

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 253

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FISHEL.

0794H.02P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 162.261, 162.281, 162.291, 162.471, 162.481, 162.491, and 167.151, RSMo, and to enact in lieu thereof seven new sections relating to elementary and secondary education.

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Section A. Sections 162.261, 162.281, 162.291, 162.471, 162.481, 162.491, and 167.151, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 162.261, 162.281, 162.291, 162.471, 162.481, 162.491, and 167.151, to read as follows:

162.261. 1. The government and control of a seven-director school district, other than an urban district, is vested in a board of education of seven members, who hold their office for three years, except as provided in section 162.241, and until their successors are duly elected and qualified. Any vacancy occurring in the board shall be filled by the remaining members of the board; except that if there are more than two vacancies at any one time, the county commission upon receiving written notice of the vacancies shall fill the vacancies by appointment. If there are more than two vacancies at any one time in a county without a county commission, the county executive upon receiving written notice of the vacancies shall fill the vacancies, with the advice and consent of the county council, by appointment. The person appointed shall hold office until the next municipal election, when a director shall be elected for the unexpired term.

2. No seven-director, urban, or metropolitan school district board of education shall hire a spouse of any member of such board for a vacant or newly created position unless the position has been advertised pursuant to board policy and the superintendent of schools submits a written

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.

14 recommendation for the employment of the spouse to the board of education. The names of all
15 applicants as well as the name of the applicant hired for the position [~~are to~~] shall be included
16 in the board minutes.

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

19 4. (1) Any seven-director school district may divide into subdistricts and provide
20 for the election of subdistrict board members as provided in this subsection.

21 (2) (a) Before December first of the calendar year immediately preceding the
22 general municipal election day in the calendar year in which a vote to divide the school
23 district into subdistricts will be held, the election authority of the county in which the
24 school district is located shall divide the school district into seven subdistricts of contiguous
25 and compact territory and as nearly equal in population as practicable. Within six months
26 after each decennial census is reported to the President of the United States, the election
27 authority shall reapportion the subdistricts to be as nearly equal in population as
28 practicable. The subdistricts shall be numbered from one upward consecutively, and as
29 much as practicable the numbers shall be retained upon reapportionment. After the
30 election authority divides the school district or reapportions the subdistricts, the election
31 authority shall notify the residents of the school district as provided by law.

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

39 (3) On the first day available for candidate filing for the first general municipal
40 election day occurring after the subdistricts are created under this subsection, any
41 qualified resident who has or will have resided in the subdistrict for the year immediately
42 preceding the general municipal election day may file as a candidate for election to a
43 subdistrict of the school board. At the end of the time available for candidate filing, if no
44 qualified resident of a subdistrict has filed as a candidate in that subdistrict, the election
45 authority shall extend the time for candidate filing by seven additional days, and any
46 qualified resident of the school district who has or will have resided in the school district
47 for the year immediately preceding the general municipal election day may file as a
48 candidate for election to that subdistrict of the school board. The election authority shall
49 determine the validity of all declarations of candidacy.

50 (4) When the election is held on the general municipal election day, the seven
51 candidates, one from each of the subdistricts, who receive a plurality of the votes cast by
52 the voters of that subdistrict shall be elected. Any candidate who is not a subdistrict
53 resident but qualifies as a candidate as a school district resident under subdivision (3) of
54 this subsection shall be elected by the voters of the school district. The three members
55 representing subdistricts 2, 4, and 6 of the subdivided school district shall be elected to an
56 initial term of two years, and the remaining four members representing subdistricts 1, 3,
57 5, and 7 of the subdivided school district shall be elected to an initial term of three years.
58 Each term thereafter shall be a three-year term.

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

62 (6) Except for a member who is not a subdistrict resident but is elected as a school
63 district resident to represent a subdistrict under subdivision (3) of this subsection, each
64 member shall reside in the subdistrict the member represents during the member's term.

65 (7) All other provisions applicable to seven-director school districts that are not in
66 conflict with this subsection shall apply to school districts divided into subdistricts under
67 this subsection.

68 5. If any seven-director school district receives a petition, signed by at least ten
69 percent of the number of registered voters of the school district voting in the last school
70 board election, calling for an election to subdivide the school district into subdistricts and
71 provide for the election of subdistrict board members as provided in subsection 4 of this
72 section, the school district shall immediately notify the election authority of the county in
73 which the school district is located to begin the process described in subsection 4 of this
74 section.

162.281. Except as provided in subsection 4 of section 162.261, in all seven-director
2 districts, including urban districts, when directors are to be elected for terms of different lengths,
3 each candidate shall declare for a term of a specific number of years and the different terms shall
4 be voted upon as separate propositions.

162.291. Except as provided in subsection 4 of section 162.261, the voters of each
2 seven-director district other than urban districts shall, at municipal elections, elect two directors
3 who are citizens of the United States and resident taxpayers of the district, who have resided in
4 this state for one year next preceding their election or appointment, and who are at least twenty-
5 four years of age.

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

3 **2. Except as provided in subsection 3 of this section,** each director shall be a voter of
4 the district who has resided within this state for one year next preceding [his] **the director's**
5 election or appointment and who is at least twenty-four years of age. All directors, except as
6 otherwise provided in section 162.481 and section 162.492, hold their offices for six years and
7 until their successors are duly elected and qualified. All vacancies occurring in the board, except
8 as provided in section 162.492, shall be filled by appointment by the board as soon as
9 practicable, and the person appointed shall hold [his] office until the next school board election,
10 when [his] a successor shall be elected for the remainder of the unexpired term. The power of
11 the board to perform any official duty during the existence of a vacancy continues unimpaired
12 thereby.

13 **3. (1) Except as provided in section 162.492, any urban school district may divide**
14 **into subdistricts and provide for the election of subdistrict board directors as provided in**
15 **this subsection.**

16 **(2) (a) Before December first of the calendar year immediately preceding the**
17 **general municipal election day in the calendar year in which a vote to divide the school**
18 **district into subdistricts will be held, the election authority of the county in which the**
19 **school district is located shall divide the school district into seven subdistricts of contiguous**
20 **and compact territory and as nearly equal in population as practicable. Within six months**
21 **after each decennial census is reported to the President of the United States, the election**
22 **authority shall reapportion the subdistricts to be as nearly equal in population as**
23 **practicable. The subdistricts shall be numbered from one upward consecutively, and as**
24 **much as practicable the numbers shall be retained upon reapportionment. After the**
25 **election authority divides the school district or reapportions the subdistricts, the election**
26 **authority shall notify the residents of the school district as provided by law.**

27 **(b) Any resident of the school district who believes the election authority has**
28 **divided the school district or reapportioned the subdistricts in violation of paragraph (a)**
29 **of this subdivision may petition the circuit court of the county in which the school district**
30 **exists for an order directing the election authority to divide the school district or**
31 **reapportion the subdistricts as provided in paragraph (a) of this subdivision. The petition**
32 **shall be submitted to the circuit court within ten business days of the election authority's**
33 **notice provided under paragraph (a) of this subdivision.**

34 **(3) On the first day available for candidate filing for the first general municipal**
35 **election day occurring after the subdistricts are created under this subsection, any**
36 **qualified resident who has or will have resided in the subdistrict for the year immediately**
37 **preceding the general municipal election day may file as a candidate for election to a**
38 **subdistrict of the school board. At the end of the time available for candidate filing, if no**

39 **qualified resident of a subdistrict has filed as a candidate in that subdistrict, the election**
40 **authority shall extend the time for candidate filing by seven additional days, and any**
41 **qualified resident of the school district who has or will have resided in the school district**
42 **for the year immediately preceding the general municipal election day may file as a**
43 **candidate for election to that subdistrict of the school board. Candidates may be**
44 **nominated as provided by section 162.491. The election authority shall determine the**
45 **validity of all declarations of candidacy.**

46 **(4) When the election is held on the general municipal election day, the seven**
47 **candidates, one from each of the subdistricts, who receive a plurality of the votes cast by**
48 **the voters of that subdistrict shall be elected. Any candidate who is not a subdistrict**
49 **resident but qualifies as a candidate as a school district resident under subdivision (3) of**
50 **this subsection shall be elected by the voters of the school district. The three directors**
51 **representing subdistricts 2, 4, and 6 of the subdivided school district shall be elected to an**
52 **initial term of five years, and the remaining four directors representing subdistricts 1, 3,**
53 **5, and 7 of the subdivided school district shall be elected to an initial term of six years.**
54 **Each term thereafter shall be a six-year term.**

55 **(5) Each director shall serve until a successor is elected or the director vacates the**
56 **office. Any vacancy that occurs before the end of the director's term shall be filled as**
57 **provided in this section.**

58 **(6) Except for a director who is not a subdistrict resident but is elected as a school**
59 **district resident to represent a subdistrict under subdivision (3) of this subsection, each**
60 **director shall reside in the subdistrict the director represents during the director's term.**

61 **(7) All other provisions applicable to urban school districts that are not in conflict**
62 **with this subsection shall apply to school districts divided into subdistricts under this**
63 **subsection.**

64 **4. If any urban school district receives a petition, signed by at least ten percent of**
65 **the number of registered voters of the school district voting in the last school board**
66 **election, calling for an election to subdivide the school district into subdistricts and provide**
67 **for the election of subdistrict board directors as provided in subsection 3 of this section,**
68 **the school district shall immediately notify the election authority of the county in which the**
69 **school district is located to begin the process described in subsection 3 of this section.**

162.481. 1. Except as otherwise provided in **section 162.471**, this section, and [##]
2 section 162.492, all elections of school directors in urban school districts shall be held biennially
3 at the same times and places as municipal elections.

4 2. Except as otherwise provided in subsections 3, 4, and 5 of this section, hereafter when
5 a seven-director district becomes an urban school district, the directors of the prior seven-director

6 district shall continue as directors of the urban school district until the expiration of the terms
7 for which they were elected and until their successors are elected as provided in this subsection.
8 The first biennial school election for directors shall be held in the urban school district at the
9 time provided in subsection 1 which is on the date of or subsequent to the expiration of the terms
10 of the directors of the prior district which are first to expire, and directors shall be elected to
11 succeed the directors of the prior district whose terms have expired. If the terms of two directors
12 only have expired, the directors elected at the first biennial school election in the urban school
13 district shall be elected for terms of six years. If the terms of four directors have expired, two
14 directors shall be elected for terms of six years and two shall be elected for terms of four years.
15 At the next succeeding biennial election held in the urban school district, successors for the
16 remaining directors of the prior seven-director district shall be elected. If only two directors are
17 to be elected they shall be elected for terms of six years each. If four directors are to be elected,
18 two shall be elected for terms of six years and two shall be elected for terms of two years. After
19 seven directors of the urban school district have been elected under this subsection, their
20 successors shall be elected for terms of six years.

21 3. **(1)** In any school district in which a majority of the district is located in any home rule
22 city with more than one hundred fifty-five thousand but fewer than two hundred thousand
23 inhabitants, elections shall be held annually at the same times and places as general municipal
24 elections for all years where one or more terms expire, and the terms shall be for three years and
25 until their successors are duly elected and qualified for all directors elected on and after August
26 28, 1998, **except as provided in subdivision (2) of this subsection.**

27 **(2) In any school district described in subdivision (1) of this subsection, all school**
28 **board members elected on or after April 4, 2023, shall be elected as provided in this**
29 **subdivision.**

30 **(a) There shall be two at-large districts and five subdistricts. The at-large districts**
31 **shall represent the entire school district. Before December 1, 2022, the election authority**
32 **of the county in which the school district is located shall divide the school district into five**
33 **subdistricts. The five subdistricts shall be of contiguous and compact territory and as**
34 **nearly equal in population as practicable. Within six months after each decennial census**
35 **is reported to the President of the United States, the election authority shall reapportion**
36 **the subdistricts to be as nearly equal in population as practicable. The at-large districts**
37 **and subdistricts shall be numbered from one upward consecutively and as much as**
38 **practicable the numbers shall be retained upon reapportionment.**

39 **(b) a. On the first day available for candidate filing after the at-large districts and**
40 **subdistricts are created under this subdivision, any qualified resident may file as a**
41 **candidate for election to the school board. Members serving on the existing board may**

42 also file as a candidate for the at-large district or subdistrict in which the member resides.
43 No candidate's name shall be printed on the ballot unless the candidate has, at least sixty
44 days before the election, filed a declaration of candidacy with the election authority
45 containing, for an at-large candidate, the signatures of at least two hundred registered
46 voters who are residents of the school district and for a subdistrict candidate the signatures
47 of at least one hundred registered voters who are residents of that subdistrict. The election
48 authority shall determine the validity of all signatures on declarations of candidacy.

49 **b.** The election authority shall determine, by random drawing, the order in which
50 such candidates' names appear on the ballot. The drawing shall be conducted so that each
51 candidate may draw a number at random at the time of filing.

52 **(c)** On the general municipal election day in 2023 and each year thereafter, the
53 expired school board positions shall be filled in the following order: subdistrict seat 1, 3,
54 5, 2, and 4 first, and the at-large seats last until all seats have been filled.

55 **(d)** Each member shall serve until a successor is elected or the member vacates the
56 office. Any vacancy that occurs more than six months before the election for filling the new
57 at-large board positions or subdistrict board positions shall be filled by the remaining
58 members of the board, who shall select a qualified person from a list of qualified residents
59 of the school district or subdistrict. Any vacancy that occurs with fewer than six months
60 remaining in the unexpired term shall remain vacant until the next general municipal
61 election day.

62 **(e)** Each member shall be a resident of the school district for the two years
63 immediately preceding the member's election, and shall be a resident of the at-large district
64 or subdistrict for the year immediately preceding the member's election.

65 **(f)** Except for the board members initially elected under this subdivision, no person
66 shall be elected to the board for more than nine consecutive years.

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

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

78 6. In any urban school district in a county of the first classification with more than
79 eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule city
80 with more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the
81 county seat, elections shall be held annually at the same times and places as general municipal
82 elections for all years where one or more terms expire, and upon expiration of any term after
83 August 28, 2015, the term of office shall be for three years and until their successors are duly
84 elected and qualified.

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

7 2. This section shall not be construed as providing the sole method of nominating
8 candidates for the office of school director in urban **school** districts which do not contain the
9 greater part of a city of over three hundred thousand inhabitants.

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

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

19 **5. No candidate for election as a school board director representing a subdistrict**
20 **under subsection 3 of section 162.471 shall be required to file a declaration of candidacy**
21 **under this section as the sole method of filing for candidacy.**

 167.151. 1. The school board of any district, in its discretion, may admit to the school
2 pupils not entitled to free instruction and prescribe the tuition fee to be paid by them, except as
3 provided in sections 167.121, 167.131, 167.132, [and] 167.895, **and sections 167.1200 to**
4 **167.1230.**

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

9 **3. (1) For all school years ending on or before June 30, 2022,** any person who pays
10 a school tax in any other district than that in which ~~[he]~~ **the person** resides may send ~~[his]~~ **the**
11 **person's** children to any public school in the district in which the tax is paid and receive as a
12 credit on the amount charged for tuition the amount of the school tax paid to the district; except
13 that any person who owns real estate of which eighty acres or more are used for agricultural
14 purposes and upon which ~~[his]~~ **the person's** residence is situated may send ~~[his]~~ **the person's**
15 children to public school in any school district in which a part of such real estate, contiguous to
16 that upon which ~~[his]~~ **the person's** residence is situated, lies and shall not be charged tuition
17 therefor; so long as thirty-five percent of the real estate is located in the school district of choice.
18 The school district of choice shall count the children in its average daily attendance for the
19 purpose of distribution of state aid through the foundation formula.

20 **(2) For all school years beginning on or after July 1, 2022, any person who owns**
21 **residential real property or agricultural real property and pays a school tax in any district**
22 **other than the district in which the person resides may send any of the person's children**
23 **to a public school in any district in which the person pays such school tax. The school**
24 **district of choice shall count a child attending under this subdivision in its average daily**
25 **attendance for the purpose of distribution of state aid through the foundation formula.**

26 **4. (1) For all school years ending on or before June 30, 2022,** any owner of
27 agricultural land who, ~~[pursuant to]~~ **under subdivision (1) of subsection 3** of this section, has
28 the option of sending ~~[his]~~ **such person's** children to the public schools of more than one district
29 shall exercise such option as provided in this ~~[subsection]~~ **subdivision**. Such person shall send
30 written notice to all school districts involved specifying to which school district ~~[his]~~ **the**
31 children will attend by June thirtieth in which such a school year begins. If notification is not
32 received, such children shall attend the school in which the majority of ~~[his]~~ **the person's**
33 property lies. Such person shall not send any of ~~[his]~~ **such person's** children to the public
34 schools of any district other than the one to which ~~[he]~~ **such person** has sent notice pursuant to
35 this ~~[subsection]~~ **subdivision** in that school year or in which the majority of ~~[his]~~ **such person's**
36 property lies without paying tuition to such school district.

37 **(2) For all school years beginning on or after July 1, 2022, any owner of real**
38 **property who elects to exercise the option provided in subdivision (2) of subsection 3 of this**
39 **section shall exercise such option as provided in this subdivision. Such person shall send**
40 **written notice to all school districts involved specifying which school district each child will**
41 **attend thirty days prior to enrollment. When providing such notice, the person shall**
42 **present proof of the person's payment of school taxes levied on the real property within**
43 **such school district for the most recent two years. If a school district to which the person**
44 **wishes to send a child does not receive the notification required under this subdivision, the**

45 **child shall attend school in the district in which the person resides. Such person shall not**
46 **send a child to the public schools of any district in which the person does not reside other**
47 **than the district to which such person has sent notice under this subdivision relating to the**
48 **particular child for that school year.**

49 5. If a pupil is attending school in a district other than the district of residence and the
50 pupil's parent is teaching in the school district or is a regular employee of the school district
51 which the pupil is attending, then the district in which the pupil attends school shall allow the
52 pupil to attend school upon payment of tuition in the same manner in which the district allows
53 other pupils not entitled to free instruction to attend school in the district. The provisions of this
54 subsection shall apply only to pupils attending school in a district which has an enrollment in
55 excess of thirteen thousand pupils and not in excess of fifteen thousand pupils and which district
56 is located in a county [~~of the first classification~~] with a charter form of government which has
57 a population in excess of six hundred thousand persons and not in excess of nine hundred
58 thousand persons.

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