

REFERENCE COPY

FILE: BBBA
Critical

EXPLANATION: BOARD MEMBER QUALIFICATIONS

MSBA has revised this policy to reflect changes to Missouri law and to clarify the existing language. Please note that candidate qualifications are set by state statute, and local districts do not have the legal authority to add additional requirements or remove any of the requirements listed.

1. In 2015 the Missouri Legislature passed House Bill 63, which reversed many of the changes made to the election laws applicable to school board members in 2014. The governor vetoed this legislation, but then the legislature overrode the veto, making House Bill 63 law. A few months later, the legislature passed Senate Bill 104, which then added many (but not all) of these same election laws back into state statute and repealed some of the previous changes made to the election laws. This bill was signed into law by the governor. This bill:
 - ▶ Put back into state law applicable to school boards the requirement that a person cannot qualify as a candidate for elective office if the person has been found guilty of or pled guilty to a felony or misdemeanor under federal law or a felony under Missouri law.
 - ▶ Added the prohibition that a candidate cannot have been found guilty of or pled guilty to an offense in another state that would be considered a felony in Missouri.
 - ▶ Put back into state law applicable to school boards the requirement that a candidate will be disqualified from participation in the election if the candidate is delinquent in the payment of any state income taxes, personal property taxes, municipal taxes or real property taxes on the candidate's place of residence. If the candidate is a past or present corporate officer of any fee office (like a licensing office), that office cannot owe any taxes to the state either. Candidates must file an affidavit with the Missouri Department of Revenue as was required in the 2015 election.
 - ▶ Deleted a statute that was enacted in House Bill 63 that prohibited a person who had previously been employed by a district as the district's superintendent from running for school board.
2. Due to a Missouri Supreme Court case that struck down a portion of state statute, there is no longer any requirement that candidates have paid fees assessed by the Missouri Ethics Commission to be eligible to run for office. However, candidates must have filed

required campaign disclosure reports for all previous elections, or the treasurer of any candidate committee must have filed those reports on behalf of the committee.

3. MSBA has removed language regarding training requirements and developed a separate policy on this subject, which is included in this update.
4. MSBA has removed the reference to a "public servant." While it is true that school board members are considered public servants in the Missouri Criminal Code and therefore must be careful not to commit any crimes associated with being a public servant, this language has more to do with the Board member's ethical behavior once elected and seems out of place in this policy.
5. MSBA has added a section regarding the oath of office. Technically, Board members "qualify" for the Board by both taking the oath and signing an oath. Districts are encouraged to use MSBA's sample form, BCA-AF1.
6. MSBA has also made it clear that the Board expects both elected and appointed Board members to meet these requirements. Some requirements technically only apply to candidates who file for elected office, and an argument could be made that appointed Board members do not need to meet these requirements. However, MSBA recommends that all Board members meet the same requirements, regardless of whether they were elected or appointed.

MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.

X	Board Secretary		Business Office		Coaches/Sponsors
	Facility Maintenance		Food Service		Gifted
	Human Resources		Principals		Library/Media Center
	Health Services		Counselor		Special Education
	Transportation		Public Info/Communications		Technology

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BOARD MEMBER QUALIFICATIONS

Pursuant to law, members of the Board of Education must meet the following requirements. All Board members should have an interest in the welfare and education opportunities of students, a desire to honestly represent the public and the commitment to be a good steward of taxpayer resources. All persons interested in serving on the Camdenton R-III School District Board of Education, whether elected or appointed, will meet all legal requirements for candidates in School Board elections, including the following:

1. Be citizens of the United States of America. Mo. Const. art. VII, § 8; § 162.291, RSMo.
2. Be resident taxpayers of the Camdenton R-III School District. A "taxpayer" is an individual who has paid taxes to the state or any subdivision thereof within the immediately preceding 12-month period, or the spouse of such individual. § 162.291, RSMo.
3. Have resided in Missouri for a minimum of one year immediately preceding their election or appointment. Mo. Const. art. VII, § 8; § 162.291, RSMo.
4. Be at least 24 years of age. § 162.291, RSMo.
5. Be eligible to hold office in accordance with Missouri law, including § 561.021, RSMo. Not be delinquent in the payment of any state income taxes, personal property taxes, municipal taxes or real property taxes on their place of residence. If an applicant is a past or present corporate officer of any fee office, that office cannot be delinquent in the payment of any taxes owed the state. § 115.306, RSMo.
6. ~~While holding office, not be serving a sentence or period of probation for a felony in Missouri or for a crime that would be a felony if committed in Missouri.~~ Have not been found guilty of nor pled guilty to a felony or misdemeanor under the federal laws of the United States of America or to a felony under Missouri law or an offense committed in another state that would be considered a felony in Missouri. § 115.306, RSMo.
7. ~~Have never pled guilty or *nolo contendere* nor been convicted under Missouri law or the law of another jurisdiction of a felony connected with the exercise of the right of suffrage.~~
87. Not be registered or required to be registered as a sex offender pursuant to Missouri law, §§ 589.400 - .425 § 162.014, RSMo.
98. Have filed, or the treasurer of an existing candidate committee has filed, all required campaign disclosure reports with the Missouri Ethics Commission, when applicable, for all

previous elections in which they were candidates and have paid all fees assessed against them by the Missouri Ethics Commission, if applicable. § 130.071, RSMo.

All Board members should have a knowledge of and an interest in the welfare and educational opportunities of students:

Board members initially elected or appointed after August 28, 1993, in addition to the other qualifications listed in this policy, are required by law to successfully complete orientation and training requirements within one year of the date of the election or appointment. The orientation and training shall be offered by a statewide association organized for the benefit of members of boards of education or approved by the State Board of Education and consist of at least 16 hours, with travel expenses to be paid by the district.

A Board member is a "public servant" under the Missouri Criminal Code provisions regarding bribery, acceding to corruption, official misconduct and misuse of official information:

Oath of Office

Newly elected or appointed members of the Board officially qualify as Board members when they take the oath of office and sign the oath, as required by law.

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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted: 08/08/1994

Revised: 07/10/2000; 12/09/2013;

Cross Refs: AA, School District Legal Status

Legal Refs: Mo. Const. art. VII, §§ 8, 11
§§ 115.306, 130.071, 160.011, 162.014, .025, .203, .291, 556.061(23), 301, 561.021, 575.100, .120, 576.010 -- .050; RSMo.

Camdenton R-III School District, Camdenton, Missouri