one from each of the
51 subdistricts, who receive a plurality of the votes cast by
52 the voters of that subdistrict and the at-large candidates
53 receiving a plurality of the at-large votes shall be
54 elected. The name of no candidate for nomination shall be
55 printed on the ballot unless the candidate has at least
56 sixty days prior to the election filed a declaration of
57 candidacy with the secretary of the board of directors
58 containing the signatures of at least two hundred fifty
59 registered voters who are residents of the subdistrict
60 within which the candidate for nomination to a subdistrict
61 office resides, and in case of at-large candidates the
62 signatures of at least five hundred registered voters. The
63 election authority shall determine the validity of all
64 signatures on declarations of candidacy.

65 4. In any election either for at-large candidates or
66 candidates elected by the voters of subdistricts, if there
67 are more than two candidates, a majority of the votes are
68 not required to elect but the candidate having a plurality
69 of the votes shall be elected.

70 5. The names of all candidates shall appear upon the
71 ballot without party designation and in the order of the

72 priority of the times of filing their petitions of
73 nomination. No candidate may file both at large and from a
74 subdistrict and the names of all candidates shall appear
75 only once on the ballot, nor may any candidate file more
76 than one declaration of candidacy. All declarations shall
77 designate the candidate's residence and whether the
78 candidate is filing at large or from a subdistrict and the
79 numerical designation of the subdistrict or at-large area.

80 6. The provisions of all sections relating to seven-
81 director school districts shall also apply to and govern
82 urban districts in cities of more than three hundred
83 thousand inhabitants, to the extent applicable and not in
84 conflict with the provisions of those sections specifically
85 relating to such urban districts.

86 7. Vacancies which occur on the school board shall be
87 filled in the manner provided in section 162.471.

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] **section 162.082**;

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

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

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

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

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

a. Be composed of nine members as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

f. Any other information deemed necessary by the commission.

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

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

(4) On the first day available for candidate filing for the first [general municipal] election occurring after the school district is divided as provided in this subsection, any qualified resident who has or will have resided in a subdistrict or at-large district for the year immediately preceding the general municipal election day may file as a candidate for election to the school board as a member representing such subdistrict or at-large district. At the end of the time available for candidate filing, if no qualified resident of a subdistrict has filed as a candidate in that subdistrict, the election authority shall extend the time for candidate filing by seven additional days, and any qualified resident of the school district who has or will have resided in the school district for the year immediately preceding the general municipal election day may file as a candidate for election to the school board as a member representing that subdistrict. No school district shall require a candidate to submit a petition signed by the registered voters of the school district as a method of filing a declaration of candidacy. The election authority shall determine the validity of all declarations of candidacy.

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

provided in the final plan approved as provided in subdivision (2) of this subsection.

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

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

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

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

162.601. 1. [Elected members of the board in office on August 28, 1998, shall hold office for the length of term for which they were elected, and any members appointed pursuant to section 162.611 to fill vacancies left by elected members in office on August 28, 1998, shall serve for the remainder of the term to which the replaced member was elected.

2. No board members shall be elected at the first municipal election in an odd-numbered year next following August 28, 1998.

3. Three board members shall be elected at the second municipal election in an odd-numbered year next following August 28, 1998, to serve four-year terms.

14 4. Four board members shall be elected at the third
15 municipal election in an odd-numbered year next following
16 August 28, 1998, and two of such members shall be elected to
17 four-year terms and two of such members shall be elected to
18 three-year terms. For the two members elected at the
19 municipal election in 2006, the terms of such members shall
20 expire after their successors are elected and qualified
21 pursuant to subsection 6 of this section.

22 5. Beginning with the fourth municipal election in an
23 odd-numbered year next following August 28, 1998, and at
24 each succeeding municipal election in a year during which
25 board member terms expire, there shall be elected members of
26 the board of education, who shall assume the duties of their
27 office at the first regular meeting of the board of
28 education after their election, and who shall hold office
29 for four years, and until their successors are elected and
30 qualified.

31 6. For the two board members who are elected at the
32 municipal election in 2006, their successors thereafter
33 shall be elected at the general election in the year in
34 which their terms expire] **All board members shall be elected**
35 **at elections held on the first Tuesday after the first**
36 **Monday in November of even-numbered years. For all board**
37 **members serving terms as of January 1, 2028, such terms**
38 **shall be modified in accordance with the provisions of**
39 **section 162.082. The term of every board member elected in**
40 **2028 or thereafter shall be four years.**

41 [7.] 2. Members of the board of directors shall be
42 elected to represent seven subdistricts. The subdistricts
43 shall be established by the state board of education to be
44 compact, contiguous and as nearly equal in population as
45 practicable. The subdistricts shall be revised by the state

board of education after each decennial census and at any other time the state board determines that the district's demographics have changed sufficiently to warrant redistricting.

[8.] 3. A member shall reside in and be elected in the subdistrict which the member is elected to represent.

Subdistrict 1 shall be comprised of wards 1, 2, 22 and 27.

Subdistrict 2 shall be comprised of wards 3, 4, 5 and 21.

Subdistrict 3 shall be comprised of wards 18, 19, 20 and

26. Subdistrict 4 shall be comprised of wards 6, 7, 17 and

28. Subdistrict 5 shall be comprised of wards 9, 10, 11 and

12. Subdistrict 6 shall be comprised of wards 13, 14, 16

and 25. Subdistrict 7 shall be comprised of wards 8, 15, 23

and 24.

162.821. The district secretary shall keep a record of the proceedings of all [annual and special] elections of the voters of the district and of the proceedings of the board of education. He shall make copies of the election notices, contracts with teachers, certificates and all other papers relating to the business of the district, and securely keep the same. He shall maintain a correct plat of the district and shall promptly notify the department of elementary and secondary education and the county clerk of each county affected of all changes in the boundaries of the district. He shall transmit to the county commission and to the state department of elementary and secondary education, on or before the fifteenth day of August in each year, a report embracing the following items:

(1) The number of children, male and female, attending the public schools during the year;

(2) Total number of days' attendance by all such children;

- 19 (3) The number of days the public schools of the
20 district have been maintained during the school year;
- 21 (4) The number of teachers employed, male and female,
22 and the wages per month of each;
- 23 (5) Estimated value of school property owned and
24 managed by the district;
- 25 (6) Assessed valuation of the district;
- 26 (7) Rate of school tax on the assessed valuation of
27 the district;
- 28 (8) Cash on hand at the beginning of the year;
- 29 (9) Tuition fees received and credited to the
30 teachers' fund of the district;
- 31 (10) Public funds received by county treasurer;
- 32 (11) District tax received by county (or township)
33 treasurer;
- 34 (12) Amount paid on teachers' wages;
- 35 (13) Amount paid for incidental expenses;
- 36 (14) Amount expended for purchasing site, erecting
37 schoolhouses, rent and repairs;
- 38 (15) Amount expended in cancelling bonded indebtedness
39 and paying interest on same;
- 40 (16) Amount expended for library;
- 41 (17) Cash on hand at the end of the year; **and**
- 42 (18) Such other information as may be required by the
43 state board of education.

162.825. Whenever there is presented to the state
2 board of education a petition signed by voters in each
3 district in the proposed special district equal in number in
4 each district to five percent of the number of votes cast
5 for school board members in the last [annual] school
6 election praying (a) that a special school district
7 embracing the entire area described in the petition be

8 organized for the education and training of handicapped and
9 severely handicapped children and for vocational education
10 purposes; and (b) that a proposal be submitted to the voters
11 of the proposed district for the organization of the special
12 school district, the state board of education, unless
13 section 162.835 applies, shall, within thirty days of the
14 receipt of said petition, direct the board of education of
15 each school district comprising the proposed special
16 district to cause the proposal to be submitted to the voters
17 in each such district at the next **[municipal] school board**
18 **member** election or, if the next **[annual] school board member**
19 election is more than sixty days away, cause the proposal to
20 be submitted to the voters in each such district at a
21 special election called in accordance with law on a date set
22 by the state board of education. The election shall be
23 conducted in each school district comprising the proposed
24 special district in the manner provided by law for the
25 conducting of school district elections generally in
26 sections 162.351 and 162.601, unless a different procedure
27 is specifically provided in sections 162.670 to **[162.995]**
28 **162.974.**

162.865. The board members of a special school
2 district with a population of not more than one hundred
3 thousand persons shall be elected at large. The seven
4 receiving the largest number of votes shall be elected and
5 the three receiving the highest number of votes cast shall
6 be elected for terms of **[three] six** years each; the two
7 receiving the next highest number of votes cast shall be
8 elected for terms of **[two] four** years each; and the two
9 receiving the next highest number of votes cast shall be
10 elected for terms of **[one year] two years** each. **[That part**
11 **of the year between the date of the election of board**

members and the municipal election day of the following year is considered a full year in the terms of the members elected.] **Any board member elected after this initial election shall serve a four-year term.** All board members shall serve until their successors are elected and qualified and the state board of education shall issue certificates of election to the board members elected.

162.867. 1. Board of education members of a special school district with a population of more than one hundred thousand persons in office on August 28, 1999, shall serve the remainder of their terms and shall serve until their successors are duly elected and qualified pursuant to this section.

2. On and after August 28, 1999, each new member of a board of education of a special school district with a population of more than one hundred thousand persons shall be elected pursuant to this section by the governing council established pursuant to section 162.856.

3. Pursuant to this section, each qualified candidate for the board of education of a special school district with a population of more than one hundred thousand persons shall:

(1) Be a voter of the district who has resided within the state for one year next preceding selection to the board and is resident in the subdistrict in which the candidate files; **and**

(2) Be at least twenty-four years of age.

4. No member of the board of education of a special school district with a population of more than one hundred thousand persons shall:

(1) Vote on, solicit, transact, offer, or accept any contract between the special school district and any

corporation, partnership, association, or other organization in which that member of the board of education has a financial interest, unless otherwise provided herein, excluding interests owned prior to such member's election;

(2) Hold any office or employment of profit from the board of education of the special school district while serving. However, nothing in this section shall be construed to preclude a person from being elected to or serving on the board of education of the special school district on the basis that the person is related to a pupil of the special school district or to a pupil of any school district all or a portion of which is contained within the special school district; or

(3) Vote on, solicit, transact, offer, or accept any contract or procurement in which that board member shall have a direct or indirect beneficial interest, unless:

(a) The material facts as to such member's relationship or interest and as to the contract or transaction are disclosed in writing and are known to the board and governing council, and such governing council and board, in good faith, authorize the contract or transaction by the affirmative vote of the majority of the disinterested members; and

(b) Such member's relationship or interest in such contract or transaction shall not be voted upon by such interested member.

5. [Beginning in April, 1997, and every third year thereafter, two members shall be elected. Beginning in April, 1998, and every third year thereafter, two members shall be elected. Beginning in April, 1999, and every third year thereafter, three members shall be elected] **For all board members serving terms as of January 1, 2028, such**

58 **terms shall be modified in accordance with the provisions of**
59 **section 162.082. The term of every board member elected in**
60 **2028 or thereafter shall be four years.** A member shall be
61 elected to fill each open seat on the board of education.

62 6. Board members **elected in 2028 or thereafter** shall
63 serve [~~three-year~~] **four-year** terms and shall serve until
64 their successors are duly elected and qualified.

65 7. The board of education shall, upon formation and
66 each decade within ninety days following the publication of
67 the final decennial census figures thereafter, adopt a
68 resolution calling for the formation of a redistricting
69 committee. Upon adoption of such resolution, the secretary
70 of the board of education shall forward a certified copy
71 thereof to the state board of education. The redistricting
72 committee shall consist of three residents within the
73 district, appointed by the board of education of the special
74 school district, plus three additional persons resident
75 within the special school district, appointed by the state
76 board of education. Thereafter, the redistricting committee
77 shall meet, organize itself with a chairman and secretary,
78 and proceed with the adoption of a redistricting plan. Any
79 plan proposed to be adopted must receive approval of a
80 majority of the whole redistricting committee. Upon
81 adoption, the redistricting committee shall forward a copy
82 of the plan certified by the secretary of the redistricting
83 committee to the state board of education for its approval
84 or disapproval. The state board of education shall approve
85 any redistricting plan which divides the special district
86 into seven subdistricts of equal population, taking into
87 account insofar as possible existing school district
88 boundary lines. Upon approval by the state board of
89 education, the redistricting plan shall become effective and

90 all board members selected thereafter shall be selected from
91 subdistricts in which they are resident. If the plan is not
92 approved, then it shall be returned to the redistricting
93 committee for revision and resubmission. If a redistricting
94 plan has not been adopted within one year after the
95 publication of the decennial census figures, the state board
96 of education shall provide the redistricting plan. No
97 member of the redistricting committee shall serve on the
98 board of education for a period of six years following such
99 service on the redistricting committee.

100 8. The structure of the board of education and the
101 selection of members of the board of education of a special
102 school district with a population of more than one hundred
103 thousand persons shall be as established pursuant to this
104 section, except as may be otherwise approved by the voters
105 of the special school district under section 162.858.

162.910. At the elections conducted pursuant to
2 section 162.865, the voters of a special district with a
3 population of not more than one hundred thousand persons
4 shall elect, by ballot, two board members to succeed those
5 whose terms have expired and the board members so elected
6 shall hold office for terms of [three] **four** years and until
7 their successors have been elected and qualified and shall
8 assume the duties of their offices at the first regular
9 meeting of the board of education held after their
10 election. Candidates shall file their declarations of
11 candidacy for office of board member with the secretary of
12 the board of education of the special school district. A
13 majority of the then qualified members of the board of
14 education of the special school district shall certify the
15 candidates receiving the greatest number of votes for terms
16 of [three] **four** years each and until their successors shall

17 have been elected and qualified, and shall declare and
18 certify the results of the vote cast on any question
19 presented at the election.

Section B. Section A of this act shall become
2 effective on January 1, 2028.

✓