

FIRST REGULAR SESSION

HOUSE BILL NO. 1180

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE VESCOVO.

2524L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 162.261, RSMo, and to enact in lieu thereof two new sections relating to school directors for seven-director districts, with an emergency clause.

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

Section A. Section 162.261, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 160.672 and 162.261, to read as follows:

160.672. 1. A school board member of any seven-director school district with a K-12 enrollment during the 2013-14 school year of more than eleven-thousand five hundred but less than twelve thousand pupils located in a county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants may be removed by the voters in a recall election. Such election shall be held upon the submission of a petition signed by voters of the district equal in number to at least ten percent of the number of persons voting at the last preceding election to elect a district board member. The petition shall be filed with the election authority and the secretary of the district board of education, and the petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall provide the street and number of his or her residence. The person who files the petition with the election authority shall sign an affidavit that the signatures attached are true and correct to the best of his or her knowledge.

2. Within thirty days from the date of filing the petition, the election authority shall examine and ascertain whether the petition is signed by the requisite number of voters. The election authority shall attach to the petition his or her certificate, showing the result

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 of the examination. If the election authority finds the petition to be insufficient, the
19 petition shall be returned to the person filing the petition, without prejudice to the filing
20 of a new petition to the same effect. If the election authority finds the petition to be
21 sufficient, the election authority shall submit the petition to the district board without
22 delay. If the election authority finds the petition to be sufficient, the district board shall
23 order the question to be submitted to the voters of the district on election days specified in
24 section 115.123. The election shall be held not less than forty-five days but not more than
25 one hundred twenty days from the date the board receives the petition.

26 **3. If a majority of the voters vote in favor of retaining the member, the member**
27 **shall remain in office and shall not be subject to another recall election during his or her**
28 **term of office. If a majority of voters vote to remove the member, his or her successor shall**
29 **be chosen as provided in section 162.261 for seven-director school districts.**

162.261. 1. The government and control of a seven-director school district, other than
2 an urban district, is vested in a board of education of seven members, who hold their office for
3 three years, except as provided in section 162.241, and until their successors are duly elected and
4 qualified. **Except as provided in subsection 3 of this section**, any vacancy occurring in the
5 board shall be filled by the remaining members of the board; except that if there are more than
6 two vacancies at any one time, the county commission upon receiving written notice of the
7 vacancies shall fill the vacancies by appointment. The person appointed shall hold office until
8 the next municipal election, when a director shall be elected for the unexpired term.

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

15 **3. Notwithstanding subsection 1 of this section, all vacancies occurring in the school**
16 **board of any seven-director school district with a K-12 enrollment during the 2013-14**
17 **school year of more than eleven-thousand five hundred but less than twelve thousand**
18 **pupils located in a county with a charter form of government and with more than two**
19 **hundred thousand but fewer than three hundred fifty thousand inhabitants shall be filled**
20 **by appointment by the county executive, with the consent of the county council. The**
21 **person appointed by the county executive shall hold office until the next school board**
22 **election, when his or her successor shall be elected for the remainder of the unexpired**
23 **term.**

24 **4.** The provisions of Article VII, Section 6 of the Missouri Constitution apply to school
25 districts.

 Section B. Because of the importance of establishing election procedures for school
2 district directors, this act is deemed necessary for the immediate preservation of the public
3 health, welfare, peace, and safety, and is hereby declared to be an emergency act within the
4 meaning of the constitution, and this act shall be in full force and effect upon its passage and
5 approval.

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