

SECOND REGULAR SESSION

# SENATE BILL NO. 1077

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOLSMAN.

Read 1st time March 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6414S.05I

## AN ACT

To amend chapter 160, RSMo, by adding thereto one new section relating to innovation schools.

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

Section A. Chapter 160, RSMo, is amended by adding thereto one new section, to be known as section 160.840, to read as follows:

**160.840. 1. This section shall be known and may be cited as the "Innovation Schools Act".**

**2. As used in this section, the following terms shall mean:**

**(1) "Eligible district" or "district", a metropolitan school district, urban school district, or any school district located in whole or in part within a county with a charter form of government and with more than nine hundred fifty thousand inhabitants;**

**(2) "Governing board of an eligible district" or "board", the board of education of a metropolitan or urban school district or any successor governing agency or board for the district, including, but not limited to, a special administrative board, the department of elementary and secondary education, or other alternate governing structure that governs the district, as provided in sections 162.081, 162.1100, or other applicable sections of law;**

**(3) "Innovation plan", an agreement between the governing board of an eligible district and a leadership committee to establish an innovation school within a district;**

**(4) "Innovation school" or "school", a semi-autonomous public school, operated by a leadership committee and located within an eligible district, formed by means of an innovation plan agreed to by a leadership committee and the governing board of an eligible district;**

22           **(5) "Leadership committee", a group of local business persons,**  
23 **educational experts, and civic leaders formed in order to establish an**  
24 **innovation school located within an eligible district and which has**  
25 **secured funding from charitable donations, corporate gifts,**  
26 **philanthropic organizations, grants, or other aid in order to establish**  
27 **an innovation school;**

28           **(6) "Project based learning", a teaching method in which students**  
29 **gain knowledge and skills by working for an extended period to**  
30 **investigate and respond to an authentic, engaging, and complex**  
31 **question, problem, or challenge.**

32           **3. The governing board of an eligible district may enter into a**  
33 **cooperative agreement with a leadership committee in order to develop**  
34 **an innovation plan and establish an innovation school located within**  
35 **the district. The initial innovation plan agreed to by the leadership**  
36 **committee and the board shall be for a term of ten years. After the**  
37 **initial ten year agreement, the plan may be renewed in five year**  
38 **intervals. The leadership committee and the board may alter an**  
39 **innovation plan at any point upon mutual agreement. Should the**  
40 **governing board of an eligible district be altered or cease to exist for**  
41 **any reason, including but not limited to, the provisions contained in**  
42 **sections 162.081 and 162.1100 during the term of the innovation plan,**  
43 **the successor governing agency of the district shall be considered the**  
44 **governing board of an eligible district and shall continue to comply**  
45 **with the innovation plan for the term of the agreement.**

46           **4. To the extent possible, the innovation plan shall grant the**  
47 **innovation school autonomy from state and district regulations in order**  
48 **to foster an environment of innovation. Except as otherwise provided**  
49 **in this section, the innovation plan shall grant the innovation school**  
50 **autonomy, to the extent allowable, to implement curriculum,**  
51 **educational programming, personnel selection and evaluation,**  
52 **calendars and scheduling, and budgeting policies free of district, state,**  
53 **and other outside control, including collective bargaining agreement**  
54 **and teacher certification provisions. The innovation plan shall contain**  
55 **details regarding the proposed school's focus, curriculum, educational**  
56 **programming, personnel selection and evaluation, calendars and**  
57 **scheduling, and budgeting policies. The educational programming and**  
58 **curriculum selected for the innovation school shall be proven effective**

59 by scientifically based research and may contain elements of project  
60 based learning or other, similar teaching methods. No individual hired  
61 to teach at the innovation school shall be subject to the provisions of  
62 section 168.011 or section 168.221.

63 5. Notwithstanding any provision of law to the contrary,  
64 enrollment in the innovation school shall be available only to students  
65 who reside within the boundary of the eligible district. The innovation  
66 plan shall establish attendance criteria and parameters for enrollment,  
67 provided that students who reside within two and one-half miles of the  
68 school shall be given first priority in enrollment on a first come, first  
69 served basis, provided that such students are residents of the eligible  
70 district. When sixty-five percent of the enrolled students reside within  
71 two and one-half miles of the school, the remaining slots may be  
72 awarded by means of a lottery system, which shall be available to any  
73 student who resides within the eligible district, regardless of  
74 geography. The innovation plan shall contain provisions to assure a  
75 given level of racial and socioeconomic diversity in the school's total  
76 enrollment, which shall be specified in the plan. A student  
77 transportation policy shall be included in the innovation plan.

78 6. The innovation plan shall demonstrate that the leadership  
79 committee has secured sufficient funding from charitable donations,  
80 corporate gifts, philanthropic organizations, grants, and other aid in  
81 order to fund a significant portion of the startup costs and capital  
82 outlays of the innovation school. The innovation school shall not  
83 possess bonding authority, but shall receive funds from district-issued  
84 bonds, as agreed to in the innovation plan.

85 7. In developing an innovation plan, the leadership committee  
86 and board shall not waive any federal law and requirements contained  
87 in the Individuals with Disabilities in Education Act, as amended, the  
88 Every Student Succeeds Act, or waive any federal requirement that  
89 results in a loss of federal funds. Laws and regulations related to the  
90 statewide assessment system established in section 160.518, as well as  
91 any requirements for providing a minimum school day and school term  
92 as provided in sections 160.011, 160.041, 171.031, and 171.033 shall not  
93 be waived.

94 8. For the purposes of calculation and distribution of state aid  
95 as provided in chapter 163, pupils enrolled in an innovation school

96 shall be included in the pupil enrollment of the eligible district. The  
97 innovation plan shall specify the financial arrangement between the  
98 board and the leadership committee, including provisions for the  
99 monthly, proportional transfer of the state aid to which the innovation  
100 school is entitled based on the school's weighted average daily  
101 attendance, as defined in section 163.011. The board shall also remit to  
102 the innovation school an amount equal to the school's proportionate  
103 share of any other applicable state, local, and federal funding,  
104 including the school's proportionate share under section  
105 163.087. Eligible districts shall be entitled to reimbursement under  
106 section 163.161 for transportation of pupils by the innovation  
107 school. The innovation plan shall delineate the manner in which  
108 transportation funding shall be disbursed to the leadership committee  
109 for the transportation of innovation school pupils.

110 9. The innovation school, the school's employees, and the  
111 leadership committee shall not be deemed to be the state or a state  
112 agency for any purpose, including sections 105.711 to 105.726. The state  
113 of Missouri, its agencies, and its employees shall be absolutely immune  
114 from liability for any and all acts or omissions relating to or in any way  
115 involving the innovation school, the leadership committee, its members,  
116 or its employees. Such immunities, and immunity doctrines as exist or  
117 may hereafter exist benefitting boards of education, their members, and  
118 their employees shall be available to the leadership committee, its  
119 members, and its employees. The leadership committee and the  
120 innovation school which it governs shall not be considered a successor  
121 entity for the purpose of employment contracts, unemployment  
122 compensation payment pursuant to section 288.110, or any other  
123 purpose.

124 10. The state board of education, whose decision shall be final,  
125 shall resolve any dispute arising between the leadership committee and  
126 a governing board of an eligible district.

127 11. (1) Teachers employed by an innovation school may qualify  
128 for tenure under the provisions of sections 168.102 to 168.130 if agreed  
129 to in the innovation plan. Tenured teachers who were employed in the  
130 eligible district prior to teaching at the innovation school may retain  
131 their tenure rights if they stop teaching at the innovation school and  
132 return to the eligible district.

133           **(2) Subject to the provisions of subsection 2 of section 169.324,**  
134 **subsection 16 of section 169.460, and section 169.560, regarding hour,**  
135 **day, and compensation limits, a teacher receiving retirement benefits**  
136 **under chapter 169 may be employed in an innovation school if the**  
137 **teacher has teaching experience in a subject that is essential to the**  
138 **mission of the innovation school and the eligible district can**  
139 **demonstrate that the district has been unsuccessful in employing a**  
140 **teacher with the same certification and relevant experience in the**  
141 **subject area.**

142           **12. The state auditor may audit the innovation school and**  
143 **leadership committee at any point after which any state funds have**  
144 **been remitted to the innovation school.**

145           **13. Notwithstanding any provision of law to the contrary, the**  
146 **eligible district may sell or lease a school building owned by the**  
147 **district to the innovation school at or below market value or at no cost.**

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Bill

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