

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1750**  
**101ST GENERAL ASSEMBLY**

3297H.03C

DANA RADEMAN MILLER, Chief Clerk

---

**AN ACT**

To repeal section 162.091, RSMo, and to enact in lieu thereof two new sections relating to school boards, with a penalty provision.

---

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

Section A. Section 162.091, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 162.058 and 162.091, to read as follows:

**162.058. 1. Before July 1, 2023, each school district and charter school shall, after receiving community input, implement a community engagement policy that provides residents of the school district methods of communicating with the school board or the governing board of a charter school located in the school district and with the administration of the school district or charter school.**

**2. The community engagement policy shall create a process allowing any resident of a school district to have an item placed on the agenda of a school board meeting, or a meeting of the governing board of a charter school located in the school district, if the resident follows the process described in the policy. Such policy shall contain at least the following components:**

**(1) No item shall be placed on a meeting agenda under this section unless the item is directly related to the governance or operation of the school district or charter school;**

**(2) The school district or charter school may require the resident to first meet with the superintendent or the superintendent's designee to attempt a resolution of the issue. The superintendent or the superintendent's designee shall meet with the resident within twenty business days of a written request to meet. After such meeting, or if the superintendent or the superintendent's designee does not meet with the resident within**

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.

19 **twenty business days, the resident may submit a written request to the board secretary**  
20 **to have the issue brought before the school board or the governing board as a meeting**  
21 **agenda item. If the secretary receives the request at least five business days prior to the**  
22 **next regularly scheduled board meeting, the issue shall be placed as an item on the**  
23 **agenda for such meeting. If the secretary receives the request less than five days before**  
24 **the next regularly scheduled board meeting, the issue shall be placed as an item on the**  
25 **agenda for the next subsequent regular board meeting. An agenda item may be moved**  
26 **to a different board meeting with the consent of the resident requesting the agenda item;**

27 **(3) The school board or governing board may establish reasonable rules**  
28 **governing agenda items including, but not limited to, time limits for presentation or**  
29 **discussion of the agenda item and limits on the number of speakers to a single individual**  
30 **or to individuals who met with the superintendent or the superintendent's designee**  
31 **before the issue was brought before the board as a meeting agenda item;**

32 **(4) The school board or governing board shall take action by voting on the**  
33 **agenda item in the meeting in which the item is brought before the board or in one of the**  
34 **two subsequent board meetings. Such board vote on the agenda item includes, but is not**  
35 **limited to, the following:**

36 **(a) Allowing the school administration's decision to stand;**

37 **(b) Reversing, revising, or changing the school administration's decision;**

38 **(c) Unless the next board meeting is not one of the three meetings at which the**  
39 **agenda item shall be voted on as required in this subdivision, postponing consideration**  
40 **of the issue until the next board meeting; or**

41 **(d) Amending, modifying, or making no change to school district policy,**  
42 **procedures, or operations;**

43 **(5) The school board or governing board may refuse to hear or delay hearing an**  
44 **agenda item if the school board or governing board has heard an identical or**  
45 **substantially similar issue in the previous three calendar months or if the resident has**  
46 **previously violated district rules regarding conduct at meetings or on school property;**  
47 **and**

48 **(6) The school board or governing board may delay hearing an agenda item if**  
49 **more than three resident-initiated agenda items are scheduled for the same board**  
50 **meeting. If the hearing of a resident's agenda item is delayed, the school board or**  
51 **governing board shall provide the resident with an alternate method of communicating**  
52 **to the school board or governing board regarding the agenda item.**

162.091. 1. As used in this section, the term "public official" means any:

2 **(1) County clerk[;];**

3 **(2) County treasurer[;];**

4           **(3)** School board member, officer, or employee~~[-]~~; or

5           **(4)** Other officer~~[-]~~.

6           **2. Any public official** who willfully neglects or refuses to perform any duty imposed  
7 upon ~~him~~ **such public official** by chapters 160 to 168~~[-]~~ **or chapter** 170, 171, 177 ~~[and]~~, or  
8 178, or who willfully violates any provision of ~~these~~ **such** chapters, is guilty of a  
9 misdemeanor and on conviction shall be punished by a fine of not more than five hundred  
10 dollars or by imprisonment in the county jail not to exceed one year.

11           **3. Any person aggrieved by the willful neglect or refusal of a public official to**  
12 **perform any duty imposed upon such public official by chapters 160 to 168 or chapter**  
13 **170, 171, 177, or 178 shall have a civil claim for damages against such public official for:**

14           **(1) Injunctive relief;**

15           **(2) Compensatory damages;**

16           **(3) Punitive damages;**

17           **(4) Costs of litigation including, but not limited to, expert witness fees; and**

18           **(5) Reasonable attorney's fees for the prosecution of the action.**

19           **4. Neither sovereign immunity nor official immunity shall be a defense in any**  
20 **such civil action.**

✓