

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 1750, Page 3, Section 162.091, Line 20,
2 by inserting after all of the said section and line the following:
3

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

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

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

22 162.281. Except as provided in section 162.563, in all seven-director districts, including
23 urban districts, when directors are to be elected for terms of different lengths, each candidate shall
24 declare for a term of a specific number of years and the different terms shall be voted upon as
25 separate propositions.

26 162.291. Except as provided in section 162.563, the voters of each seven-director district
27 other than urban districts shall, at municipal elections, elect two directors who are citizens of the
28 United States and resident taxpayers of the district, who have resided in ~~[this state]~~ the district for
29 one year next preceding their election or appointment, and who are at least twenty-four years of age.

30 162.471. 1. The government and control of an urban school district is vested in a board of

Action Taken _____ Date _____

1 seven directors.

2 2. Except as provided in section 162.563, each director shall be a voter of the district who
3 has resided within this state for one year next preceding ~~[his]~~ the director's election or appointment
4 and who is at least twenty-four years of age. All directors, except as otherwise provided in ~~[section]~~
5 sections 162.481 ~~[and section]~~, 162.492, and 162.563, shall hold their offices for six years and until
6 their successors are duly elected and qualified. All vacancies occurring in the board, except as
7 provided in section 162.492, shall be filled by appointment by the board as soon as practicable, and
8 the person appointed shall hold ~~[his]~~ office until the next school board election, when ~~[his]~~ a
9 successor shall be elected for the remainder of the unexpired term. The power of the board to
10 perform any official duty during the existence of a vacancy continues unimpaired thereby.

11 162.481. 1. Except as otherwise provided in this section and ~~[in section]~~ sections 162.492
12 and 162.563, all elections of school directors in urban school districts shall be held biennially at the
13 same times and places as municipal elections.

14 2. Except as otherwise provided in subsections 3, 4, and 5 of this section, hereafter when a
15 seven-director district becomes an urban school district, the directors of the prior seven-director
16 district shall continue as directors of the urban school district until the expiration of the terms for
17 which they were elected and until their successors are elected as provided in this subsection. The
18 first biennial school election for directors shall be held in the urban school district at the time
19 provided in subsection 1 which is on the date of or subsequent to the expiration of the terms of the
20 directors of the prior district which are first to expire, and directors shall be elected to succeed the
21 directors of the prior district whose terms have expired. If the terms of two directors only have
22 expired, the directors elected at the first biennial school election in the urban school district shall be
23 elected for terms of six years. If the terms of four directors have expired, two directors shall be
24 elected for terms of six years and two shall be elected for terms of four years. At the next
25 succeeding biennial election held in the urban school district, successors for the remaining directors
26 of the prior seven-director district shall be elected. If only two directors are to be elected they shall
27 be elected for terms of six years each. If four directors are to be elected, two shall be elected for
28 terms of six years and two shall be elected for terms of two years. After seven directors of the urban
29 school district have been elected under this subsection, their successors shall be elected for terms of
30 six years.

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

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

1 August 28, 2001.

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

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

14 162.491. 1. Directors for urban school districts, other than those districts containing the
15 greater part of a city of over one hundred thirty thousand inhabitants, may be nominated by petition
16 to be filed with the secretary of the board and signed by a number of voters in the district equal to
17 ten percent of the total number of votes cast for the director receiving the highest number of votes
18 cast at the next preceding biennial election, except as provided in subsection 4 of this section.

19 2. This section shall not be construed as providing the sole method of nominating candidates
20 for the office of school director in urban school districts [~~which~~] that do not contain the greater part
21 of a city of over three hundred thousand inhabitants.

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

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

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

34 162.563. 1. As used in this section, the following terms mean:

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

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

39 2. A school board may divide the school district into seven subdistricts or a combination of

1 subdistricts and at-large districts and establish the election of school board members as provided in
2 this section.

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

7 (2) A school board dividing a school district as provided in this section shall develop and
8 adopt a proposed plan for the division of the school district. Such proposed plan shall be adopted
9 upon the approval of at least four members of the school board and shall contain at least the
10 following information:

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

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

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

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

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

20 (3) After the school board develops such proposed plan, the school board shall immediately
21 notify the election authority of the county in which the school district is located. Upon receiving
22 such notification, the election authority shall submit the question of whether to divide the school
23 district as described in the proposed plan to the voters of the school district on the next available day
24 for any municipal election. If a majority of the registered voters of the school district voting on the
25 question approve the division of the school district, the school board shall follow the procedures
26 described in subsection 4 of this section. If a majority of the registered voters of the school district
27 voting on the question reject the division of the school district, no division as described in this
28 section shall occur.

29 4. (1) After approval of a question submitted under subdivision (3) of subsection 3 of this
30 section, a school board dividing a school district as provided in this section shall adopt a final plan
31 for the division of the school district based on the proposed plan developed under subsection 3 of
32 this section. Such final plan shall contain at least the following information:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (b) After the school board adopts the final plan, the school board shall present the final plan
22 to the election authority of the county in which the school district is located for actions required
23 under subdivision (4) of this subsection and publish the final plan in the same manner as the initial
24 proposed plan was published under paragraph (a) of subdivision (2) of this subsection. The final
25 plan shall contain at least the following information:

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

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

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

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

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

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

36 (4) (a) After a final plan is adopted as provided in subdivision (3) of this subsection, before
37 December first of the calendar year immediately preceding the general municipal election day in the
38 calendar year in which the residents of the school district will vote to elect new school board
39 members as provided in the final plan, the school board shall divide the school district into seven

1 subdistricts or a combination of subdistricts and at-large districts as directed in the final plan. All
2 subdistricts required by the final plan shall be of contiguous and compact territory and as nearly
3 equal in population as practicable in accordance with the final plan. Within six months after each
4 decennial census is reported to the President of the United States, the school board shall reapportion
5 the subdistricts to be as nearly equal in population as practicable. After the school board divides the
6 school district or reapportions the subdistricts, the school board shall notify the residents of the
7 school district as provided by law.

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

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

27 (6) When the election is held on the general municipal election day, the seven candidates,
28 one from each of the subdistricts or at-large districts, who receive a plurality of the votes cast by the
29 voters of that subdistrict or at-large district shall be elected. Any candidate who is not a subdistrict
30 resident but qualifies as a candidate as a school district resident as provided in subdivision (5) of this
31 subsection shall be elected by the voters of the school district. Each member shall be elected to a
32 term as provided in the final plan adopted as provided in subdivision (3) of this subsection.

33 (7) Each member shall serve until a successor is elected or the member vacates the office.
34 Any vacancy that occurs before the end of the member's term shall be filled as provided in section
35 162.261 or 162.471.

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

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

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

2 5. (1) If any school district receives a petition, signed by at least ten percent of the number
 3 of registered voters of the school district voting in the last school board election, calling for the
 4 school district to divide into seven subdistricts or a combination of subdistricts and at-large districts
 5 and establish the election of school board members as provided in this subsection, the school district
 6 shall immediately notify the election authority of the county in which the school district is located.
 7 Upon receiving such notification, the election authority shall submit the question of whether to
 8 divide the school district as provided by the petition to the voters of the school district on the next
 9 available day for any municipal election. If a majority of the registered voters of the school district
 10 voting on the question approve the division of the school district, the school board shall begin the
 11 process of adopting the plan as described in this subsection. If a majority of the registered voters of
 12 the school district voting on the question reject the division of the school district, no division as
 13 described in the petition shall occur.

14 (2) (a) Any such petition submitted to the school district as provided in this subsection shall
 15 contain a proposed plan for the division of the school district. Such proposed plan shall contain at
 16 least the following information:

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

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

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

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

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

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

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

31 a. Be composed of nine members as follows:

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

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

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

35 and

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

38 (i) Publish notice of the hearing, the proposed plan, and any amendments to the proposed
 39 plan adopted at a previous hearing on the school district's website and by any other method allowed

1 by law, with the first publication to occur no more than thirty days before the hearing and the second
2 publication to occur no earlier than fifteen days and no later than ten days before the hearing;

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

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

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

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

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

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

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

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

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

23 f. Any other information deemed necessary by the commission.

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

35 (b) Any resident of the school district who believes the school district division commission
36 has divided the school district or reapportioned subdistricts in violation of paragraph (a) of this
37 subdivision may petition the circuit court of the county in which the school district exists for an
38 order directing the commission to divide the school district or reapportion the subdistricts as
39 provided in paragraph (a) of this subdivision. The petition shall be submitted to the circuit court

1 within ten business days of the commission's notice provided in paragraph (a) of this subdivision.

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

15 (5) When the election is held on the general municipal election day, the seven candidates,
16 one from each of the subdistricts or at-large districts, who receive a plurality of the votes cast by the
17 voters of that subdistrict shall be elected. Any candidate who is not a subdistrict resident but
18 qualifies as a candidate as a school district resident as provided in subdivision (4) of this subsection
19 shall be elected by the voters of the school district. Each member shall be elected to a term as
20 provided in the final plan approved as provided in subdivision (2) of this subsection.

21 (6) Each member shall serve until a successor is elected or the member vacates the office.
22 Any vacancy that occurs before the end of the member's term shall be filled as provided in section
23 162.261 or 162.471.

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

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

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

32
33 Further amend said bill by amending the title, enacting clause, and intersectional references
34 accordingly.