

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

**SENATE BILLS NOS. 493,
485, 495, 516, 534, 545,
595, 616 & 624**

97TH GENERAL ASSEMBLY

2014

4627S.13T

AN ACT

To repeal 160.011, 160.041, 160.400, 160.405, 160.415, 160.417, 162.081, 162.1250, 163.021, 163.036, 163.073, 163.410, 167.121, 167.131, 171.029, 171.031, 171.033, 177.011, 177.088, and 210.861, RSMo, and to enact in lieu thereof forty-seven new sections relating to elementary and secondary education, with an emergency clause.

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

Section A. Sections 160.011, 160.041, 160.400, 160.405, 160.415, 160.417, 2 162.081, 162.1250, 163.021, 163.036, 163.073, 163.410, 167.121, 167.131, 171.029, 3 171.031, 171.033, 177.011, 177.088, and 210.861, RSMo, are repealed and forty- 4 seven new sections enacted in lieu thereof, to be known as sections 160.011, 5 160.041, 160.400, 160.405, 160.408, 160.415, 160.417, 161.084, 161.086, 161.238, 6 162.081, 162.432, 162.1250, 162.1303, 162.1305, 162.1310, 163.021, 163.036, 7 163.073, 163.410, 167.121, 167.131, 167.642, 167.685, 167.687, 167.730, 167.825, 8 167.826, 167.827, 167.828, 167.830, 167.833, 167.836, 167.839, 167.842, 167.845, 9 167.848, 168.205, 170.215, 170.320, 171.029, 171.031, 171.033, 177.011, 177.088, 10 210.861, and 1, to read as follows:

160.011. As used in chapters 160, 161, 162, 163, 164, 165, 167, 168, 170, 2 171, 177 and 178, the following terms mean:

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

- 3 (1) "District" or "school district", when used alone, may include
4 seven-director, urban, and metropolitan school districts;
- 5 (2) "Elementary school", a public school giving instruction in a grade or
6 grades not higher than the eighth grade;
- 7 (3) "Family literacy programs", services of sufficient intensity in terms of
8 hours, and of sufficient duration, to make sustainable changes in families that
9 include:
- 10 (a) Interactive literacy activities between parents and their children;
- 11 (b) Training of parents regarding how to be the primary teacher of their
12 children and full partners in the education of their children;
- 13 (c) Parent literacy training that leads to high school completion and
14 economic self sufficiency; and
- 15 (d) An age-appropriate education to prepare children of all ages for
16 success in school;
- 17 (4) "Graduation rate", the [quotient of the number of graduates in the
18 current year as of June thirtieth divided by the sum of the number of graduates
19 in the current year as of June thirtieth plus the number of twelfth graders who
20 dropped out in the current year plus the number of eleventh graders who dropped
21 out in the preceding year plus the number of tenth graders who dropped out in
22 the second preceding year plus the number of ninth graders who dropped out in
23 the third preceding year] **graduation rate determined by the annual**
24 **performance report required by the Missouri school improvement**
25 **program;**
- 26 (5) "High school", a public school giving instruction in a grade or grades
27 not lower than the ninth nor higher than the twelfth grade;
- 28 (6) "Metropolitan school district", any school district the boundaries of
29 which are coterminous with the limits of any city which is not within a county;
- 30 (7) "Public school" includes all elementary and high schools operated at
31 public expense;
- 32 (8) "School board", the board of education having general control of the
33 property and affairs of any school district;
- 34 (9) "School term", a minimum of one hundred seventy-four school days, as
35 that term is defined in section 160.041, for schools with a five-day school week or
36 a minimum of one hundred forty-two school days, as that term is defined in

37 section 160.041, for schools with a four-day school week, and one thousand
38 forty-four hours of actual pupil attendance as scheduled by the board pursuant
39 to section 171.031 during a twelve-month period in which the academic
40 instruction of pupils is actually and regularly carried on for a group of students
41 in the public schools of any school district. **Beginning in school year 2015-**
42 **2016, one thousand forty-four hours of actual pupil attendance shall be**
43 **required with no minimum number of school days required.** A school
44 term may be within a school year or may consist of parts of two consecutive school
45 years, but does not include summer school. A district may choose to operate two
46 or more terms for different groups of children. A school term for students
47 participating in a school flex program as established in section 160.539 may
48 consist of a combination of actual pupil attendance and attendance at college or
49 technical career education or approved employment aligned with the student's
50 career academic plan for a total of one thousand forty-four hours;

51 (10) "Secretary", the secretary of the board of a school district;

52 (11) "Seven-director district", any school district which has seven directors
53 and includes urban districts regardless of the number of directors an urban
54 district may have unless otherwise provided by law;

55 (12) "Taxpayer", any individual who has paid taxes to the state or any
56 subdivision thereof within the immediately preceding twelve-month period or the
57 spouse of such individual;

58 (13) "Town", any town or village, whether or not incorporated, the plat of
59 which has been filed in the office of the recorder of deeds of the county in which
60 it is situated;

61 (14) "Urban school district", any district which includes more than half
62 of the population or land area of any city which has not less than seventy
63 thousand inhabitants, other than a city which is not within a county.

160.041. 1. The "minimum school day" consists of three hours for schools
2 with a five-day school week or four hours for schools with a four-day school week
3 in which the pupils are under the guidance and direction of teachers in the
4 teaching process. A "school month" consists of four weeks of five days each for
5 schools with a five-day school week or four weeks of four days each for schools
6 with a four-day school week. **Beginning in the school year 2015-2016, no**
7 **minimum number of school days shall be required.** The "school year"

8 commences on the first day of July and ends on the thirtieth day of June
9 following.

10 2. **Beginning with school year 2015-2016, in any regular or**
11 **summer school term, school days shall be scheduled so that no school**
12 **day shall be rescheduled during the calendar week of July fourth if the**
13 **holiday falls on a business day; if the holiday falls on a weekend, school**
14 **days shall be rescheduled so that students shall have at least four days**
15 **off in any configuration during the calendar week that includes a**
16 **Saturday holiday or the calendar week that includes a Sunday holiday.**

17 3. Notwithstanding the provisions of [subsection 1 of this section]
18 **subdivision (9) of section 160.011**, the commissioner of education is
19 authorized to reduce the required [number of hours and days] **amount of school**
20 **time** in which the pupils are under the guidance and direction of teachers in the
21 teaching process if:

22 (1) There is damage to or destruction of a public school facility which
23 requires the dual utilization of another school facility; or

24 (2) Flooding or other inclement weather as defined in subsection 1 of
25 section 171.033 prevents students from attending the public school facility.

26 Such reduction shall not extend beyond two calendar years in duration.

160.400. 1. A charter school is an independent public school.

2 2. Except as further provided in subsection 4 of this section, charter
3 schools may be operated only:

4 (1) In a metropolitan school district;

5 (2) In an urban school district containing most or all of a city with a
6 population greater than three hundred fifty thousand inhabitants;

7 (3) In a school district that has been declared unaccredited;

8 (4) In a school district that has been classified as provisionally accredited
9 by the state board of education and has received scores on its annual performance
10 report consistent with a classification of provisionally accredited or unaccredited
11 for three consecutive school years beginning with the 2012-13 accreditation year
12 under the following conditions:

13 (a) The eligibility for charter schools of any school district whose
14 provisional accreditation is based in whole or in part on financial stress as
15 defined in sections 161.520 to 161.529, or on financial hardship as defined by rule

16 of the state board of education, shall be decided by a vote of the state board of
17 education during the third consecutive school year after the designation of
18 provisional accreditation; and

19 (b) The sponsor is limited to the local school board or a sponsor who has
20 met the standards of accountability and performance as determined by the
21 department based on sections 160.400 to 160.425 and section 167.349 and
22 properly promulgated rules of the department; or

23 (5) In a school district that has been accredited without provisions,
24 sponsored only by the local school board; provided that no board with a current
25 year enrollment of one thousand five hundred fifty students or greater shall
26 permit more than thirty-five percent of its student enrollment to enroll in charter
27 schools sponsored by the local board under the authority of this subdivision,
28 except that this restriction shall not apply to any school district that
29 subsequently becomes eligible under subdivision (3) or (4) of this subsection or to
30 any district accredited without provisions that sponsors charter schools prior to
31 having a current year student enrollment of one thousand five hundred fifty
32 students or greater.

33 3. Except as further provided in subsection 4 of this section, the following
34 entities are eligible to sponsor charter schools:

35 (1) The school board of the district in any district which is sponsoring a
36 charter school as of August 27, 2012, as permitted under subdivision (1) or (2) of
37 subsection 2 of this section, the special administrative board of a metropolitan
38 school district during any time in which powers granted to the district's board of
39 education are vested in a special administrative board, or if the state board of
40 education appoints a special administrative board to retain the authority granted
41 to the board of education of an urban school district containing most or all of a
42 city with a population greater than three hundred fifty thousand inhabitants, the
43 special administrative board of such school district;

44 (2) A public four-year college or university with an approved teacher
45 education program that meets regional or national standards of accreditation;

46 (3) A community college, the service area of which encompasses some
47 portion of the district;

48 (4) Any private four-year college or university with an enrollment of at
49 least one thousand students, with its primary campus in Missouri, and with an

50 approved teacher preparation program;

51 (5) Any two-year private vocational or technical school designated as a
52 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as
53 amended, which is a member of the North Central Association and accredited by
54 the Higher Learning Commission, with its primary campus in Missouri; [or]

55 (6) The Missouri charter public school commission created in section
56 160.425;

57 **(7) The school board of a district that is accredited without**
58 **provisions by the state board of education, in a district classified as**
59 **unaccredited by the state board of education; or**

60 **(8) A combination of school boards of districts that are**
61 **accredited without provisions by the state board of education in**
62 **collaboration, in a district classified as unaccredited by the state board**
63 **of education.**

64 4. Changes in a school district's accreditation status that affect charter
65 schools shall be addressed as follows, except for the districts described in
66 subdivisions (1) and (2) of subsection 2 of this section:

67 (1) As a district transitions from unaccredited to provisionally accredited,
68 the district shall continue to fall under the requirements for an unaccredited
69 district until it achieves three consecutive full school years of provisional
70 accreditation;

71 (2) As a district transitions from provisionally accredited to full
72 accreditation, the district shall continue to fall under the requirements for a
73 provisionally accredited district until it achieves three consecutive full school
74 years of full accreditation;

75 (3) In any school district classified as unaccredited or provisionally
76 accredited where a charter school is operating and is sponsored by an entity other
77 than the local school board, when the school district becomes classified as
78 accredited without provisions, a charter school may continue to be sponsored by
79 the entity sponsoring it prior to the classification of accredited without provisions
80 and shall not be limited to the local school board as a sponsor.

81 A charter school operating in a school district identified in subdivision (1) or (2)
82 of subsection 2 of this section may be sponsored by any of the entities identified
83 in subsection 3 of this section, irrespective of the accreditation classification of

84 the district in which it is located. A charter school in a district described in this
85 subsection whose charter provides for the addition of grade levels in subsequent
86 years may continue to add levels until the planned expansion is complete to the
87 extent of grade levels in comparable schools of the district in which the charter
88 school is operated.

89 5. The mayor of a city not within a county may request a sponsor under
90 subdivision (2), (3), (4), (5), or (6) of subsection 3 of this section to consider
91 sponsoring a "workplace charter school", which is defined for purposes of sections
92 160.400 to 160.425 as a charter school with the ability to target prospective
93 students whose parent or parents are employed in a business district, as defined
94 in the charter, which is located in the city.

95 6. No sponsor shall receive from an applicant for a charter school any fee
96 of any type for the consideration of a charter, nor may a sponsor condition its
97 consideration of a charter on the promise of future payment of any kind.

98 7. The charter school shall be organized as a Missouri nonprofit
99 corporation incorporated pursuant to chapter 355. The charter provided for
100 herein shall constitute a contract between the sponsor and the charter school.

101 8. As a nonprofit corporation incorporated pursuant to chapter 355, the
102 charter school shall select the method for election of officers pursuant to section
103 355.326 based on the class of corporation selected. Meetings of the governing
104 board of the charter school shall be subject to the provisions of sections 610.010
105 to 610.030.

106 9. A sponsor of a charter school, its agents and employees are not liable
107 for any acts or omissions of a charter school that it sponsors, including acts or
108 omissions relating to the charter submitted by the charter school, the operation
109 of the charter school and the performance of the charter school.

110 10. A charter school may affiliate with a four-year college or university,
111 including a private college or university, or a community college as otherwise
112 specified in subsection 3 of this section when its charter is granted by a sponsor
113 other than such college, university or community college. Affiliation status
114 recognizes a relationship between the charter school and the college or university
115 for purposes of teacher training and staff development, curriculum and
116 assessment development, use of physical facilities owned by or rented on behalf
117 of the college or university, and other similar purposes. A university, college or

118 community college may not charge or accept a fee for affiliation status.

119 11. The expenses associated with sponsorship of charter schools shall be
120 defrayed by the department of elementary and secondary education retaining one
121 and five-tenths percent of the amount of state and local funding allocated to the
122 charter school under section 160.415, not to exceed one hundred twenty-five
123 thousand dollars, adjusted for inflation. The department of elementary and
124 secondary education shall remit the retained funds for each charter school to the
125 school's sponsor, provided the sponsor remains in good standing by fulfilling its
126 sponsorship obligations under sections 160.400 to 160.425 and 167.349 with
127 regard to each charter school it sponsors, including appropriate demonstration of
128 the following:

129 (1) Expends no less than ninety percent of its charter school sponsorship
130 funds in support of its charter school sponsorship program, or as a direct
131 investment in the sponsored schools;

132 (2) Maintains a comprehensive application process that follows fair
133 procedures and rigorous criteria and grants charters only to those developers who
134 demonstrate strong capacity for establishing and operating a quality charter
135 school;

136 (3) Negotiates contracts with charter schools that clearly articulate the
137 rights and responsibilities of each party regarding school autonomy, expected
138 outcomes, measures for evaluating success or failure, performance consequences,
139 and other material terms;

140 (4) Conducts contract oversight that evaluates performance, monitors
141 compliance, informs intervention and renewal decisions, and ensures autonomy
142 provided under applicable law; and

143 (5) Designs and implements a transparent and rigorous process that uses
144 comprehensive data to make merit-based renewal decisions.

145 12. Sponsors receiving funds under subsection 11 of this section shall be
146 required to submit annual reports to the joint committee on education
147 demonstrating they are in compliance with subsection 17 of this section.

148 13. No university, college or community college shall grant a charter to
149 a nonprofit corporation if an employee of the university, college or community
150 college is a member of the corporation's board of directors.

151 14. No sponsor shall grant a charter under sections 160.400 to 160.425

152 and 167.349 without ensuring that a criminal background check and family care
153 safety registry check are conducted for all members of the governing board of the
154 charter schools or the incorporators of the charter school if initial directors are
155 not named in the articles of incorporation, nor shall a sponsor renew a charter
156 without ensuring a criminal background check and family care registry check are
157 conducted for each member of the governing board of the charter school.

158 15. No member of the governing board of a charter school shall hold any
159 office or employment from the board or the charter school while serving as a
160 member, nor shall the member have any substantial interest, as defined in
161 section 105.450, in any entity employed by or contracting with the board. No
162 board member shall be an employee of a company that provides substantial
163 services to the charter school. All members of the governing board of the charter
164 school shall be considered decision-making public servants as defined in section
165 105.450 for the purposes of the financial disclosure requirements contained in
166 sections 105.483, 105.485, 105.487, and 105.489.

167 16. A sponsor shall develop the policies and procedures for:

168 (1) The review of a charter school proposal including an application that
169 provides sufficient information for rigorous evaluation of the proposed charter and
170 provides clear documentation that the education program and academic program
171 are aligned with the state standards and grade-level expectations, and provides
172 clear documentation of effective governance and management structures, and a
173 sustainable operational plan;

174 (2) The granting of a charter;

175 (3) The performance framework that the sponsor will use to evaluate the
176 performance of charter schools;

177 (4) The sponsor's intervention, renewal, and revocation policies, including
178 the conditions under which the charter sponsor may intervene in the operation
179 of the charter school, along with actions and consequences that may ensue, and
180 the conditions for renewal of the charter at the end of the term, consistent with
181 subsections 8 and 9 of section 160.405;

182 (5) Additional criteria that the sponsor will use for ongoing oversight of
183 the charter; and

184 (6) Procedures to be implemented if a charter school should close,
185 consistent with the provisions of subdivision (15) of subsection 1 of section

186 160.405.

187 The department shall provide guidance to sponsors in developing such policies
188 and procedures.

189 17. (1) A sponsor shall provide timely submission to the state board of
190 education of all data necessary to demonstrate that the sponsor is in material
191 compliance with all requirements of sections 160.400 to 160.425 and section
192 167.349. The state board of education shall ensure each sponsor is in compliance
193 with all requirements under sections 160.400 to 160.425 and 167.349 for each
194 charter school sponsored by any sponsor. The state board shall notify each
195 sponsor of the standards for sponsorship of charter schools, delineating both what
196 is mandated by statute and what best practices dictate. The state board shall
197 evaluate sponsors to determine compliance with these standards every three
198 years. The evaluation shall include a sponsor's policies and procedures in the
199 areas of charter application approval; required charter agreement terms and
200 content; sponsor performance evaluation and compliance monitoring; and charter
201 renewal, intervention, and revocation decisions. Nothing shall preclude the
202 department from undertaking an evaluation at any time for cause.

203 (2) If the department determines that a sponsor is in material
204 noncompliance with its sponsorship duties, the sponsor shall be notified and
205 given reasonable time for remediation. If remediation does not address the
206 compliance issues identified by the department, the commissioner of education
207 shall conduct a public hearing and thereafter provide notice to the charter
208 sponsor of corrective action that will be recommended to the state board of
209 education. Corrective action by the department may include withholding the
210 sponsor's funding and suspending the sponsor's authority to sponsor a school that
211 it currently sponsors or to sponsor any additional school until the sponsor is
212 reauthorized by the state board of education under section 160.403.

213 (3) The charter sponsor may, within thirty days of receipt of the notice of
214 the commissioner's recommendation, provide a written statement and other
215 documentation to show cause as to why that action should not be taken. Final
216 determination of corrective action shall be determined by the state board of
217 education based upon a review of the documentation submitted to the department
218 and the charter sponsor.

219 (4) If the state board removes the authority to sponsor a currently

220 operating charter school under any provision of law, the Missouri charter public
221 school commission shall become the sponsor of the school.

222 **18. When a sponsor notifies a charter school of closure under**
223 **subsection 8 of section 160.405, the department of elementary and**
224 **secondary education shall exercise its financial withholding authority**
225 **under subsection 12 of section 160.415 to assure all obligations of the**
226 **charter school shall be met. The state shall not be liable for any**
227 **outstanding liability or obligations of the charter school. If the assets**
228 **of the school are insufficient to pay all parties to whom the school owes**
229 **compensation, the prioritization of the distribution of assets may be**
230 **determined by a court of law.**

160.405. 1. A person, group or organization seeking to establish a charter
2 school shall submit the proposed charter, as provided in this section, to a sponsor.
3 If the sponsor is not a school board, the applicant shall give a copy of its
4 application to the school board of the district in which the charter school is to be
5 located and to the state board of education, within five business days of the date
6 the application is filed with the proposed sponsor. The school board may file
7 objections with the proposed sponsor, and, if a charter is granted, the school
8 board may file objections with the state board of education. The charter shall
9 [be] **include** a legally binding performance contract that describes the
10 obligations and responsibilities of the school and the sponsor as outlined in
11 sections 160.400 to 160.425 and section 167.349 and shall [also include] **address**
12 **the following:**

13 (1) A mission and vision statement for the charter school;

14 (2) A description of the charter school's organizational structure and
15 bylaws of the governing body, which will be responsible for the policy, financial
16 management, and operational decisions of the charter school, including the nature
17 and extent of parental, professional educator, and community involvement in the
18 governance and operation of the charter school;

19 (3) A financial plan for the first three years of operation of the charter
20 school including provisions for annual audits;

21 (4) A description of the charter school's policy for securing personnel
22 services, its personnel policies, personnel qualifications, and professional
23 development plan;

- 24 (5) A description of the grades or ages of students being served;
- 25 (6) The school's calendar of operation, which shall include at least the
26 equivalent of a full school term as defined in section 160.011;
- 27 (7) A description of the charter school's pupil performance standards and
28 academic program performance standards, which shall meet the requirements of
29 subdivision (6) of subsection 4 of this section. The charter school program shall
30 be designed to enable each pupil to achieve such standards and shall contain a
31 complete set of indicators, measures, metrics, and targets for academic program
32 performance, including specific goals on graduation rates and standardized test
33 performance and academic growth;
- 34 (8) A description of the charter school's educational program and
35 curriculum;
- 36 (9) The term of the charter, which shall be five years and shall be
37 renewable;
- 38 (10) Procedures, consistent with the Missouri financial accounting
39 manual, for monitoring the financial accountability of the charter, which shall
40 meet the requirements of subdivision (4) of subsection 4 of this section;
- 41 (11) Preopening requirements for applications that require that charter
42 schools meet all health, safety, and other legal requirements prior to opening;
- 43 (12) A description of the charter school's policies on student discipline and
44 student admission, which shall include a statement, where applicable, of the
45 validity of attendance of students who do not reside in the district but who may
46 be eligible to attend under the terms of judicial settlements and procedures that
47 ensure admission of students with disabilities in a nondiscriminatory manner;
- 48 (13) A description of the charter school's grievance procedure for parents
49 or guardians;
- 50 (14) A description of the agreement between the charter school and the
51 sponsor as to when a sponsor shall intervene in a charter school, when a sponsor
52 shall revoke a charter for failure to comply with subsection 8 of this section, and
53 when a sponsor will not renew a charter under subsection 9 of this section;
- 54 (15) Procedures to be implemented if the charter school should close, as
55 provided in subdivision (6) of subsection 16 of section 160.400 including:
- 56 (a) Orderly transition of student records to new schools and archival of
57 student records;

58 (b) Archival of business operation and transfer or repository of personnel
59 records;

60 (c) Submission of final financial reports;

61 (d) Resolution of any remaining financial obligations; and

62 (e) Disposition of the charter school's assets upon closure;

63 (f) A notification plan to inform parents or guardians of students, the local
64 school district, the retirement system in which the charter school's employees
65 participate, and the state board of education within thirty days of the decision to
66 close;

67 (16) A description of the special education and related services that shall
68 be available to meet the needs of students with disabilities; and

69 (17) For all new or revised charters, procedures to be used upon closure
70 of the charter school requiring that unobligated assets of the charter school be
71 returned to the department of elementary and secondary education for their
72 disposition, which upon receipt of such assets shall return them to the local
73 school district in which the school was located, the state, or any other entity to
74 which they would belong.

75 Charter schools operating on August 27, 2012, shall have until August 28, 2015,
76 to meet the requirements of this subsection.

77 2. Proposed charters shall be subject to the following requirements:

78 (1) A charter shall be submitted to the sponsor, and follow the sponsor's
79 policies and procedures for review and granting of a charter approval, and be
80 approved by the state board of education by [~~December first of the year~~] **January**
81 **thirty-first** prior to **the school year of** the proposed opening date of the
82 charter school;

83 (2) A charter may be approved when the sponsor determines that the
84 requirements of this section are met, determines that the applicant is sufficiently
85 qualified to operate a charter school, and that the proposed charter is consistent
86 with the sponsor's charter sponsorship goals and capacity. The sponsor's decision
87 of approval or denial shall be made within ninety days of the filing of the
88 proposed charter;

89 (3) If the charter is denied, the proposed sponsor shall notify the applicant
90 in writing as to the reasons for its denial and forward a copy to the state board
91 of education within five business days following the denial;

92 (4) If a proposed charter is denied by a sponsor, the proposed charter may
93 be submitted to the state board of education, along with the sponsor's written
94 reasons for its denial. If the state board determines that the applicant meets the
95 requirements of this section, that the applicant is sufficiently qualified to operate
96 the charter school, and that granting a charter to the applicant would be likely
97 to provide educational benefit to the children of the district, the state board may
98 grant a charter and act as sponsor of the charter school. The state board shall
99 review the proposed charter and make a determination of whether to deny or
100 grant the proposed charter within sixty days of receipt of the proposed charter,
101 provided that any charter to be considered by the state board of education under
102 this subdivision shall be submitted no later than March first prior to the school
103 year in which the charter school intends to begin operations. The state board of
104 education shall notify the applicant in writing as the reasons for its denial, if
105 applicable; and

106 (5) The sponsor of a charter school shall give priority to charter school
107 applicants that propose a school oriented to high-risk students and to the reentry
108 of dropouts into the school system. If a sponsor grants three or more charters,
109 at least one-third of the charters granted by the sponsor shall be to schools that
110 actively recruit dropouts or high-risk students as their student body and address
111 the needs of dropouts or high-risk students through their proposed mission,
112 curriculum, teaching methods, and services. For purposes of this subsection, a
113 "high-risk" student is one who is at least one year behind in satisfactory
114 completion of course work or obtaining high school credits for graduation, has
115 dropped out of school, is at risk of dropping out of school, needs drug and alcohol
116 treatment, has severe behavioral problems, has been suspended from school three
117 or more times, has a history of severe truancy, is a pregnant or parenting teen,
118 has been referred for enrollment by the judicial system, is exiting incarceration,
119 is a refugee, is homeless or has been homeless sometime within the preceding six
120 months, has been referred by an area school district for enrollment in an
121 alternative program, or qualifies as high risk under department of elementary
122 and secondary education guidelines. "Dropout" shall be defined through the
123 guidelines of the school core data report. The provisions of this subsection do not
124 apply to charters sponsored by the state board of education.

125 3. If a charter is approved by a sponsor, the charter application shall be

126 submitted to the state board of education, along with a statement of finding by
127 **the sponsor** that the application meets the requirements of sections 160.400 to
128 160.425 and section 167.349 and a monitoring plan under which the charter
129 sponsor shall evaluate the academic performance of students enrolled in the
130 charter school. The state board of education [may, within] **has sixty days**,
131 **disapprove the granting of the charter.] from receipt of the charter**
132 **application to approve or deny the application. Any charter**
133 **application received by the state board of education on or before**
134 **November fifteenth of the year prior to the proposed opening of the**
135 **charter school shall be considered by the state board of education**
136 **within the sixty-day period. At the conclusion of the sixty-day period,**
137 **the charter application shall be deemed approved unless** the state board
138 of education [may disapprove a] **disapproves the** charter on grounds that the
139 application fails to meet the requirements of sections 160.400 to 160.425 and
140 section 167.349 or that a charter sponsor previously failed to meet the statutory
141 responsibilities of a charter sponsor. **Any disapproval of a charter**
142 **application made by the state board of education shall be in writing**
143 **and shall identify the specific failures of the application to meet the**
144 **requirements of sections 160.400 to 160.425 and section 167.349, and the**
145 **written disapproval shall be provided within ten business days to the**
146 **sponsor.**

147 4. A charter school shall, as provided in its charter:

148 (1) Be nonsectarian in its programs, admission policies, employment
149 practices, and all other operations;

150 (2) Comply with laws and regulations of the state, county, or city relating
151 to health, safety, and state minimum educational standards, as specified by the
152 state board of education, including the requirements relating to student discipline
153 under sections 160.261, 167.161, 167.164, and 167.171, notification of criminal
154 conduct to law enforcement authorities under sections 167.115 to 167.117,
155 academic assessment under section 160.518, transmittal of school records under
156 section 167.020, the minimum [number of school days and hours] **amount of**
157 **school time** required under section [160.041] **171.031**, and the employee
158 criminal history background check and the family care safety registry check
159 under section 168.133;

160 (3) Except as provided in sections 160.400 to 160.425, be exempt from all
161 laws and rules relating to schools, governing boards and school districts;

162 (4) Be financially accountable, use practices consistent with the Missouri
163 financial accounting manual, provide for an annual audit by a certified public
164 accountant, publish audit reports and annual financial reports as provided in
165 chapter 165, provided that the annual financial report may be published on the
166 department of elementary and secondary education's internet website in addition
167 to other publishing requirements, and provide liability insurance to indemnify the
168 school, its board, staff and teachers against tort claims. A charter school that
169 receives local educational agency status under subsection 6 of this section shall
170 meet the requirements imposed by the Elementary and Secondary Education Act
171 for audits of such agencies and comply with all federal audit requirements for
172 charters with local education agency status. For purposes of an audit by petition
173 under section 29.230, a charter school shall be treated as a political subdivision
174 on the same terms and conditions as the school district in which it is located. For
175 the purposes of securing such insurance, a charter school shall be eligible for the
176 Missouri public entity risk management fund pursuant to section 537.700. A
177 charter school that incurs debt shall include a repayment plan in its financial
178 plan;

179 (5) Provide a comprehensive program of instruction for at least one grade
180 or age group from kindergarten through grade twelve, which may include early
181 childhood education if funding for such programs is established by statute, as
182 specified in its charter;

183 (6) (a) Design a method to measure pupil progress toward the pupil
184 academic standards adopted by the state board of education pursuant to section
185 160.514, establish baseline student performance in accordance with the
186 performance contract during the first year of operation, collect student
187 performance data as defined by the annual performance report throughout the
188 duration of the charter to annually monitor student academic performance, and
189 to the extent applicable based upon grade levels offered by the charter school,
190 participate in the statewide system of assessments, comprised of the essential
191 skills tests and the nationally standardized norm-referenced achievement tests,
192 as designated by the state board pursuant to section 160.518, complete and
193 distribute an annual report card as prescribed in section 160.522, which shall also

194 include a statement that background checks have been completed on the charter
195 school's board members, report to its sponsor, the local school district, and the
196 state board of education as to its teaching methods and any educational
197 innovations and the results thereof, and provide data required for the study of
198 charter schools pursuant to subsection 4 of section 160.410. No charter school
199 shall be considered in the Missouri school improvement program review of the
200 district in which it is located for the resource or process standards of the
201 program.

202 (b) For proposed high risk or alternative charter schools, sponsors shall
203 approve performance measures based on mission, curriculum, teaching methods,
204 and services. Sponsors shall also approve comprehensive academic and
205 behavioral measures to determine whether students are meeting performance
206 standards on a different time frame as specified in that school's charter. Student
207 performance shall be assessed comprehensively to determine whether a high risk
208 or alternative charter school has documented adequate student progress. Student
209 performance shall be based on sponsor-approved comprehensive measures as well
210 as standardized public school measures. Annual presentation of charter school
211 report card data to the department of elementary and secondary education, the
212 state board, and the public shall include comprehensive measures of student
213 progress.

214 (c) Nothing in this subdivision shall be construed as permitting a charter
215 school to be held to lower performance standards than other public schools within
216 a district; however, the charter of a charter school may permit students to meet
217 performance standards on a different time frame as specified in its charter. The
218 performance standards for alternative and special purpose charter schools that
219 target high-risk students as defined in subdivision (5) of subsection 2 of this
220 section shall be based on measures defined in the school's performance contract
221 with its sponsors;

222 (7) Comply with all applicable federal and state laws and regulations
223 regarding students with disabilities, including sections 162.670 to 162.710, the
224 Individuals with Disabilities Education Act (20 U.S.C. Section 1400) and Section
225 504 of the Rehabilitation Act of 1973 (29 U.S.C. Section 794) or successor
226 legislation;

227 (8) Provide along with any request for review by the state board of

228 education the following:

229 (a) Documentation that the applicant has provided a copy of the
230 application to the school board of the district in which the charter school is to be
231 located, except in those circumstances where the school district is the sponsor of
232 the charter school; and

233 (b) A statement outlining the reasons for approval or disapproval by the
234 sponsor, specifically addressing the requirements of sections 160.400 to 160.425
235 and 167.349.

236 5. (1) Proposed or existing high-risk or alternative charter schools may
237 include alternative arrangements for students to obtain credit for satisfying
238 graduation requirements in the school's charter application and
239 charter. Alternative arrangements may include, but not be limited to, credit for
240 off-campus instruction, embedded credit, work experience through an internship
241 arranged through the school, and independent studies. When the state board of
242 education approves the charter, any such alternative arrangements shall be
243 approved at such time.

244 (2) The department of elementary and secondary education shall conduct
245 a study of any charter school granted alternative arrangements for students to
246 obtain credit under this subsection after three years of operation to assess
247 student performance, graduation rates, educational outcomes, and entry into the
248 workforce or higher education.

249 6. The charter of a charter school may be amended at the request of the
250 governing body of the charter school and on the approval of the sponsor. The
251 sponsor and the governing board and staff of the charter school shall jointly
252 review the school's performance, management and operations during the first year
253 of operation and then every other year after the most recent review or at any
254 point where the operation or management of the charter school is changed or
255 transferred to another entity, either public or private. The governing board of a
256 charter school may amend the charter, if the sponsor approves such amendment,
257 or the sponsor and the governing board may reach an agreement in writing to
258 reflect the charter school's decision to become a local educational agency. In such
259 case the sponsor shall give the department of elementary and secondary
260 education written notice no later than March first of any year, with the
261 agreement to become effective July first. The department may waive the March

262 first notice date in its discretion. The department shall identify and furnish a list
263 of its regulations that pertain to local educational agencies to such schools within
264 thirty days of receiving such notice.

265 7. Sponsors shall annually review the charter school's compliance with
266 statutory standards including:

267 (1) Participation in the statewide system of assessments, as designated
268 by the state board of education under section 160.518;

269 (2) Assurances for the completion and distribution of an annual report
270 card as prescribed in section 160.522;

271 (3) The collection of baseline data during the first three years of operation
272 to determine the longitudinal success of the charter school;

273 (4) A method to measure pupil progress toward the pupil academic
274 standards adopted by the state board of education under section 160.514; and

275 (5) Publication of each charter school's annual performance report.

276 8. (1) (a) A sponsor's intervention policies shall give schools clear,
277 adequate, evidence-based, and timely notice of contract violations or performance
278 deficiencies and mandate intervention based upon findings of the state board of
279 education of the following:

280 a. The charter school provides a high school program which fails to
281 maintain a graduation rate of at least seventy percent in three of the last four
282 school years unless the school has dropout recovery as its mission;

283 b. The charter school's annual performance report results are below the
284 district's annual performance report results based on the performance standards
285 that are applicable to the grade level configuration of both the charter school and
286 the district in which the charter school is located in three of the last four school
287 years; and

288 c. The charter school is identified as a persistently lowest achieving school
289 by the department of elementary and secondary education.

290 (b) A sponsor shall have a policy to revoke a charter during the charter
291 term if there is:

292 a. Clear evidence of underperformance as demonstrated in the charter
293 school's annual performance report in three of the last four school years; or

294 b. A violation of the law or the public trust that imperils students or
295 public funds.

296 (c) A sponsor shall revoke a charter or take other appropriate remedial
297 action, which may include placing the charter school on probationary status for
298 no more than twelve months, provided that no more than one designation of
299 probationary status shall be allowed for the duration of the charter contract, at
300 any time if the charter school commits a serious breach of one or more provisions
301 of its charter or on any of the following grounds: failure to meet the performance
302 contract as set forth in its charter, failure to meet generally accepted standards
303 of fiscal management, failure to provide information necessary to confirm
304 compliance with all provisions of the charter and sections 160.400 to 160.425 and
305 167.349 within forty-five days following receipt of written notice requesting such
306 information, or violation of law.

307 (2) The sponsor may place the charter school on probationary status to
308 allow the implementation of a remedial plan, which may require a change of
309 methodology, a change in leadership, or both, after which, if such plan is
310 unsuccessful, the charter may be revoked.

311 (3) At least sixty days before acting to revoke a charter, the sponsor shall
312 notify the governing board of the charter school of the proposed action in
313 writing. The notice shall state the grounds for the proposed action. The school's
314 governing board may request in writing a hearing before the sponsor within two
315 weeks of receiving the notice.

316 (4) The sponsor of a charter school shall establish procedures to conduct
317 administrative hearings upon determination by the sponsor that grounds exist to
318 revoke a charter. Final decisions of a sponsor from hearings conducted pursuant
319 to this subsection are subject to an appeal to the state board of education, which
320 shall determine whether the charter shall be revoked.

321 (5) A termination shall be effective only at the conclusion of the school
322 year, unless the sponsor determines that continued operation of the school
323 presents a clear and immediate threat to the health and safety of the children.

324 (6) A charter sponsor shall make available the school accountability report
325 card information as provided under section 160.522 and the results of the
326 academic monitoring required under subsection 3 of this section.

327 9. (1) A sponsor shall take all reasonable steps necessary to confirm that
328 each charter school sponsored by such sponsor is in material compliance and
329 remains in material compliance with all material provisions of the charter and

330 sections 160.400 to 160.425 and 167.349. Every charter school shall provide all
331 information necessary to confirm ongoing compliance with all provisions of its
332 charter and sections 160.400 to 160.425 and 167.349 in a timely manner to its
333 sponsor.

334 (2) The sponsor's renewal process of the charter school shall be based on
335 the thorough analysis of a comprehensive body of objective evidence and consider
336 if:

337 (a) The charter school has maintained results on its annual performance
338 report that meet or exceed the district in which the charter school is located
339 based on the performance standards that are applicable to the grade-level
340 configuration of both the charter school and the district in which the charter
341 school is located in three of the last four school years;

342 (b) The charter school is organizationally and fiscally viable determining
343 at a minimum that the school does not have:

344 a. A negative balance in its operating funds;

345 b. A combined balance of less than three percent of the amount expended
346 for such funds during the previous fiscal year; or

347 c. Expenditures that exceed receipts for the most recently completed fiscal
348 year;

349 (c) The charter is in compliance with its legally binding performance
350 contract and sections 160.400 to 160.425 and section 167.349.

351 (3) (a) Beginning August first during the year in which a charter is
352 considered for renewal, a charter school sponsor shall demonstrate to the state
353 board of education that the charter school is in compliance with federal and state
354 law as provided in sections 160.400 to 160.425 and section 167.349 and the
355 school's performance contract including but not limited to those requirements
356 specific to academic performance.

357 (b) Along with data reflecting the academic performance standards
358 indicated in paragraph (a) of this subdivision, the sponsor shall submit a revised
359 charter application to the state board of education for review.

360 (c) Using the data requested and the revised charter application under
361 paragraphs (a) and (b) of this subdivision, the state board of education shall
362 determine if compliance with all standards enumerated in this subdivision has
363 been achieved. The state board of education at its next regularly scheduled

364 meeting shall vote on the revised charter application.

365 (d) If a charter school sponsor demonstrates the objectives identified in
366 this subdivision, the state board of education shall renew the school's charter.

367 10. A school district may enter into a lease with a charter school for
368 physical facilities.

369 11. A governing board or a school district employee who has control over
370 personnel actions shall not take unlawful reprisal against another employee at
371 the school district because the employee is directly or indirectly involved in an
372 application to establish a charter school. A governing board or a school district
373 employee shall not take unlawful reprisal against an educational program of the
374 school or the school district because an application to establish a charter school
375 proposes the conversion of all or a portion of the educational program to a charter
376 school. As used in this subsection, "unlawful reprisal" means an action that is
377 taken by a governing board or a school district employee as a direct result of a
378 lawful application to establish a charter school and that is adverse to another
379 employee or an educational program.

380 12. Charter school board members shall be subject to the same liability
381 for acts while in office as if they were regularly and duly elected members of
382 school boards in any other public school district in this state. The governing
383 board of a charter school may participate, to the same extent as a school board,
384 in the Missouri public entity risk management fund in the manner provided
385 under sections 537.700 to 537.756.

386 13. Any entity, either public or private, operating, administering, or
387 otherwise managing a charter school shall be considered a quasi-public
388 governmental body and subject to the provisions of sections 610.010 to 610.035.

389 14. The chief financial officer of a charter school shall maintain:

390 (1) A surety bond in an amount determined by the sponsor to be adequate
391 based on the cash flow of the school; or

392 (2) An insurance policy issued by an insurance company licensed to do
393 business in Missouri on all employees in the amount of five hundred thousand
394 dollars or more that provides coverage in the event of employee theft.

395 **15. The department of elementary and secondary education shall**
396 **calculate an annual performance report for each charter school and**
397 **shall publish it in the same manner as annual performance reports are**

398 calculated and published for districts and attendance centers.

160.408. 1. A high-quality charter school is a charter school
2 operating in the state of Missouri which meets the following
3 requirements:

4 (1) Receives ninety percent or more of the total points on the
5 annual performance report for three out of the last four school years
6 by comparing points earned to the points possible on the annual
7 performance report for three of the last four school years;

8 (2) Maintains a graduation rate of at least eighty percent for
9 three of the last four school years, if the charter school provides a high
10 school program;

11 (3) Is in material compliance with its legally binding
12 performance contract and sections 160.400 to 160.425 and section
13 167.349; and

14 (4) Is organizationally and fiscally viable as described in
15 paragraph (b) of subdivision (2) of subsection 9 of section 160.405.

16 2. Notwithstanding any other provision of law, high quality
17 charter schools shall be provided expedited opportunities to replicate
18 and expand into unaccredited districts, a metropolitan district, or an
19 urban school district containing most or all of the home rule city with
20 more than four hundred thousand inhabitants and located in more than
21 one county. Such replication and expansion shall be subject to the
22 following:

23 (1) The school seeking to replicate or expand shall submit its
24 proposed charter to a proposed sponsor. The charter shall include a
25 legally binding performance contract that meets the requirements of
26 sections 160.400 to 160.425 and section 167.349;

27 (2) The sponsor's decision to approve or deny shall be made
28 within sixty days of the filing of the proposed charter with the
29 proposed sponsor;

30 (3) If a charter is approved by a sponsor, the charter application
31 shall be filed with the state board of education, along with a statement
32 of finding from the sponsor that the application meets the requirements
33 of sections 160.400 to 160.425 and section 167.349 and a monitoring plan

34 **under which the sponsor shall evaluate the academic performance of**
35 **students enrolled in the charter school. Such filing shall be made by**
36 **January thirty-first prior to the school year of the proposed opening**
37 **date of the charter school.**

38 **3. The term of the charter for schools operating under this**
39 **section shall be five years and shall be renewable. Renewal shall be**
40 **subject to the provisions of paragraphs (a) to (d) of subdivision (3) of**
41 **subsection 9 of section 160.405.**

160.415. 1. For the purposes of calculation and distribution of state
2 school aid under section 163.031, pupils enrolled in a charter school shall be
3 included in the pupil enrollment of the school district within which each pupil
4 resides. Each charter school shall report the names, addresses, and eligibility for
5 free and reduced lunch, special education, or limited English proficiency status,
6 as well as eligibility for categorical aid, of pupils resident in a school district who
7 are enrolled in the charter school to the school district in which those pupils
8 reside. The charter school shall report the average daily attendance data, free
9 and reduced lunch count, special education pupil count, and limited English
10 proficiency pupil count to the state department of elementary and secondary
11 education. Each charter school shall promptly notify the state department of
12 elementary and secondary education and the pupil's school district when a
13 student discontinues enrollment at a charter school.

14 2. Except as provided in subsections 3 and 4 of this section, the aid
15 payments for charter schools shall be as described in this subsection.

16 (1) A school district having one or more resident pupils attending a
17 charter school shall pay to the charter school an annual amount equal to the
18 product of the charter school's weighted average daily attendance and the state
19 adequacy target, multiplied by the dollar value modifier for the district, plus local
20 tax revenues per weighted average daily attendance from the incidental and
21 teachers' funds in excess of the performance levy as defined in section 163.011
22 plus all other state aid attributable to such pupils.

23 (2) The district of residence of a pupil attending a charter school shall also
24 pay to the charter school any other federal or state aid that the district receives
25 on account of such child.

26 (3) If the department overpays or underpays the amount due to the

27 charter school, such overpayment or underpayment shall be repaid by the public
28 charter school or credited to the public charter school in twelve equal payments
29 in the next fiscal year.

30 (4) The amounts provided pursuant to this subsection shall be prorated
31 for partial year enrollment for a pupil.

32 (5) A school district shall pay the amounts due pursuant to this subsection
33 as the disbursal agent and no later than twenty days following the receipt of any
34 such funds. The department of elementary and secondary education shall pay the
35 amounts due when it acts as the disbursal agent within five days of the required
36 due date.

37 3. A workplace charter school shall receive payment for each eligible pupil
38 as provided under subsection 2 of this section, except that if the student is not a
39 resident of the district and is participating in a voluntary interdistrict transfer
40 program, the payment for such pupils shall be the same as provided under section
41 162.1060.

42 4. A charter school that has declared itself as a local educational agency
43 shall receive from the department of elementary and secondary education an
44 annual amount equal to the product of the charter school's weighted average daily
45 attendance and the state adequacy target, multiplied by the dollar value modifier
46 for the district, plus local tax revenues per weighted average daily attendance
47 from the incidental and teachers funds in excess of the performance levy as
48 defined in section 163.011 plus all other state aid attributable to such pupils. If
49 a charter school declares itself as a local education agency, the department of
50 elementary and secondary education shall, upon notice of the declaration, reduce
51 the payment made to the school district by the amount specified in this
52 subsection and pay directly to the charter school the annual amount reduced from
53 the school district's payment.

54 5. If a school district fails to make timely payments of any amount for
55 which it is the disbursal agent, the state department of elementary and secondary
56 education shall authorize payment to the charter school of the amount due
57 pursuant to subsection 2 of this section and shall deduct the same amount from
58 the next state school aid apportionment to the owing school district. If a charter
59 school is paid more or less than the amounts due pursuant to this section, the
60 amount of overpayment or underpayment shall be adjusted equally in the next

61 twelve payments by the school district or the department of elementary and
62 secondary education, as appropriate. Any dispute between the school district and
63 a charter school as to the amount owing to the charter school shall be resolved by
64 the department of elementary and secondary education, and the department's
65 decision shall be the final administrative action for the purposes of review
66 pursuant to chapter 536. During the period of dispute, the department of
67 elementary and secondary education shall make every administrative and
68 statutory effort to allow the continued education of children in their current
69 public charter school setting.

70 6. The charter school and a local school board may agree by contract for
71 services to be provided by the school district to the charter school. The charter
72 school may contract with any other entity for services. Such services may include
73 but are not limited to food service, custodial service, maintenance, management
74 assistance, curriculum assistance, media services and libraries and shall be
75 subject to negotiation between the charter school and the local school board or
76 other entity. Documented actual costs of such services shall be paid for by the
77 charter school.

78 7. In the case of a proposed charter school that intends to contract with
79 an education service provider for substantial educational services, management
80 services, the request for proposals shall additionally require the charter school
81 applicant to:

82 (1) Provide evidence of the education service provider's success in serving
83 student populations similar to the targeted population, including demonstrated
84 academic achievement as well as successful management of nonacademic school
85 functions, if applicable;

86 (2) Provide a term sheet setting forth the proposed duration of the service
87 contract; roles and responsibilities of the governing board, the school staff, and
88 the service provider; scope of services and resources to be provided by the service
89 provider; performance evaluation measures and time lines; compensation
90 structure, including clear identification of all fees to be paid to the service
91 provider; methods of contract oversight and enforcement; investment disclosure;
92 and conditions for renewal and termination of the contract;

93 (3) Disclose any known conflicts of interest between the school governing
94 board and proposed service provider or any affiliated business entities;

95 (4) Disclose and explain any termination or nonrenewal of contracts for
96 equivalent services for any other charter school in the United States within the
97 past five years;

98 (5) Ensure that the legal counsel for the charter school shall report
99 directly to the charter school's governing board; and

100 (6) Provide a process to ensure that the expenditures that the educational
101 service provider intends to bill to the charter school shall receive prior approval
102 of the governing board or its designee.

103 8. A charter school may enter into contracts with community partnerships
104 and state agencies acting in collaboration with such partnerships that provide
105 services to children and their families linked to the school.

106 9. A charter school shall be eligible for transportation state aid pursuant
107 to section 163.161 and shall be free to contract with the local district, or any
108 other entity, for the provision of transportation to the students of the charter
109 school.

110 10. (1) The proportionate share of state and federal resources generated
111 by students with disabilities or staff serving them shall be paid in full to charter
112 schools enrolling those students by their school district where such enrollment is
113 through a contract for services described in this section. The proportionate share
114 of money generated under other federal or state categorical aid programs shall
115 be directed to charter schools serving such students eligible for that aid.

116 (2) A charter school shall provide the special services provided pursuant
117 to section 162.705 and may provide the special services pursuant to a contract
118 with a school district or any provider of such services.

119 11. A charter school may not charge tuition[, nor may it] **or** impose fees
120 that a school district is prohibited from **charging or** imposing.

121 12. A charter school is authorized to incur debt in anticipation of receipt
122 of funds. A charter school may also borrow to finance facilities and other capital
123 items. A school district may incur bonded indebtedness or take other measures
124 to provide for physical facilities and other capital items for charter schools that
125 it sponsors or contracts with. Upon the dissolution of a charter school, any
126 liabilities of the corporation will be satisfied through the procedures of chapter
127 355. The department of elementary and secondary education may withhold
128 funding at a level the department determines to be adequate during a school's

129 last year of operation until the department determines that school records,
130 liabilities, and reporting requirements, including a full audit, are satisfied.

131 13. Charter schools shall not have the power to acquire property by
132 eminent domain.

133 14. The governing body of a charter school is authorized to accept grants,
134 gifts or donations of any kind and to expend or use such grants, gifts or
135 donations. A grant, gift or donation may not be accepted by the governing body
136 if it is subject to any condition contrary to law applicable to the charter school or
137 other public schools, or contrary to the terms of the charter.

160.417. 1. By October 1, 2012, and by each October first thereafter, the
2 sponsor of each charter school shall review the information submitted on the
3 report required by section 162.821 to identify charter schools experiencing
4 financial stress. The department of elementary and secondary education shall be
5 authorized to obtain such additional information from a charter school as may be
6 necessary to determine the financial condition of the charter school. Annually,
7 a listing of charter schools identified as experiencing financial stress according
8 to the provisions of this section shall be provided to the governor, speaker of the
9 house of representatives, and president pro tempore of the senate by the
10 department of elementary and secondary education.

11 2. For the purposes of this section, a charter school shall be identified as
12 experiencing financial stress if it:

13 (1) At the end of its most recently completed fiscal year:

14 (a) Has a negative balance in its operating funds; or

15 (b) Has a combined balance of less than three percent of the amount
16 expended from such funds during the previous fiscal year; or

17 (2) For the most recently completed fiscal year expenditures, exceeded
18 receipts for any of its funds because of recurring costs.

19 3. The sponsor shall notify by November first the governing board of the
20 charter school identified as experiencing financial stress. Upon receiving the
21 notification, the governing board shall develop, or cause to have developed, and
22 shall approve a budget and education plan on forms provided by the sponsor. The
23 budget and education plan shall be submitted to the sponsor, signed by the
24 officers of the charter school, within forty-five calendar days of notification that
25 the charter school has been identified as experiencing financial

26 stress. Minimally, the budget and education plan shall:

27 (1) Give assurances that adequate educational services to students of the
28 charter school shall continue uninterrupted for the remainder of the current
29 school year and that the charter school can provide the minimum [number of
30 school days and hours] **amount of school time** required by section [160.041]
31 **171.031**;

32 (2) Outline a procedure to be followed by the charter school to report to
33 charter school patrons about the financial condition of the charter school; and

34 (3) Detail the expenditure reduction measures, revenue increases, or other
35 actions to be taken by the charter school to address its condition of financial
36 stress.

37 4. Upon receipt and following review of any budget and education plan,
38 the sponsor may make suggestions to improve the plan. Nothing in sections
39 160.400 to 160.425 or section 167.349 shall exempt a charter school from
40 submitting a budget and education plan to the sponsor according to the provisions
41 of this section following each such notification that a charter school has been
42 identified as experiencing financial stress, except that the sponsor may permit a
43 charter school's governing board to make amendments to or update a budget and
44 education plan previously submitted to the sponsor.

45 5. The department may withhold any payment of financial aid otherwise
46 due to the charter school until such time as the sponsor and the charter school
47 have fully complied with this section.

48 **6. The provisions of this section shall only apply to charter**
49 **schools that have been in operation for three or more school**
50 **years. This subsection shall not apply to funds received from the**
51 **United States Department of Education.**

161.084. When classifying the public schools of the state under
2 **section 161.092, if there is no state board of education member who is**
3 **a resident of the congressional district in which such school district is**
4 **located, the state board of education shall assign to any school district**
5 **an accreditation classification of unaccredited or change a district's**
6 **accreditation classification from accredited to provisionally accredited**
7 **only after notifying the governor of its intent to change the**
8 **classification of the district. The governor shall make the appointment**

9 within thirty days of notification.

161.086. 1. When the state board of education assigns
2 classification designations to school districts and attendance centers
3 pursuant to its authority to classify the public schools of the state in
4 section 161.092, the state board shall use only the following
5 classification designations based on the standards adopted by the state
6 board:

- 7 (1) Unaccredited;
- 8 (2) Provisionally accredited;
- 9 (3) Accredited; and
- 10 (4) Accredited with distinction.

11 2. The state board of education shall develop and implement a
12 process to provide assistance teams to borderline districts as
13 determined by the department of elementary and secondary education
14 and to underperforming districts upon assignment of a classification of
15 unaccredited or provisionally accredited or determination made by the
16 state board of education. The composition and size of the team may
17 vary, based on academic, demographic, and financial circumstances of
18 the district, but in no case will the team have fewer than ten members,
19 two of whom shall be active classroom teachers in the district, two of
20 whom shall be principals, and one of whom shall be a parent of a
21 student in the district. The department staff member assigned to the
22 region in which the district is located may be included in the assistance
23 team's activities but shall not be formally assigned to the team. The
24 team shall provide both analysis of, at a minimum, the assessment data,
25 classroom practices, and communication processes within buildings,
26 within the district, and with the larger community, and prescriptions
27 for improvement based on the district's and community's
28 needs. Separate teams may be used to provide analysis and
29 recommendations at the discretion of the state board. Beginning with
30 school year 2014-15, the team shall provide its recommendations no
31 later than June 30, 2015, for underperforming districts and borderline
32 districts. The state board shall prioritize the assignment of teams so
33 that the districts with the lower annual performance report scores are

34 addressed first. The assistance team's suggestions for improvement
35 shall be mandatory for underperforming districts but shall not be
36 mandatory for borderline districts. If an underperforming district
37 disagrees with any suggestion of the assistance team, the district shall
38 propose a different method of accomplishing what the assistance team
39 has suggested, and the state board of education shall be the final
40 arbiter of the matter.

161.238. 1. As authorized under its duty to classify the schools
2 of the state under section 161.092, the state board of education shall
3 adopt a system of classification that accredits attendance centers
4 within a district separately from the district as a whole using the
5 classification designations provided in section 161.086.

6 2. The state board of education may consider the classification
7 designation of an attendance center in its accreditation classification
8 system to exempt attendance centers, as that term is defined in section
9 167.848, with classification numbers outside the range of numbers
10 assigned to high schools, middle schools, junior high schools, or
11 elementary schools. Public separate special education schools within
12 a special school district are exempted from the accreditation
13 requirements of this section. While not applicable for the purpose of
14 accreditation, a special school district shall continue to report all
15 scores on its annual performance report to the department of
16 elementary and secondary education for all of its schools. Juvenile
17 detention centers within a special school district are also exempted
18 from the accreditation standards of this section.

19 3. Notwithstanding the provisions of subdivision (9) of section
20 161.092, the rules and regulations promulgated under this section shall
21 be effective thirty days after publication in the code of state
22 regulations as provided in section 536.021 and shall not be subject to
23 the two-year delay contained in subdivision (9) of section 161.092.

24 4. Any rule or portion of a rule, as that term is defined in section
25 536.010, that is created under the authority delegated in this section
26 shall become effective only if it complies with and is subject to all of
27 the provisions of chapter 536 and, if applicable, section 536.028. This

28 **section and chapter 536 are nonseverable and if any of the powers**
29 **vested with the general assembly pursuant to chapter 536 to review, to**
30 **delay the effective date, or to disapprove and annul a rule are**
31 **subsequently held unconstitutional, then the grant of rulemaking**
32 **authority and any rule proposed or adopted after the effective date of**
33 **this section shall be invalid and void.**

162.081. 1. Whenever any school district in this state fails or refuses in
2 any school year to provide for the minimum school term required by section
3 163.021 or is classified unaccredited, the state board of education shall, upon a
4 district's initial classification or reclassification as unaccredited:

5 (1) Review the governance of the district to establish the conditions under
6 which the existing school board shall continue to govern; or

7 (2) Determine the date the district shall lapse and determine an
8 alternative governing structure for the district.

9 2. If at the time any school district in this state shall be classified as
10 unaccredited, the department of elementary and secondary education shall
11 conduct at least two public hearings at a location in the unaccredited school
12 district regarding the accreditation status of the school district. The hearings
13 shall provide an opportunity to convene community resources that may be useful
14 or necessary in supporting the school district as it attempts to return to
15 accredited status, continues under revised governance, or plans for continuity of
16 educational services and resources upon its attachment to a neighboring
17 district. The department may request the attendance of stakeholders and district
18 officials to review the district's plan to return to accredited status, if any; offer
19 technical assistance; and facilitate and coordinate community resources. Such
20 hearings shall be conducted at least twice annually for every year in which the
21 district remains unaccredited or provisionally accredited.

22 3. Upon classification of a district as unaccredited, the state board of
23 education may:

24 (1) Allow continued governance by the existing school district board of
25 education under terms and conditions established by the state board of education;
26 or

27 (2) Lapse the corporate organization of **all or part of** the unaccredited
28 district and:

29 (a) Appoint a special administrative board for the operation of all or part
30 of the district. **If a special administrative board is appointed for the**
31 **operation of a part of a school district, the state board of education**
32 **shall determine an equitable apportionment of state and federal aid for**
33 **the part of the district, and the school district shall provide local**
34 **revenue in proportion to the weighted average daily attendance of the**
35 **part.** The number of members of the special administrative board shall not be
36 less than five, the majority of whom shall be residents of the district. The
37 members of the special administrative board shall reflect the population
38 characteristics of the district and shall collectively possess strong experience in
39 school governance, management and finance, and leadership. **The state board**
40 **of education may appoint members of the district's elected school board**
41 **to the special administrative board but members of the elected school**
42 **board shall not comprise more than forty-nine percent of the special**
43 **administrative board's membership.** Within fourteen days after the
44 appointment by the state board of education, the special administrative board
45 shall organize by the election of a president, vice president, secretary and a
46 treasurer, with their duties and organization as enumerated in section
47 162.301. The special administrative board shall appoint a superintendent of
48 schools to serve as the chief executive officer of the school district, **or a subset**
49 **of schools,** and to have all powers and duties of any other general
50 superintendent of schools in a seven-director school district. **Nothing in this**
51 **section shall be construed to permit either the state board of education**
52 **or a special administrative board to raise, in any way not specifically**
53 **allowed by law, the tax levy of the district or any part of the district**
54 **without a vote of the people.** Any special administrative board appointed
55 under this section shall be responsible for the operation of the district **or part**
56 **of the district** until such time that the district is classified by the state board
57 of education as provisionally accredited for at least two successive academic
58 years, after which time the state board of education may provide for a transition
59 pursuant to section 162.083; or

60 (b) Determine an alternative governing structure for the district
61 including, at a minimum:

62 a. A rationale for the decision to use an alternative form of governance

63 and in the absence of the district's achievement of full accreditation, the state
64 board of education shall review and recertify the alternative form of governance
65 every three years;

66 b. A method for the residents of the district to provide public comment
67 after a stated period of time or upon achievement of specified academic objectives;

68 c. Expectations for progress on academic achievement, which shall include
69 an anticipated time line for the district to reach full accreditation; and

70 d. Annual reports to the general assembly and the governor on the
71 progress towards accreditation of any district that has been declared unaccredited
72 and is placed under an alternative form of governance, including a review of the
73 effectiveness of the alternative governance; or

74 (c) Attach the territory of the lapsed district to another district or districts
75 for school purposes; or

76 (d) Establish one or more school districts within the territory of the lapsed
77 district, with a governance structure specified by the state board of education,
78 with the option of permitting a district to remain intact for the purposes of
79 assessing, collecting, and distributing property taxes, to be distributed equitably
80 on a weighted average daily attendance basis, but to be divided for operational
81 purposes, which shall take effect sixty days after the adjournment of the regular
82 session of the general assembly next following the state board's decision unless
83 a statute or concurrent resolution is enacted to nullify the state board's decision
84 prior to such effective date.

85 4. If a district remains under continued governance by the school board
86 under subdivision (1) of subsection 3 of this section and either has been
87 unaccredited for three consecutive school years and failed to attain accredited
88 status after the third school year or has been unaccredited for two consecutive
89 school years and the state board of education determines its academic progress
90 is not consistent with attaining accredited status after the third school year, then
91 the state board of education shall proceed under subdivision (2) of subsection 3
92 of this section in the following school year.

93 5. A special administrative board **or any other form of governance**
94 appointed under this section shall retain the authority granted to a board of
95 education for the operation of the lapsed school district under the laws of the
96 state in effect at the time of the lapse and may enter into contracts with

97 accredited school districts or other education service providers in order to deliver
98 high-quality educational programs to the residents of the district. If a student
99 graduates while attending a school building in the district that is operated under
100 a contract with an accredited school district as specified under this subsection,
101 the student shall receive his or her diploma from the accredited school
102 district. The authority of the special administrative board **or any other form**
103 **of governance appointed under this section** shall expire at the end of the
104 third full school year following its appointment, unless extended by the state
105 board of education. If the lapsed district is reassigned, the [special
106 administrative board] **governing board prior to lapse** shall provide an
107 accounting of all funds, assets and liabilities of the lapsed district and transfer
108 such funds, assets, and liabilities of the lapsed district as determined by the state
109 board of education. Neither the special administrative board **or any other form**
110 **of governance appointed under this section** nor its members or employees
111 shall be deemed to be the state or a state agency for any purpose, including
112 section 105.711, et seq. The state of Missouri, its agencies and employees shall
113 be absolutely immune from liability for any and all acts or omissions relating to
114 or in any way involving the lapsed district, [the] **a special administrative board**
115 **or any other form of governance appointed under this section**, its
116 members or employees. Such immunities, and immunity doctrines as exist or
117 may hereafter exist benefitting boards of education, their members and their
118 employees shall be available to the special administrative board, its members and
119 employees.

120 6. Neither the special administrative board **or any other form of**
121 **governance appointed under this section** nor any district or other entity
122 assigned territory, assets or funds from a lapsed district shall be considered a
123 successor entity for the purpose of employment contracts, unemployment
124 compensation payment pursuant to section 288.110, or any other purpose.

125 7. If additional teachers are needed by a district as a result of increased
126 enrollment due to the annexation of territory of a lapsed or dissolved district,
127 such district shall grant an employment interview to any permanent teacher of
128 the lapsed or dissolved district upon the request of such permanent teacher.

129 8. In the event that a school district with an enrollment in excess of five
130 thousand pupils lapses, no school district shall have all or any part of such lapsed

131 school district attached without the approval of the board of the receiving school
132 district.

133 **9. If the state board of education reasonably believes that a**
134 **school district is unlikely to provide for the minimum number of school**
135 **hours required in a school term required by section 163.021 because of**
136 **financial difficulty, the state board of education may, prior to the start**
137 **of the school term:**

138 **(1) Allow continued governance by the existing district school**
139 **board under terms and conditions established by the state board of**
140 **education; or**

141 **(2) Lapse the corporate organization of the district and**
142 **implement one of the options available under subdivision (2) of**
143 **subsection 3 of this section.**

144 **10. The provisions of subsection 9 of this section shall not apply**
145 **to any district solely on the basis of financial difficulty resulting from**
146 **paying tuition and providing transportation for transfer students under**
147 **sections 167.825 to 167.828.**

162.432. Notwithstanding any provision of section 163.011 to the
2 **contrary, when a change in a school district's boundary lines occurs**
3 **because of a boundary line change, annexation, attachment,**
4 **consolidation, reorganization, or dissolution under section 162.071,**
5 **162.081, 162.171 to 162.201, 162.221, 162.223, 162.431, 162.441, or 162.451,**
6 **or in the event that a school district assumes any territory from a**
7 **district that ceases to exist for any reason, the department of**
8 **elementary and secondary education shall make a proper adjustment**
9 **to each affected district's local effort, so that each district's local effort**
10 **figure conforms to the new boundary lines of the district. The**
11 **department shall compute the local effort figure by applying the**
12 **calendar year 2004 assessed valuation data to the new land areas**
13 **resulting from the boundary line change, annexation, attachment,**
14 **consolidation, reorganization, or dissolution and otherwise follow the**
15 **procedures described in subdivision (10) of section 163.011.**

162.1250. 1. School districts shall receive state school funding under
2 sections 163.031, 163.043, and 163.087 for resident students who are enrolled in

3 the school district and who are taking a virtual course or full-time virtual
4 program offered by the school district. The school district may offer instruction
5 in a virtual setting using technology, intranet, and internet methods of
6 communications that could take place outside of the regular school district
7 facility. The school district may develop a virtual program for any grade level,
8 kindergarten through twelfth grade, with the courses available in accordance with
9 district policy to any resident student of the district who is enrolled in the school
10 district. Nothing in this section shall preclude a private, parochial, or home
11 school student residing within a school district offering virtual courses or virtual
12 programs from enrolling in the school district in accordance with the combined
13 enrollment provisions of section 167.031 for the purposes of participating in the
14 virtual courses or virtual programs.

15 2. Charter schools shall receive state school funding under section 160.415
16 for students enrolled in the charter school who are completing a virtual course or
17 full-time virtual program offered by the charter school. Charter schools may offer
18 instruction in a virtual setting using technology, intranet, and internet methods
19 of communications. The charter school may develop a virtual program for any
20 grade level, kindergarten through twelfth grade, with the courses available in
21 accordance with school policy and the charter school's charter to any student
22 enrolled in the charter school.

23 3. For purposes of calculation and distribution of state school funding,
24 attendance of a student enrolled in a district or charter school virtual class shall
25 equal, upon course completion, ninety-four percent of the hours of attendance
26 possible for such class delivered in the nonvirtual program in the student's
27 resident district or charter school. **In the case of a student who is a**
28 **candidate for A+ tuition reimbursement and taking a virtual course**
29 **under this section, the school shall not attribute ninety-four percent**
30 **attendance to such student for such course, but shall attribute no less**
31 **than ninety-five percent attendance to any such student who has**
32 **completed such virtual course.** Course completion shall be calculated in two
33 increments, fifty percent completion and one hundred percent completion, based
34 on the student's completion of defined assignments and assessments, with
35 distribution of state funding to a school district or charter school at each
36 increment equal to forty-seven percent of hours of attendance possible for such

37 course delivered in the nonvirtual program in a student's school district of
38 residence or charter school.

39 4. When courses are purchased from an outside vendor, the district or
40 charter school shall ensure that they are aligned with the show-me curriculum
41 standards and comply with state requirements for teacher certification. The state
42 board of education reserves the right to request information and materials
43 sufficient to evaluate the online course. Online classes should be considered like
44 any other class offered by the school district or charter school.

45 5. Any school district or charter school that offers instruction in a virtual
46 setting, develops a virtual course or courses, or develops a virtual program of
47 instruction shall ensure that the following standards are satisfied:

48 (1) The virtual course or virtual program utilizes appropriate
49 content-specific tools and software;

50 (2) Orientation training is available for teachers, instructors, and students
51 as needed;

52 (3) Privacy policies are stated and made available to teachers, instructors,
53 and students;

54 (4) Academic integrity and internet etiquette expectations regarding
55 lesson activities, discussions, electronic communications, and plagiarism are
56 stated to teachers, instructors, and students prior to the beginning of the virtual
57 course or virtual program;

58 (5) Computer system requirements, including hardware, web browser, and
59 software, are specified to participants;

60 (6) The virtual course or virtual program architecture, software, and
61 hardware permit the online teacher or instructor to add content, activities, and
62 assessments to extend learning opportunities;

63 (7) The virtual course or virtual program makes resources available by
64 alternative means, including but not limited to, video and podcasts;

65 (8) Resources and notes are available for teachers and instructors in
66 addition to assessment and assignment answers and explanations;

67 (9) Technical support and course management are available to the virtual
68 course or virtual program teacher and school coordinator;

69 (10) The virtual course or virtual program includes assignments, projects,
70 and assessments that are aligned with students' different visual, auditory, and

71 hands-on learning styles;

72 (11) The virtual course or virtual program demonstrates the ability to
73 effectively use and incorporate subject-specific and developmentally appropriate
74 software in an online learning module; and

75 (12) The virtual course or virtual program arranges media and content to
76 help transfer knowledge most effectively in the online environment.

77 6. Any special school district shall count any student's completion of a
78 virtual course or program in the same manner as the district counts completion
79 of any other course or program for credit.

80 7. A school district or charter school may contract with multiple providers
81 of virtual courses or virtual programs, provided they meet the criteria for virtual
82 courses or virtual programs under this section.

**162.1303. 1. The department of elementary and secondary
2 education shall annually calculate a transient student ratio for each
3 attendance center and each school district. The department shall
4 publish each district's and each attendance center's transient student
5 ratio on its website.**

**6 2. The department shall include, or cause to be included, in each
7 district's school accountability report card the transient student ratio
8 of the district and of each attendance center operated by the district.**

**9 3. The department shall include in each attendance center's
10 school accountability report card the transient student ratio for the
11 attendance center.**

**12 4. The department shall publish on its website the state's
13 aggregate transient student ratio.**

14 5. A transient student ratio shall be calculated as the product of:

15 (1) One hundred; and

16 (2) The quotient of:

**17 (a) The sum of the number of resident full-time students and full-
18 time equivalent number of part-time students who enroll in the district
19 after the last Wednesday of September and the number of reentry
20 students and the number of students who withdrew from the district
21 during the school year; and**

22 (b) The sum of the number of students who enrolled in the

23 district on or before the last Wednesday in September and the number
24 of students who enrolled in the district after the last Wednesday of
25 September.

26 6. Each school district shall annually report to the department,
27 by a date established by the department, any information and data
28 required to comply with and perform the calculation required by the
29 provisions of this section.

30 7. For purposes of this section, "reentry student" or "reentry
31 students" means any student who was enrolled in a district, withdrew
32 from the district, and reenrolled in the district.

162.1305. 1. For purposes of this section, "transient student"
2 means any student who enrolls in a district after the last Wednesday of
3 September or any reentry student as defined in section 162.1303.

4 2. In the first year of attendance in a district, a transient
5 student's score on a statewide assessment shall not be included when
6 calculating the status or progress scores on the district's annual
7 performance report scores. The statewide assessment scores for any
8 transient student in the first year of attendance in a district shall be
9 counted for growth scores from the previous year's assessment for the
10 purpose of the district's annual performance report score and to serve
11 as the baseline for growth in the next year's assessment.

12 3. In the second year of attendance, a transient student's score
13 on a statewide assessment shall be weighted at fifty percent when
14 calculating the district's performance for purposes of the district's
15 annual performance report status or progress score, with growth
16 counting for fifty percent.

17 4. In the third year of attendance and in any subsequent year of
18 attendance, a transient student's status, progress and growth score
19 shall be weighted at one hundred percent when calculating the
20 district's performance for purposes of the district's annual performance
21 report score.

162.1310. 1. When the state board of education classifies any
2 district or attendance center as unaccredited, the district shall notify
3 the parent or guardian of any student enrolled in the unaccredited

4 **district or unaccredited attendance center of the loss of accreditation**
5 **within seven business days. The district shall also notify district**
6 **taxpayers of the loss of accreditation within seven business days. The**
7 **district's notice shall include an explanation of which students may be**
8 **eligible to transfer, the transfer process under sections 167.825 to**
9 **167.828, and any services students may be entitled to receive. The**
10 **district's notice shall be written in a clear, concise, and easy to**
11 **understand manner. The district shall post the notice in a conspicuous**
12 **and accessible place in each district attendance center. The district**
13 **shall also send the notice to each political subdivision located within**
14 **the boundaries of the district.**

15 **2. The school board of any district that operates an**
16 **underperforming school shall adopt a policy regarding the availability**
17 **of home visits by school personnel. Pursuant to such policy, the school**
18 **may offer to the parent or guardian of a student enrolled in any such**
19 **school the opportunity to have at least one annual home visit and shall**
20 **offer an opportunity for a meeting at the attendance center or a**
21 **mutually agreeable site.**

163.021. 1. A school district shall receive state aid for its education
2 program only if it:

3 (1) Provides for a minimum of one hundred seventy-four days and one
4 thousand forty-four hours of actual pupil attendance in a term scheduled by the
5 board pursuant to section [160.041] **171.031 and beginning in school year**
6 **2015-2016, one thousand forty-four hours of pupil attendance with no**
7 **minimum number of school days for each pupil or group of pupils, except that**
8 **the board shall provide a minimum of one hundred seventy-four days and five**
9 **hundred twenty-two hours of actual pupil attendance in a term for kindergarten**
10 **pupils. Beginning in school year 2015-2016, one-half of the required**
11 **number of hours of actual pupil attendance shall be required for**
12 **kindergarten pupils.** If any school is dismissed because of inclement weather
13 after school has been in session for three hours, that day shall count as a school
14 day including afternoon session kindergarten students. When the aggregate
15 hours lost in a term due to inclement weather decreases the total hours of the
16 school term below the required minimum number of hours by more than twelve

17 hours for all-day students or six hours for one-half-day kindergarten students, all
18 such hours below the minimum must be made up in one-half day or full day
19 additions to the term, except as provided in section 171.033; **except that, as of**
20 **school year 2015-2016, make-up time shall be scheduled in hours rather**
21 **than days;**

22 (2) Maintains adequate and accurate records of attendance, personnel and
23 finances, as required by the state board of education, which shall include the
24 preparation of a financial statement which shall be submitted to the state board
25 of education the same as required by the provisions of section 165.111 for
26 districts;

27 (3) Levies an operating levy for school purposes of not less than one dollar
28 and twenty-five cents after all adjustments and reductions on each one hundred
29 dollars assessed valuation of the district;

30 (4) Computes average daily attendance as defined in subdivision (2) of
31 section 163.011 as modified by section 171.031. Whenever there has existed
32 within the district an infectious disease, contagion, epidemic, plague or similar
33 condition whereby the school attendance is substantially reduced for an extended
34 period in any school year, the apportionment of school funds and all other
35 distribution of school moneys shall be made on the basis of the school year next
36 preceding the year in which such condition existed; **and**

37 (5) **Uses funds derived from the operating levy for school**
38 **purposes to pay tuition remission for students who attend a**
39 **nonsectarian private school under section 167.828 at any time that the**
40 **district is classified as unaccredited by the state board of education.**

41 2. For the 2006-07 school year and thereafter, no school district shall
42 receive more state aid, as calculated under subsections 1 and 2 of section 163.031,
43 for its education program, exclusive of categorical add-ons, than it received per
44 weighted average daily attendance for the school year 2005-06 from the
45 foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair
46 share, and free textbook payment amounts, unless it has an operating levy for
47 school purposes, as determined pursuant to section 163.011, of not less than two
48 dollars and seventy-five cents after all adjustments and reductions. Any district
49 which is required, pursuant to Article X, Section 22 of the Missouri Constitution,
50 to reduce its operating levy below the minimum tax rate otherwise required under

51 this subsection shall not be construed to be in violation of this subsection for
52 making such tax rate reduction. Pursuant to Section 10(c) of Article X of the
53 state constitution, a school district may levy the operating levy for school
54 purposes required by this subsection less all adjustments required pursuant to
55 Article X, Section 22 of the Missouri Constitution if such rate does not exceed the
56 highest tax rate in effect subsequent to the 1980 tax year. Nothing in this section
57 shall be construed to mean that a school district is guaranteed to receive an
58 amount not less than the amount the school district received per eligible pupil for
59 the school year 1990-91. The provisions of this subsection shall not apply to any
60 school district located in a county of the second classification which has a nuclear
61 power plant located in such district or to any school district located in a county
62 of the third classification which has an electric power generation unit with a
63 rated generating capacity of more than one hundred fifty megawatts which is
64 owned or operated or both by a rural electric cooperative except that such school
65 districts may levy for current school purposes and capital projects an operating
66 levy not to exceed two dollars and seventy-five cents less all adjustments required
67 pursuant to Article X, Section 22 of the Missouri Constitution.

68 3. No school district shall receive more state aid, as calculated in section
69 163.031, for its education program, exclusive of categorical add-ons, than it
70 received per eligible pupil for the school year 1993-1994, if the state board of
71 education determines that the district was not in compliance in the preceding
72 school year with the requirements of section 163.172, until such time as the board
73 determines that the district is again in compliance with the requirements of
74 section 163.172.

75 4. No school district shall receive state aid, pursuant to section 163.031,
76 if such district was not in compliance, during the preceding school year, with the
77 requirement, established pursuant to section 160.530 to allocate revenue to the
78 professional development committee of the district.

79 5. No school district shall receive more state aid, as calculated in
80 subsections 1 and 2 of section 163.031, for its education program, exclusive of
81 categorical add-ons, than it received per weighted average daily attendance for
82 the school year 2005-06 from the foundation formula, line 14, gifted, remedial
83 reading, exceptional pupil aid, fair share, and free textbook payment amounts, if
84 the district did not comply in the preceding school year with the requirements of

85 subsection 6 of section 163.031.

86 6. Any school district that levies an operating levy for school purposes
87 that is less than the performance levy, as such term is defined in section 163.011,
88 shall provide written notice to the department of elementary and secondary
89 education asserting that the district is providing an adequate education to the
90 students of such district. If a school district asserts that it is not providing an
91 adequate education to its students, such inadequacy shall be deemed to be a
92 result of insufficient local effort. The provisions of this subsection shall not apply
93 to any special district established under sections 162.815 to 162.940.

163.036. 1. In computing the amount of state aid a school district is
2 entitled to receive for the minimum school term only under section 163.031, a
3 school district may use an estimate of the weighted average daily attendance for
4 the current year, or the weighted average daily attendance for the immediately
5 preceding year or the weighted average daily attendance for the second preceding
6 school year, whichever is greater. Beginning with the 2006-07 school year, the
7 summer school attendance included in the average daily attendance as defined
8 in subdivision (2) of section 163.011 shall include only the attendance hours of
9 pupils that attend summer school in the current year. Beginning with the
10 2004-05 school year, when a district's official calendar for the current year
11 contributes to a more than ten percent reduction in the average daily attendance
12 for kindergarten compared to the immediately preceding year, the payment
13 attributable to kindergarten shall include only the current year kindergarten
14 average daily attendance. Any error made in the apportionment of state aid
15 because of a difference between the actual weighted average daily attendance and
16 the estimated weighted average daily attendance shall be corrected as provided
17 in section 163.091, except that if the amount paid to a district estimating
18 weighted average daily attendance exceeds the amount to which the district was
19 actually entitled by more than five percent, interest at the rate of six percent
20 shall be charged on the excess and shall be added to the amount to be deducted
21 from the district's apportionment the next succeeding year.

22 2. Notwithstanding the provisions of subsection 1 of this section or any
23 other provision of law, the state board of education shall make an adjustment for
24 the immediately preceding year for any increase in the actual weighted average
25 daily attendance above the number on which the state aid in section 163.031 was

26 calculated. Said adjustment shall be made in the manner providing for correction
27 of errors under subsection 1 of this section.

28 3. Any error made in the apportionment of state aid because of a
29 difference between the actual equalized assessed valuation for the current year
30 and the estimated equalized assessed valuation for the current year shall be
31 corrected as provided in section 163.091, except that if the amount paid to a
32 district estimating current equalized assessed valuation exceeds the amount to
33 which the district was actually entitled, interest at the rate of six percent shall
34 be charged on the excess and shall be added to the amount to be deducted from
35 the district's apportionment the next succeeding year.

36 4. For the purposes of distribution of state school aid pursuant to section
37 163.031, a school district with ten percent or more of its assessed valuation that
38 is owned by one person or corporation as commercial or personal property who is
39 delinquent in a property tax payment may elect, after receiving notice from the
40 county clerk on or before March fifteenth that more than ten percent of its
41 current taxes due the preceding December thirty-first by a single property owner
42 are delinquent, to use in the local effort calculation of the state aid formula the
43 district's equalized assessed valuation for the preceding year or the actual
44 assessed valuation of the year for which the taxes are delinquent less the
45 assessed valuation of property for which the current year's property tax is
46 delinquent. To qualify for use of the actual assessed valuation of the year for
47 which the taxes are delinquent less the assessed valuation of property for which
48 the current year's property tax is delinquent, a district must notify the
49 department of elementary and secondary education on or before April first, except
50 in the year enacted, of the current year amount of delinquent taxes, the assessed
51 valuation of such property for which delinquent taxes are owed and the total
52 assessed valuation of the district for the year in which the taxes were due but not
53 paid. Any district giving such notice to the department of elementary and
54 secondary education shall present verification of the accuracy of such notice
55 obtained from the clerk of the county levying delinquent taxes. When any of the
56 delinquent taxes identified by such notice are paid during a four-year period
57 following the due date, the county clerk shall give notice to the district and the
58 department of elementary and secondary education, and state aid paid to the
59 district shall be reduced by an amount equal to the delinquent taxes received plus

60 interest. The reduction in state aid shall occur over a period not to exceed five
61 years and the interest rate on excess state aid not refunded shall be six percent
62 annually.

63 5. If a district receives state aid based on equalized assessed valuation as
64 determined by subsection 4 of this section and if prior to such notice the district
65 was paid state aid pursuant to section 163.031, the amount of state aid paid
66 during the year of such notice and the first year following shall equal the sum of
67 state aid paid pursuant to section 163.031 plus the difference between the state
68 aid amount being paid after such notice minus the amount of state aid the district
69 would have received pursuant to section 163.031 before such notice. To be
70 eligible to receive state aid based on this provision the district must levy during
71 the first year following such notice at least the maximum levy permitted school
72 districts by Article X, Section 11(b) of the Missouri Constitution and have a
73 voluntary rollback of its tax rate which is no greater than one cent per one
74 hundred dollars assessed valuation.

75 **6. Notwithstanding the provisions of subsection 1 of this section,**
76 **any district in which the local school board sponsors a charter school**
77 **as provided in section 160.400 shall only be permitted to use an**
78 **estimate of the district's weighted average daily attendance for the**
79 **current year and shall not be permitted to use a weighted average daily**
80 **attendance count from any preceding year for purposes of determining**
81 **the amount of state aid to which the district is entitled.**

163.073. 1. When an education program, as approved under section
2 219.056, is provided for pupils by the division of youth services in one of the
3 facilities operated by the division for children who have been assigned there by
4 the courts, the division of youth services shall be entitled to state aid for pupils
5 being educated by the division of youth services in an amount to be determined
6 as follows: the total amount apportioned to the division of youth services shall
7 be an amount equal to the average per weighted average daily attendance amount
8 apportioned for the preceding school year under section 163.031, multiplied by the
9 number of full-time equivalent students served by facilities operated by the
10 division of youth services. The number of full-time equivalent students shall be
11 determined by dividing by one hundred seventy-four days the number of
12 student-days of education service provided by the division of youth services to

13 elementary and secondary students who have been assigned to the division by the
14 courts and who have been determined as inappropriate for attendance in a local
15 public school. A student day shall mean one day of education services provided
16 for one student. **Beginning in the 2015-2016 school year, the number of**
17 **full-time equivalent students shall be determined by dividing one**
18 **thousand forty-four hours by the number of student-hours of education**
19 **service provided by the division of youth services to elementary and**
20 **secondary students who have been assigned to the division by the**
21 **courts and who have been determined as inappropriate for attendance**
22 **in a local public school. A student hour shall mean one hour of**
23 **education services provided for one student.** In addition, other provisions
24 of law notwithstanding, the division of youth services shall be entitled to funds
25 under section 163.087. The number of full-time equivalent students as defined
26 in this section shall be considered as "September membership" and as "average
27 daily attendance" for the apportioning of funds under section 163.087.

28 2. The educational program approved under section 219.056 as provided
29 for pupils by the division of youth services shall qualify for funding for those
30 services provided to handicapped or severely handicapped children. The
31 department of elementary and secondary education shall cooperate with the
32 division of youth services in arriving at an equitable funding for the services
33 provided to handicapped children in the facilities operated by the division of
34 youth services.

35 3. Each local school district or special school district constituting the
36 domicile of a child placed in programs or facilities operated by the division of
37 youth services or residing in another district pursuant to assignment by the
38 division of youth services shall pay toward the per pupil cost of educational
39 services provided by the serving district or agency an amount equal to the
40 average sum produced per child by the local tax effort of that district. A special
41 school district shall pay the average sum produced per child by the local tax
42 efforts of the component districts. This amount paid by the local school district
43 or the special school district shall be on the basis of full-time equivalence as
44 determined in section 163.011, not to exceed the actual per pupil local tax effort.

163.410. 1. Notwithstanding the provisions of section 163.021, in fiscal
2 years [2011, 2012, and 2013] **2015 and 2016**, if the appropriation for subsections

3 1 and 2 of section 163.031 is less than the annualized calculation of the amount
4 needed for the phase-in required under subsection 4 of section 163.031 for that
5 fiscal year or the appropriation for transportation as provided in subsection 3 of
6 section 163.031 is funded at a level that provides less than seventy-five percent
7 of allowable costs, school districts shall be excused from compliance with:

8 (1) Spending funds for professional development as required under
9 subsection 1 of section 160.530; and

10 (2) The fund placement and expenditure requirements of subsection 6 of
11 section 163.031.

12 2. If the governor withholds funds for the school funding formula basic
13 apportionment under section 163.031, in fiscal years [2011, 2012, and 2013] **2015**
14 **and 2016**, school districts shall be excused from compliance with the statutes
15 listed in subsection 1 of this section in the following fiscal year.

167.121. 1. If the residence of a pupil is so located that attendance in the
2 district of residence constitutes an unusual or unreasonable transportation
3 hardship because of natural barriers, travel time, or distance, the commissioner
4 of education or his designee may assign the pupil to another district. Subject to
5 the provisions of this section, all existing assignments shall be reviewed prior to
6 July 1, 1984, and from time to time thereafter, and may be continued or
7 rescinded. The board of education of the district in which the pupil lives shall
8 pay the tuition of the pupil assigned. The tuition shall [not exceed the pro rata
9 cost of instruction] **be the lesser of the student's district of residence's**
10 **current expenditure per average daily attendance for the previous**
11 **school year and the receiving district's current expenditure per**
12 **average daily attendance for the previous school year. If there is**
13 **disagreement as to the tuition amount, the facts shall be submitted to**
14 **the state board of education and its decision in the matter shall be**
15 **final. For any pupil that the commissioner assigns to another district**
16 **who has an individualized education program, the pupil shall be**
17 **included in the pupil count of the district of residence for purposes of**
18 **state aid. No pupil with an individualized education program who is**
19 **assigned shall be included in such district's pupil count for state aid. If**
20 **there is disagreement as to the tuition amount for any pupil with an**
21 **individualized education program, the facts shall be submitted to the**

22 **state board of education and its decision in the matter shall be final.**

23 2. (1) For the school year beginning July 1, 2008, and each succeeding
24 school year, a parent or guardian residing in a lapsed public school district or a
25 district that has scored either unaccredited or provisionally accredited, or a
26 combination thereof, on two consecutive annual performance reports may enroll
27 the parent's or guardian's child in the Missouri virtual school created in section
28 161.670 provided the pupil first enrolls in the school district of residence. The
29 school district of residence shall include the pupil's enrollment in the virtual
30 school created in section 161.670 in determining the district's average daily
31 attendance. Full-time enrollment in the virtual school shall constitute one
32 average daily attendance equivalent in the school district of residence. Average
33 daily attendance for part-time enrollment in the virtual school shall be calculated
34 as a percentage of the total number of virtual courses enrolled in divided by the
35 number of courses required for full-time attendance in the school district of
36 residence.

37 (2) A pupil's residence, for purposes of this section, means residency
38 established under section 167.020. Except for students residing in a K-8 district
39 attending high school in a district under section 167.131, the board of the home
40 district shall pay to the virtual school the amount required under section 161.670.

41 (3) Nothing in this section shall require any school district or the state to
42 provide computers, equipment, internet or other access, supplies, materials or
43 funding, except as provided in this section, as may be deemed necessary for a
44 pupil to participate in the virtual school created in section 161.670.

45 (4) Any rule or portion of a rule, as that term is defined in section
46 536.010, that is created under the authority delegated in this section shall
47 become effective only if it complies with and is subject to all of the provisions of
48 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
49 nonseverable and if any of the powers vested with the general assembly pursuant
50 to chapter 536 to review, to delay the effective date, or to disapprove and annul
51 a rule are subsequently held unconstitutional, then the grant of rulemaking
52 authority and any rule proposed or adopted after August 28, 2007, shall be
53 invalid and void.

54 **3. For pupils residing in a city not within a county, a county with**
55 **a charter form of government and with more than six hundred**

56 **thousand but fewer than seven hundred thousand inhabitants, a county**
57 **with a charter form of government and with more than nine hundred**
58 **fifty thousand inhabitants, or any adjoining county to a county with a**
59 **charter form of government and with more than nine hundred fifty**
60 **thousand inhabitants, it shall be a rebuttable presumption that the**
61 **pupil's residence is so located that attendance in the district of**
62 **residence constitutes an unusual or unreasonable transportation**
63 **hardship because of natural barriers, travel time, or distance if the**
64 **following conditions are met:**

65 (1) **The actual driving distance from the student's residence to**
66 **the attendance center in the district of residence is seventeen miles or**
67 **more by the shortest route available as determined by the**
68 **commissioner or his or her designee;**

69 (2) **The attendance center to which the student would be**
70 **assigned in the receiving district is at least seven miles closer in actual**
71 **driving distance by the shortest route available to the student's**
72 **residence than the current attendance center in the residence district**
73 **as determined by the commissioner or his or her designee; and**

74 (3) **The attendance of the student will not cause the classroom in**
75 **the receiving district to exceed the maximum number of students per**
76 **class as determined by the receiving district.**

167.131. 1. The board of education of each district in this state that does
2 not maintain [an accredited] **a high school [pursuant to the authority of the**
3 **state board of education to classify schools as established in section 161.092]**
4 **offering work through the twelfth grade shall pay [the] tuition [of] as**
5 **calculated by the receiving district under subsection 2 of this section**
6 and provide transportation consistent with the provisions of section 167.241 for
7 each pupil resident therein **who has completed the work of the highest**
8 **grade offered in the schools of the district and** who attends an accredited
9 **public high school** in another district of the same or an adjoining county.

10 2. The rate of tuition to be charged by the district attended and paid by
11 the sending district is the per pupil cost of maintaining the district's grade level
12 grouping which includes the school attended. The cost of maintaining a grade
13 level grouping shall be determined by the board of education of the district but

14 in no case shall it exceed all amounts spent for teachers' wages, incidental
15 purposes, debt service, maintenance and replacements. The term "debt service",
16 as used in this section, means expenditures for the retirement of bonded
17 indebtedness and expenditures for interest on bonded indebtedness. Per pupil
18 cost of the grade level grouping shall be determined by dividing the cost of
19 maintaining the grade level grouping by the average daily pupil attendance. If
20 there is disagreement as to the amount of tuition to be paid, the facts shall be
21 submitted to the state board of education, and its decision in the matter shall be
22 final. Subject to the limitations of this section, each pupil shall be free to attend
23 the public school of his or her choice.

**167.642. 1. No underperforming district located in a county with
2 a charter form of government and with more than nine hundred fifty
3 thousand inhabitants shall promote a student from the fifth grade to
4 the sixth grade or from the eighth grade to the ninth grade who has not
5 scored at the proficient level or above on the statewide assessments in
6 the areas of English language arts and mathematics.**

**7 2. Notwithstanding subsection 1 of this section, the provisions of
8 this section shall not apply to any student with an individualized
9 education program or any student receiving services through a plan
10 prepared under Section 504 of the Rehabilitation Act of 1973.**

**167.685. 1. Any unaccredited district shall offer free tutoring and
2 supplemental education services to students who are performing below
3 grade level or identified by the district as struggling, using funds from
4 the school district improvement fund to the extent that such funds are
5 available. A district may implement the free tutoring services
6 requirement by entering into a contract with a public library for online
7 tutoring services as provided in section 170.215.**

**8 2. There is hereby created in the state treasury the "School
9 District Improvement Fund". The fund shall consist of any gifts,
10 bequests or public or private donations to such fund. Any person or
11 entity that makes a gift, bequest, or donation to the fund may specify
12 the district that shall be the recipient of such gift, bequest, or donation.**

**13 3. The state treasurer shall be custodian of the fund. In
14 accordance with sections 30.170 and 30.180, the state treasurer may**

15 **approve disbursements of public money in accordance with distribution**
16 **requirements and procedures developed by the department of**
17 **elementary and secondary education and shall make disbursement of**
18 **private funds according to the directions of the donor. If the donor did**
19 **not specify how the private funds were to be disbursed, the state**
20 **treasurer shall contact the donor to determine the manner of**
21 **disbursement. The fund shall be a dedicated fund and, upon**
22 **appropriation, money in the fund shall be used solely for the**
23 **administration of this section. A district that receives money from the**
24 **fund may use such money to cover the cost of online tutoring services**
25 **provided through a contract with a public library under section**
26 **170.215.**

27 **4. Notwithstanding the provisions of section 33.080 to the**
28 **contrary, any moneys remaining in the fund at the end of the biennium**
29 **shall not revert to the credit of the general revenue fund.**

30 **5. The state treasurer shall invest moneys in the fund in the**
31 **same manner as other funds are invested. Any interest and moneys**
32 **earned on such investments shall be credited to the fund.**

167.687. Any underperforming district may perform any or all of
2 **the following actions, including but not limited to:**

3 **(1) Implement a new curriculum, including appropriate**
4 **professional development, based on scientifically-based research that**
5 **offers substantial promise of improving educational achievement of**
6 **low-achieving students;**

7 **(2) Retain an outside expert to advise the district or school on**
8 **its progress toward regaining accreditation;**

9 **(3) Enter into a contract with an education management**
10 **company or education services provider that has a demonstrated**
11 **record of effectiveness to operate a school or schools within the**
12 **district;**

13 **(4) For any unaccredited school, enter into a collaborative**
14 **relationship and agreement with an accredited district in which**
15 **teachers from the unaccredited school may exchange positions with**
16 **teachers from an accredited school in an accredited district for a**

17 **period of two school weeks; or**

18 **(5) Implement any other change that is suggested by the state**
19 **board of education, an expert or contractor approved under this**
20 **section or an assistance team under section 161.086, in accordance with**
21 **state law, that the school board has reason to believe will result in**
22 **improved performance for accreditation purposes.**

167.730. 1. Beginning July 1, 2015, every public school in the
2 **metropolitan school district or in any urban school district containing**
3 **most or all of a home rule city with more than four hundred thousand**
4 **inhabitants and located in more than one county, including charter**
5 **schools, shall incorporate a response-to-intervention tiered approach**
6 **to reading instruction to focus resources on students who are**
7 **determined by their school to need additional or changed instruction**
8 **to make progress as readers. At a minimum, the reading levels of**
9 **students in kindergarten through tenth grade shall be assessed at the**
10 **beginning and middle of the school year, and students who score below**
11 **district benchmarks shall be provided with intensive, systematic**
12 **reading instruction.**

13 **2. Beginning January 1, 2015, and every January first thereafter,**
14 **every public school in the metropolitan school district or in any urban**
15 **school district containing most or all of a home rule city with more**
16 **than four hundred thousand inhabitants and located in more than one**
17 **county, including charter schools, shall prepare a personalized learning**
18 **plan for any kindergarten or first grade student whose most recent**
19 **school-wide reading assessment result shows the student is working**
20 **below grade level unless the student has been determined by other**
21 **means in the current school year to be working at grade level or**
22 **above. The provisions of this section shall not apply to students**
23 **otherwise served under an individualized education program, to**
24 **students receiving services through a plan prepared under Section 504**
25 **of the Rehabilitation Act of 1973 that includes an element addressing**
26 **reading below grade level, or to students determined to have limited**
27 **English proficiency.**

28 **3. For any student in a metropolitan school district or in any**

29 urban school district containing most or all of a home rule city with
30 more than four hundred thousand inhabitants and located in more than
31 one county that is required by this section to have a personalized
32 learning plan, the student's main teacher shall consult with the
33 student's parent or guardian during the preparation of the plan and
34 shall consult, as appropriate, any district personnel or department of
35 elementary and secondary education personnel with necessary
36 expertise to develop such a plan. The school shall require the written
37 consent of the parent or guardian to implement the plan; however, if
38 the school is unsuccessful in contacting the parent or guardian by
39 January fifteenth, the school may send a letter by certified mail to the
40 student's last known address stating its intention to implement the plan
41 by February first.

42 4. After implementing the personalized learning plan through the
43 end of the student's first grade year, the school shall refer any student
44 who still performs below grade level for assessment to determine if an
45 individualized education program is necessary for the student. A
46 student who is assessed as not needing an individualized education
47 program but who is reading below grade level at the end of the first
48 grade shall continue to be required to have a personalized learning
49 plan until the student is reading at grade level.

50 5. Notwithstanding any provision of law to the contrary, any
51 student in a metropolitan or in any urban school district containing
52 most or all of a home rule city with more than four hundred thousand
53 inhabitants and located in more than one county who is not reading at
54 second-grade level by the end of second grade may be promoted to the
55 third grade only under one of the following circumstances:

56 (1) The school provides additional reading instruction during the
57 summer and demonstrates the student is ready for third grade at the
58 end of the summer school;

59 (2) The school provides a combined classroom in which the
60 student continues with the same teacher, sometimes referred to as
61 "looping". If the student in such a classroom is not reading at third-
62 grade level by the end of third grade, the student shall be retained in

63 **third grade; or**

64 **(3) The student's parents or guardians have signed a notice that**
65 **they prefer to have their student promoted although the student is**
66 **reading below grade level. The school shall have the final**
67 **determination on the issue of retention.**

68 **6. The metropolitan school district, any urban school district**
69 **containing most or all of a home rule city with more than four hundred**
70 **thousand inhabitants and located in more than one county, and each**
71 **charter school located in them shall provide in its annual report card**
72 **under section 160.522 the numbers and percentages by grade from first**
73 **grade to tenth grade in each school of any students at any grade level**
74 **who have been promoted who have been determined as reading below**
75 **grade level, except that no reporting shall permit the identification of**
76 **an individual student.**

77 **7. School districts and charter schools under this section may**
78 **provide for a student promotion and retention program and a reading**
79 **instruction program that are equivalent to those which are described**
80 **in this section with the oversight and approval of the department of**
81 **elementary and secondary education.**

167.825. 1. For school year 2014-15, students who transferred
2 **from an unaccredited district to an accredited district in the same or**
3 **an adjoining county under section 167.131 as it existed on July 1, 2013,**
4 **shall be allowed to participate under the same terms that governed**
5 **such transfers in school year 2013-14, except that the reimbursement of**
6 **their tuition shall be governed by section 167.826.**

7 **2. If an unaccredited district becomes classified as provisionally**
8 **accredited or accredited without provisions by the state board of**
9 **education, any resident student of the unaccredited district who has**
10 **transferred under section 167.131 as it existed on July 1, 2013, shall be**
11 **permitted to continue their educational program through the**
12 **completion of middle school, junior high school, or high school,**
13 **whichever occurs first, except that a student who attends any school**
14 **serving students through high school graduation but starting at grades**
15 **lower than ninth grade shall be permitted to complete high school in**

16 the school to which he or she has transferred. However, any such
17 student shall have previously attended a school in the sending district
18 for at least one semester before initially transferring, unless the
19 student was entering kindergarten or was a first grade student and
20 shall continue to reside within the boundaries of the unaccredited
21 district as those boundaries existed when the student entered the
22 transfer program to maintain eligibility. A student who returns to his
23 or her district of residence shall be ineligible to transfer again.

24 3. Any student who transferred from an unaccredited district to
25 an accredited district in the same or an adjoining county in school year
26 2013-14 but did not attend a public school for at least one semester in
27 the unaccredited district prior to the transfer shall no longer be
28 eligible to transfer under this section in school year 2014-15.

167.826. 1. Any student who is enrolled in and has attended an
2 unaccredited school in an unaccredited district for at least one
3 semester may transfer to another public school in the student's district
4 of residence that offers the student's grade level of enrollment and that
5 is accredited without provisions by the state board of
6 education. However, no such transfer shall result in a class size and
7 assigned enrollment in a receiving school that exceeds the standards
8 for class size and assigned enrollment as promulgated in the Missouri
9 school improvement program's resource standards. If the student
10 chooses to attend a magnet school, an academically selective school, or
11 a school with a competitive entrance process within his or her district
12 of residence that has admissions requirements, the student shall meet
13 such admissions requirements in order to attend. The school board of
14 each unaccredited district shall determine the capacity at each of the
15 district's schools that is assigned a classification designation of
16 accredited or accredited with distinction. The district's school board
17 shall be responsible for coordinating transfers from unaccredited
18 schools to accredited schools within the district. The school board of
19 each unaccredited district shall annually report to the appropriate
20 local education authority the number of available slots in accredited
21 schools within the district, the number of students who request to

22 transfer within the district, and the number of such transfer requests
23 that are granted.

24 2. Any student who is enrolled in and has attended an
25 unaccredited school in an unaccredited district for at least one
26 semester who is unable to transfer to another accredited school within
27 his or her district of residence under subsection 1 of this section may
28 apply to the appropriate education authority by March first to transfer
29 to an accredited school within an accredited district located in the
30 same or an adjoining county. Such a student may also apply to enroll
31 in a nonsectarian private school as provided in section 167.828. A
32 student who is eligible to begin kindergarten or first grade at an
33 unaccredited school in an unaccredited district may apply to the
34 appropriate education authority for a transfer if he or she resides in
35 the attendance area of an unaccredited school in an unaccredited
36 district on March first preceding the school year of first attendance. A
37 student who does not apply by March first shall be required to enroll
38 and attend for one semester to become eligible. If the student chooses
39 to apply to attend a magnet school, an academically selective school, or
40 a school with a competitive entrance process that has admissions
41 requirements, the student shall furnish proof that he or she meets such
42 admissions requirements. Any student who does not maintain
43 residency in the attendance zone of his or her unaccredited school in
44 the unaccredited district of residence shall lose eligibility to
45 transfer. Any student who transfers but later withdraws shall lose
46 eligibility to transfer. The transfer provisions of this subsection shall
47 not apply to a district created under sections 162.815 to 162.840 or to
48 any early childhood programs or early childhood special education
49 programs.

50 3. No provisionally accredited district or provisionally
51 accredited school shall be eligible to receive transfer students;
52 however, a transfer student who chooses to attend a provisionally
53 accredited school in the unaccredited district shall be allowed to
54 transfer to such school if there is an available slot. No unaccredited
55 district or unaccredited school shall be eligible to receive transfer

56 students. No district or school with a three-year average score of
57 seventy-five percent or lower on its annual performance report under
58 the Missouri school improvement program shall be eligible to receive
59 any transfer students, irrespective of its state board of education
60 accreditation classification, except that any student who was granted
61 a transfer to such a district or attendance center prior to the effective
62 date of this section may remain enrolled in that district or school.

63 4. For a receiving district, no acceptance of a transfer student
64 shall require any of the following actions, unless the board of education
65 of the receiving district has approved the action:

66 (1) A class size and assigned enrollment in a receiving school
67 that exceeds the number of students provided by its approved policy on
68 class size under subsection 5 of this section;

69 (2) The hiring of additional classroom teachers; or

70 (3) The construction of additional classrooms.

71 5. Each receiving district shall have the right to establish and
72 adopt, by objective means, a policy for desirable class size and student-
73 teacher ratios. A policy may allow for estimated growth in the resident
74 student population. Any district that adopts such a policy shall do so
75 by January 1 annually. A receiving district shall publish its policy and
76 shall not be required to accept any transfer students under this section
77 that would violate its class size or student-teacher ratio. If a student
78 seeking to transfer is denied admission to a district based on a lack of
79 space under the district's policy, the student or the student's parent or
80 guardian may appeal the ruling to the state board of education if he or
81 she believes the district's policy is unduly restrictive to student
82 transfers. If more than one student or parent appeals a denial of
83 admission from the same district to the state board of education, the
84 state board shall make an effort to hear such actions at the same time.
85 If the state board of education finds that the district's policy is unduly
86 restrictive to student transfers, the state board may limit the district's
87 policy. The state board's decision shall be final.

88 6. (1) Each receiving district shall adopt a policy establishing a
89 tuition rate by February first annually. The rate of tuition to be

90 charged by the district attended and paid by the sending district is the
91 per pupil cost of maintaining the receiving district's grade level
92 grouping which includes the school attended. The cost of maintaining
93 a grade level grouping shall be determined by the board of education
94 of the receiving district but in no case shall it exceed all amounts spent
95 for teachers' wages, incidental purposes, debt service, maintenance,
96 and replacements. The term "debt service", as used in this section,
97 means expenditures for the retirement of bonded indebtedness and
98 expenditures for interest on bonded indebtedness. Per pupil cost of the
99 grade level grouping shall be determined by dividing the cost of
100 maintaining the grade level grouping by the average daily pupil
101 attendance. However, at no time shall a receiving district receive
102 tuition from a sending district that exceeds the receiving district's per
103 pupil expenditure for its resident students. If there is disagreement as
104 to the amount of tuition to be paid, the facts shall be submitted to the
105 state board of education, and its decision in the matter shall be final.

106 (2) If any receiving district chooses to charge a rate of tuition
107 that is seventy percent or less of the per-pupil cost of maintaining the
108 sending district's grade level grouping as calculated under subdivision
109 (1) of this subsection, then no statewide assessment scores and no other
110 performance data for those students whom the district received shall
111 be used for five school years when calculating the performance of the
112 receiving district for purposes of the Missouri school improvement
113 program. For any district that chooses to charge such a rate under this
114 subdivision, the department of elementary and secondary education
115 shall consider such action as an additional criterion when determining
116 whether to assign the receiving district a classification of accredited
117 with distinction.

118 (3) The school board of a receiving district, upon a majority vote
119 of the board, may choose to charge a rate of tuition less than the
120 amount that would otherwise be calculated under this subsection. If
121 the school board of a receiving district, upon a majority vote of the
122 board, chooses to charge a rate of tuition that is less than ninety
123 percent of the rate that would otherwise be calculated under this

124 subsection, ten percent of the receiving district's tuition rate shall be
125 paid from the supplemental tuition fund. There is hereby created in
126 the state treasury the "Supplemental Tuition Fund". The fund shall
127 consist of any moneys appropriated annually by the general assembly
128 from general revenue to such fund, any moneys paid into the state
129 treasury and required by law to be credited to such fund and any gifts,
130 bequests or public or private donations to such fund. The state
131 treasurer shall be custodian of the fund. The department of elementary
132 and secondary education shall administer the fund. In accordance with
133 sections 30.170 and 30.180, the state treasurer may approve
134 disbursements. The fund shall be a dedicated fund and, upon
135 appropriation, money in the fund shall be used solely for the
136 administration of this section. Notwithstanding the provisions of
137 section 33.080 to the contrary, any moneys remaining in the fund at the
138 end of the biennium shall not revert to the credit of the general
139 revenue fund. The state treasurer shall invest moneys in the fund in
140 the same manner as other funds are invested. Any interest and moneys
141 earned on such investments shall be credited to the fund.

142 (4) Any school district that received transfer students in the
143 2013-2014 school year may adjust the tuition paid by the sending
144 district to seventy percent of the per-pupil cost of maintaining the
145 sending district's grade level grouping as calculated under subdivision
146 (1) of this subsection. In such a situation, no statewide assessment
147 scores and no other performance data for those students shall be used
148 for five school years when calculating the receiving district's
149 performance for purposes of the Missouri school improvement program.

150 7. If an unaccredited district becomes classified as provisionally
151 accredited or accredited without provisions by the state board of
152 education, any resident student of the unaccredited district who has
153 transferred to an accredited district in the same or an adjoining county
154 or to a nonsectarian private school in the district of residence shall be
155 permitted to continue his or her educational program in the receiving
156 district or nonsectarian private school through the completion of
157 middle school, junior high school, or high school, whichever occurs

158 first, except that a student who attends any school serving students
159 through high school graduation but starting at grades lower than ninth
160 grade shall be permitted to complete high school in the school to which
161 he or she has transferred.

162 8. The student's district of residence may provide transportation
163 for him or her to attend another accredited district but shall not be
164 required to do so.

165 9. Notwithstanding the provisions of subsection 5 of this section
166 to the contrary, where costs associated with the provision of special
167 education and related services to a student with a disability exceed the
168 tuition amount established under this section, the unaccredited district
169 shall remain responsible to pay the excess cost to the receiving
170 district. When the receiving district is a component district of a special
171 school district, the unaccredited district, including any metropolitan
172 school district, shall contract with the special school district for the
173 entirety of the costs to provide special education and related services,
174 excluding transportation pursuant to this section. The special school
175 district may contract with an unaccredited district, including any
176 metropolitan district, for the provision of transportation of a student
177 with a disability or the unaccredited district may provide
178 transportation on its own.

179 10. A special school district shall continue to provide special
180 education and related services, with the exception of transportation
181 under this section, to a student with a disability transferring from an
182 unaccredited school within a component district to an accredited
183 school within the same or a different component district within the
184 special school district.

185 11. When any metropolitan district is declared unaccredited, it
186 shall remain responsible for the provision of special education and
187 related services, including transportation, to students with disabilities.
188 A special school district in an adjoining county to a metropolitan school
189 district may contract with the metropolitan school district for the
190 reimbursement of special education services pursuant to sections
191 162.705 and 162.710 provided by the special school district for transfer

192 students who are residents of the unaccredited district.

193 **12. Regardless of whether transportation is identified as a**
194 **related service within a student's individualized education program, a**
195 **receiving district that is not part of a special school district shall not**
196 **be responsible for providing transportation to a student transferring**
197 **under this section. An unaccredited district may contract with a**
198 **receiving district that is not part of a special school district pursuant**
199 **to sections 162.705 and 162.710 for transportation of students with**
200 **disabilities.**

201 **13. When a seven-director school district or urban school district**
202 **is declared unaccredited, it may contract with a receiving district that**
203 **is not part of a special school district in the same or an adjoining**
204 **county for the reimbursement of special education and related services**
205 **pursuant to sections 162.705 and 162.710 provided by the receiving**
206 **district for transfer students who are residents of the unaccredited**
207 **district.**

167.827. 1. By August 1, 2014, and by January first annually,
2 **each accredited district any portion of which is located in the same**
3 **county as or in an adjoining county to an unaccredited district shall**
4 **report to the education authority for the county in which the**
5 **unaccredited district is located its number of available enrollment slots**
6 **by grade level. Each unaccredited district shall report the number of**
7 **available enrollment slots in the accredited schools of the**
8 **district. Each nonsectarian private school in the unaccredited district**
9 **that wishes to participate in the transfer program shall provide the**
10 **information required under this subsection by the same date.**

11 **2. Any education authority whose geographic area includes an**
12 **unaccredited district shall make information and assistance available**
13 **to parents or guardians who intend to transfer their child from an**
14 **unaccredited school in an unaccredited district to an accredited**
15 **district or nonsectarian private school under section 167.826.**

16 **3. The parent or guardian of a student who intends to transfer**
17 **his or her child to an accredited district in the same or an adjoining**
18 **county or to a nonsectarian private school shall send initial notification**

19 to the education authority for the county in which he or she resides by
20 March first for enrollment in the subsequent school year.

21 4. The education authority whose geographic area includes an
22 unaccredited district shall assign those students who seek to transfer
23 to an accredited district in the same or an adjoining county or a
24 nonsectarian private school. The authority shall give first priority to
25 students who live in the same household with any family member
26 within the first or second degree of consanguinity or affinity who
27 already attends an accredited school and who apply to attend the same
28 accredited school. If insufficient grade-appropriate enrollment slots
29 are available for a student to be able to transfer, that student shall
30 receive first priority the following school year. The authority shall
31 only disrupt student and parent choice for transfer if a receiving
32 district's available slots are requested by more students than there are
33 slots available. The authority shall consider the following factors in
34 assigning schools, with the student's or parent's choice as the most
35 important factor:

- 36 (1) The student's or parent's choice of the receiving school;
37 (2) The best interests of the student; and
38 (3) Distance and travel time to a receiving school.

39 The education authority shall not consider student academic
40 performance, free and reduced lunch status, or athletics in assigning
41 a student to a school.

42 5. An education authority may deny a transfer to a student who
43 in the most recent school year has been suspended from school two or
44 more times or who has been suspended for an act of school violence
45 under subsection 2 of section 160.261. A student whose transfer is
46 initially precluded under this subsection may be permitted to transfer
47 on a provisional basis as a probationary transfer student, subject to no
48 further disruptive behavior, upon a statement from the student's
49 current school that the student is not disruptive. A student who is
50 denied a transfer under this subsection has the right to an in-person
51 meeting with a representative of the authority. Each education
52 authority shall develop administrative guidelines to provide common

53 standards for determining disruptive behavior which shall include, but
54 not be limited to, criteria under the safe schools act.

167.828. 1. The school board of any unaccredited district located
2 in any city not within a county, any county with a charter form of
3 government and with more than nine hundred fifty thousand
4 inhabitants, or in any county with a charter form of government and
5 with more than six hundred thousand but fewer than seven hundred
6 thousand inhabitants that operates an unaccredited school shall pay
7 tuition for any student who has enrolled in and attended an
8 unaccredited school in the district for one semester to attend a
9 nonsectarian private school, as defined in section 167.848, located in his
10 or her district of residence and is assigned to such school by the
11 education authority.

12 2. The amount of tuition to be paid shall be paid from the
13 district's operating levy for school purposes and shall not exceed the
14 lesser of:

15 (1) The nonsectarian private school's tuition rate; or

16 (2) Seventy percent of the unaccredited district's cost of
17 maintaining a grade level grouping as provided by subdivision (1) of
18 subsection 6 of section 167.826.

19 3. A nonsectarian private school shall qualify to receive tuition
20 payments under this section only if it satisfies the following conditions:

21 (1) Is accredited by the North Central Association Commission
22 On Accreditation and School Improvement or demonstrates similar
23 academic quality credentials to the department of elementary and
24 secondary education;

25 (2) Administers or allows for the administration of the statewide
26 assessments in English language arts and mathematics for transfer
27 students;

28 (3) Complies with all health and safety laws or codes that apply
29 to nonpublic schools;

30 (4) Holds a valid occupancy permit if required by its
31 municipality;

32 (5) Certifies that it will not discriminate in admissions on the

33 basis of race, color, religion, national origin, or disability;

34 **(6) For all students enrolled in the school under the nonsectarian**
35 **option set forth in section 167.826, complies with the following statutes**
36 **and any regulations promulgated thereunder by the department of**
37 **elementary and secondary education: 43.408, 43.540, 160.041, 160.045,**
38 **160.257, 160.261, 160.262, 160.263, 160.518 for state assessments, the cost**
39 **of which shall be paid consistent with the manner in which they are**
40 **paid for students in public schools, 160.522, 160.539, 160.570, 160.660,**
41 **160.775, 160.1990, 161.850, 161.102, 161.650, 162.014, 162.068, 162.069,**
42 **162.208, 162.215, 162.401, 162.670, 162.720, subdivisions (1) to (3) of**
43 **162.821, 162.1250, 162.1125, subdivisions (1) and (2) of subsection 1 of**
44 **163.021 for eligibility to receive local funds but compliance with these**
45 **sections shall not make nonsectarian private schools eligible to receive**
46 **state funding under 163.031, 167.018, 167.019, 167.020, 167.022, 167.023,**
47 **167.031, 167.115, 167.117, 167.122, 167.123, 167.161, 167.166, 167.171,**
48 **167.181, 167.191, 167.208, 167.211, 167.227, 167.268, 167.275, 167.280,**
49 **167.621 to 167.635, 167.645, 167.700, 167.720, 167.765, 170.005, 170.011,**
50 **170.051, 170.315, 170.340, 171.021, 171.031 to 171.033, 171.053, 171.151,**
51 **171.171, 178.530, 182.815, 182.817, 191.765 to 191.777, 210.003, 210.110,**
52 **210.115, 210.145, 210.150, 210.165, 210.167, 210.760, 210.865, 211.032,**
53 **211.034, 211.181, 211.185, 211.188, 320.010, 452.375, 452.376, and**
54 **544.193. Nothing in this subdivision shall be construed to exempt the**
55 **nonsectarian private school from other statutes and regulations which**
56 **applied to the nonsectarian schools as of January 1, 2014;**

57 **(7) Furnishes to the department of elementary and secondary**
58 **education all necessary data for the calculation of an annual**
59 **performance report score, which the department shall calculate for**
60 **each participating nonsectarian private school. At the option of the**
61 **nonsectarian private school, such score shall be based upon only the**
62 **records pertaining to students enrolled in the school through the**
63 **transfer program or for all students if the school chooses to administer**
64 **state testing to all students;**

65 **(8) Where applicable, contracts with a special school district to**
66 **provide special education services to eligible students on the same**

67 terms as public schools, and the costs associated with the services shall
68 be paid in the same manner;

69 (9) Certifies to the department of elementary and secondary
70 education and to the unaccredited district that it shall accept the
71 tuition amount specified in subsection 2 of this section as payment in
72 full for the transfer student and shall not require the parent or
73 guardian to pay any additional amount for tuition; and

74 (10) Files with the department of elementary and secondary
75 education, the appropriate education authority, and the unaccredited
76 district a statement of intent to accept transfer students that includes
77 the information listed in this subsection.

78 4. When the percentage of transfer students at a nonsectarian
79 private school receiving transfer students under this section reaches
80 twenty-five percent of the school's enrollment, the school shall conform
81 to the Missouri school improvement program performance standards to
82 continue its eligibility for the program under this section.

83 5. Tuition for a student who attends a nonsectarian private
84 school shall be paid only using funds received by the district from the
85 operating levy for school purposes.

86 6. The student's district of residence may provide transportation
87 for him or her to attend a nonsectarian private school located within
88 the district but shall not be required to do so.

89 7. (1) The option for any student who has enrolled in and
90 attended an unaccredited school in an unaccredited district for one
91 semester to attend a nonsectarian private school as provided in this
92 section shall become effective only after the governing body of an
93 unaccredited district, as specified in subsection 1 of this section,
94 submits to the district's voters at a general election a proposal to
95 authorize the governing body to use local operating funds for school
96 purposes to pay tuition at a nonsectarian private school for students
97 assigned to an unaccredited school in the district under sections
98 167.826 to 167.828 and such proposal is approved by the voters of the
99 district as provided in this subsection. The governing body of the
100 school district shall submit the proposal to the voters of the district at

101 the next general election after the decision of the state board of
102 education declaring the district unaccredited for which the deadline
103 for submission of such ballot proposals is open. The ballot proposal
104 presented to the local voters shall contain substantially the following
105 language:

106 Shall the (school district's name) allow the use of the district's
107 local operating funds for school purposes to pay tuition at nonsectarian
108 private schools for students who are assigned to an unaccredited public
109 school in the district and who apply to transfer to nonsectarian private
110 schools under section 167.828, RSMo?

111 YES NO

112 If a majority of the votes cast on the question by the qualified voters
113 voting thereon is in favor of the question, the option for students to
114 transfer to a nonsectarian private school shall become effective in that
115 district the next school year. If a majority of the votes cast on the
116 question by the qualified voters voting thereon is opposed to the
117 question, the option shall not become effective unless and until the
118 proposal is resubmitted under this subsection to the qualified voters at
119 a general election and such proposal is approved by a majority of the
120 qualified voters voting on the proposal.

121 (2) Whenever the governing body of a school district specified in
122 subsection 1 of this section that has not authorized the use of its local
123 operating funds for school purposes as provided in this subsection
124 receives a petition from a nonsectarian private school, signed by the
125 school's chief operating officer, calling for an election to authorize the
126 use of local operating funds for school purposes to pay tuition at a
127 private nonsectarian school under this subsection, the governing body
128 shall submit to the voters a proposal to authorize such use of funds at
129 the next general election for which the deadline for submission of such
130 ballot proposals is open. If a majority of the votes cast on the question
131 by the qualified voters voting thereon is in favor of the proposal, the
132 option for students to transfer to a nonsectarian private school shall
133 become effective in that district the next school year. If a majority of
134 the votes cast on the proposal by the qualified voters voting thereon is

135 **opposed to the proposal, the option shall not become effective unless**
136 **and until the proposal is resubmitted under this subsection to the**
137 **qualified voters at a general election and such proposal is approved by**
138 **a majority of the qualified voters voting on the proposal.**

139 **8. Notwithstanding the provisions of subsection 7 of this section**
140 **to the contrary, if any district remains classified as unaccredited by the**
141 **state board of education for three consecutive years, resident students**
142 **of the district shall be eligible to enroll in and attend a nonsectarian**
143 **private school located in the district of residence and have tuition paid**
144 **by the district school board under this section, irrespective of whether**
145 **the district voters have approved a proposal to authorize the district's**
146 **governing body to use local operating funds for school purposes to pay**
147 **tuition at a nonsectarian private school.**

148 **9. Notwithstanding the provisions of subsection 2 of this section**
149 **to the contrary, where costs associated with the provision of special**
150 **education and related services to a student with a disability exceed the**
151 **tuition amount established under this section, the unaccredited district**
152 **shall remain responsible to pay the excess cost to the nonsectarian**
153 **private school.**

167.830. 1. There is hereby established the "St. Louis Area
2 **Education Authority". The authority is hereby constituted a public**
3 **instrumentality and body politic and corporate, and the exercise by the**
4 **authority of the powers conferred by this section shall be deemed and**
5 **held to be the performance of an essential public function. Unless**
6 **otherwise provided, the authority shall be subject to all general laws**
7 **pertaining to the operation of seven-director districts as defined in**
8 **section 160.011.**

9 **2. Whenever any metropolitan school district, any district**
10 **located in any county with a charter form of government and with more**
11 **than nine hundred fifty thousand inhabitants, or any district located**
12 **in an adjoining county to them is assigned a classification designation**
13 **of unaccredited by the state board of education, the authority shall**
14 **coordinate student transfers from unaccredited schools in the**
15 **unaccredited district to accredited districts in the same or an adjoining**

16 county, and if applicable, to nonsectarian private schools.

17 **3. The authority shall consist of five members to be appointed by**
18 **the governor, by and with the advice and consent of the senate, each of**
19 **whom shall be a resident of the state. The members shall reflect the**
20 **population characteristics of the districts they represent. Not more**
21 **than three of the five members of the authority shall be of the same**
22 **political party. Two members shall be residents of the metropolitan**
23 **school district, two members shall be residents of school districts**
24 **located in a county with a charter form of government and with more**
25 **than nine hundred fifty thousand inhabitants, and one member shall be**
26 **a resident of a district located in an adjoining county. If the governor**
27 **does not appoint the initial membership of the authority by October 1,**
28 **2014, the lieutenant governor shall make the appointments. The length**
29 **of term for members shall be six years except for the initial members,**
30 **who shall be appointed in the following manner:**

- 31 **(1) One member shall be appointed for a term of two years;**
32 **(2) One member shall be appointed for a term of three years;**
33 **(3) One member shall be appointed for a term of four years;**
34 **(4) One member shall be appointed for a term of five years; and**
35 **(5) One member shall be appointed for a term of six years.**

36 **4. The term length of each initial appointee shall be designated**
37 **by the governor at the time of making the appointment. Upon the**
38 **expiration of the initial terms of office, successor members shall be**
39 **appointed for terms of six years and shall serve until their successors**
40 **have been appointed and have qualified. Any member shall be eligible**
41 **for reappointment. The governor shall fill any vacancy for the**
42 **remainder of any unexpired term within thirty days of notification of**
43 **the vacancy. If the governor does not make the appointment in the**
44 **required time, the lieutenant governor shall make such appointment. If**
45 **the lieutenant governor does not make the appointment in thirty days,**
46 **the speaker of the house of representatives shall make such**
47 **appointment. Any member of the authority may be removed by the**
48 **governor for misfeasance, malfeasance, willful neglect of duty, or other**
49 **cause after notice and a public hearing unless the notice or hearing**

50 shall be expressly waived in writing.

51 5. Members of the authority shall receive no compensation for
52 services, but shall be entitled to reimbursement for necessary expenses,
53 including traveling and lodging expenses, incurred in the discharge of
54 their duties. Any payment for expenses shall be paid from funds of the
55 authority.

56 6. One member of the authority, designated by the governor for
57 the purpose, shall call and convene the initial organizational meeting
58 of the authority and shall serve as its president pro tempore. At the
59 initial meeting and annually thereafter, the authority shall elect one of
60 its members as president. The authority may appoint an executive
61 director who shall not be a member of the authority and who shall
62 serve at its pleasure. If an executive director is appointed, he or she
63 shall receive such compensation as shall be fixed from time to time by
64 action of the authority. The authority shall appoint a member as
65 secretary who shall keep a record of the proceedings of the authority
66 and shall be the custodian of all books, documents, and papers filed
67 with the authority, the minute books or journal thereof, and its official
68 seal. The secretary may cause copies to be made of all minutes and
69 other records and documents of the authority and may give certificates
70 under the official seal of the authority to the effect that the copies are
71 true and correct copies, and all persons dealing with the authority may
72 rely on such certificates. The authority, by resolution duly adopted,
73 shall fix the powers and duties of its executive director as it may, from
74 time to time, deem proper and necessary.

75 7. Meetings, records, and operations of the authority shall be
76 subject to the provisions of chapter 610.

77 8. The authority shall have the following powers, together with
78 all powers incidental thereto or necessary for the performance thereof
79 to:

- 80 (1) Have perpetual succession as a body politic and corporate;
- 81 (2) Adopt bylaws for the regulation of its affairs and the conduct
82 of its business;
- 83 (3) Sue and be sued and to prosecute and defend, at law or in

84 equity, in any court having jurisdiction of the subject matter and of the
85 parties;

86 (4) Establish and use a corporate seal and to alter the same at
87 pleasure;

88 (5) Maintain an office at such place or places in the state of
89 Missouri as it may designate;

90 (6) Employ an executive director and other staff as needed, with
91 compensation fixed by the authority;

92 (7) Coordinate student transfers from unaccredited schools in
93 unaccredited districts located in its jurisdiction, as provided by law;
94 and

95 (8) Coordinate and collaborate with local districts and local
96 governments for the transfer of students, as provided by law.

167.833. 1. There is hereby created in the state treasury the "St.
2 Louis Area Education Authority Fund". The fund shall consist of any
3 gifts, bequests or public or private donations to such fund. Any moneys
4 in the fund shall be used to fund the operations of the education
5 authority. The state treasurer shall be custodian of the fund. In
6 accordance with sections 30.170 and 30.180, the state treasurer may
7 approve disbursements of public money in accordance with distribution
8 requirements and procedures developed by the department of
9 elementary and secondary education and shall make disbursement of
10 private funds according to the directions of the donor. If the donor did
11 not specify how the private funds were to be disbursed, the state
12 treasurer shall contact the donor to determine the manner of
13 disbursement. The fund shall be a dedicated fund and, upon
14 appropriation, money in the fund shall be used solely for the
15 administration of sections 167.830 and 167.833.

16 2. Notwithstanding the provisions of section 33.080 to the
17 contrary, any moneys remaining in the fund at the end of the biennium
18 shall not revert to the credit of the general revenue fund.

19 3. The state treasurer shall invest moneys in the fund in the
20 same manner as other funds are invested. Any interest and moneys
21 earned on such investments shall be credited to the fund.

167.836. 1. There is hereby established the "Kansas City Area
2 Education Authority". The authority is hereby constituted a public
3 instrumentality and body politic and corporate, and the exercise by the
4 authority of the powers conferred by this section shall be deemed and
5 held to be the performance of an essential public function. Unless
6 otherwise provided, the authority shall be subject to all general laws
7 pertaining to the operation of seven-director districts as defined in
8 section 160.011.

9 2. Whenever any district located in any county with a charter
10 form of government and with more than six hundred thousand but
11 fewer than seven hundred thousand inhabitants or in an adjoining
12 county is assigned a classification designation of unaccredited by the
13 state board of education, the authority shall coordinate student
14 transfers from unaccredited schools in the unaccredited district to
15 accredited districts in the same or an adjoining county, and if
16 applicable, to nonsectarian private schools.

17 3. The authority shall consist of five members appointed by the
18 governor, by and with the advice and consent of the senate, each of
19 whom shall be a resident of the state. Three members shall be
20 residents of an urban school district containing most or all of a home
21 rule city with more than four hundred thousand inhabitants and
22 located in more than one county. One member shall be a resident of a
23 school district located in a county with a charter form of government
24 and with more than six hundred thousand but fewer than seven
25 hundred thousand inhabitants. Such member shall be a resident of a
26 school district other than an urban school district containing most or
27 all of a home rule city with more than four hundred thousand
28 inhabitants and located in more than one county. One member shall be
29 a resident of a school district located in a county adjoining to a county
30 with a charter form of government and with more than six hundred
31 thousand but fewer than seven hundred thousand inhabitants. The
32 members shall reflect the population characteristics of the districts
33 they represent. Not more than three of the five members of the
34 authority shall be of the same political party. The length of term for

35 members shall be six years except for the initial members, who shall be
36 appointed in the following manner:

- 37 (1) One member shall be appointed for a term of two years;
38 (2) One member shall be appointed for a term of three years;
39 (3) One member shall be appointed for a term of four years;
40 (4) One member shall be appointed for a term of five years; and
41 (5) One member shall be appointed for a term of six years.

42 4. The term length of each initial appointee shall be designated
43 by the governor at the time of making the appointment. Upon the
44 expiration of the initial terms of office, successor members shall be
45 appointed for terms of six years and shall serve until their successors
46 have been appointed and have qualified. Any member shall be eligible
47 for reappointment. The governor shall fill any vacancy for the
48 remainder of any unexpired term within thirty days of notification of
49 the vacancy. If the governor does not make the appointment in the
50 required time, the lieutenant governor shall make such appointment. If
51 the lieutenant governor does not make the appointment in thirty days,
52 the speaker of the house of representatives shall make such
53 appointment. Any member of the authority may be removed by the
54 governor for misfeasance, malfeasance, willful neglect of duty, or other
55 cause after notice and a public hearing unless the notice or hearing
56 shall be expressly waived in writing.

57 5. Members of the authority shall receive no compensation for
58 services, but shall be entitled to reimbursement for necessary expenses,
59 including traveling and lodging expenses, incurred in the discharge of
60 their duties. Any payment for expenses shall be paid from funds of the
61 authority.

62 6. One member of the authority, designated by the governor for
63 the purpose, shall call and convene the initial organizational meeting
64 of the authority and shall serve as its president pro tempore. At the
65 initial meeting and annually thereafter, the authority shall elect one of
66 its members as president. The authority may appoint an executive
67 director who shall not be a member of the authority and who shall
68 serve at its pleasure. If an executive director is appointed, he or she

69 shall receive such compensation as shall be fixed from time to time by
70 action of the authority. The authority shall appoint a member as
71 secretary who shall keep a record of the proceedings of the authority
72 and shall be the custodian of all books, documents, and papers filed
73 with the authority, the minute books or journal thereof, and its official
74 seal. The secretary may cause copies to be made of all minutes and
75 other records and documents of the authority and may give certificates
76 under the official seal of the authority to the effect that the copies are
77 true and correct copies, and all persons dealing with the authority may
78 rely on such certificates. The authority, by resolution duly adopted,
79 shall fix the powers and duties of its executive director as it may, from
80 time to time, deem proper and necessary.

81 7. Meetings, records, and operations of the authority shall be
82 subject to the provisions of chapter 610.

83 8. The authority shall have the following powers, together with
84 all powers incidental thereto or necessary for the performance thereof
85 to:

86 (1) Have perpetual succession as a body politic and corporate;

87 (2) Adopt bylaws for the regulation of its affairs and the conduct
88 of its business;

89 (3) Sue and be sued and to prosecute and defend, at law or in
90 equity, in any court having jurisdiction of the subject matter and of the
91 parties;

92 (4) Establish and use a corporate seal and to alter the same at
93 pleasure;

94 (5) Maintain an office at such place or places in the state of
95 Missouri as it may designate;

96 (6) Employ an executive director and other staff as needed, with
97 compensation fixed by the authority;

98 (7) Coordinate student transfers from unaccredited schools in
99 unaccredited districts located in its jurisdiction, as provided by law;
100 and

101 (8) Coordinate and collaborate with local districts and local
102 governments for the transfer of students, as provided by law.

167.839. 1. There is hereby created in the state treasury the
2 "Kansas City Area Education Authority Fund". The fund shall consist
3 of any gifts, bequests or public or private donations to such fund. Any
4 moneys in the fund shall be used to fund the operations of the
5 education authority. The state treasurer shall be custodian of the fund.
6 In accordance with sections 30.170 and 30.180, the state treasurer may
7 approve disbursements of public money in accordance with distribution
8 requirements and procedures developed by the department of
9 elementary and secondary education and shall make disbursements of
10 private money according to the direction of the donor. If the donor did
11 not specify how the private funds were to be disbursed, the state
12 treasurer shall contact the donor to determine the manner of
13 disbursement. The fund shall be a dedicated fund and, upon
14 appropriation, money in the fund shall be used solely for the
15 administration of sections 167.836 and 167.839.

16 2. Notwithstanding the provisions of section 33.080 to the
17 contrary, any moneys remaining in the fund at the end of the biennium
18 shall not revert to the credit of the general revenue fund.

19 3. The state treasurer shall invest moneys in the fund in the
20 same manner as other funds are invested. Any interest and moneys
21 earned on such investments shall be credited to the fund.

167.842. 1. There is hereby established the "Statewide Education
2 Authority". The authority is hereby constituted a public
3 instrumentality and body politic and corporate, and the exercise by the
4 authority of the powers conferred by this section shall be deemed and
5 held to be the performance of an essential public function. Unless
6 otherwise provided, the authority shall be subject to all general laws
7 pertaining to the operation of seven-director districts as defined in
8 section 160.011. The jurisdiction of the statewide education authority
9 shall be all counties except for:

10 (1) Any city not within a county;

11 (2) Any county with a charter form of government and with more
12 than six hundred thousand but fewer than seven hundred thousand
13 inhabitants and adjoining counties;

14 **(3) Any county with a charter form of government and with more**
15 **than nine hundred fifty thousand inhabitants and adjoining counties;**

16 **2. Whenever any district located in the statewide education**
17 **authority's jurisdiction is assigned a classification designation of**
18 **unaccredited by the state board of education, the authority shall**
19 **coordinate student transfers from unaccredited schools in the**
20 **unaccredited district to accredited districts in the same or an adjoining**
21 **county, and if applicable, to nonsectarian private schools.**

22 **3. The authority shall consist of five members to be appointed by**
23 **the governor, by and with the advice and consent of the senate, each of**
24 **whom shall be a resident of the state. The members shall reflect the**
25 **population characteristics of the districts they represent. Not more**
26 **than three of the five members of the authority shall be of the same**
27 **political party. The governor shall not appoint members to the**
28 **authority until the state board of education gives notice that a district**
29 **in the authority's jurisdiction has been declared unaccredited. The**
30 **length of term for members shall be six years except for the initial**
31 **members, who shall be appointed in the following manner:**

32 **(1) One member shall be appointed for a term of two years;**

33 **(2) One member shall be appointed for a term of three years;**

34 **(3) One member shall be appointed for a term of four years;**

35 **(4) One member shall be appointed for a term of five years; and**

36 **(5) One member shall be appointed for a term of six years.**

37 **4. The term length of each initial appointee shall be designated**
38 **by the governor at the time of making the appointment. Upon the**
39 **expiration of the initial terms of office, successor members shall be**
40 **appointed for terms of six years and shall serve until their successors**
41 **have been appointed and have qualified. Any member shall be eligible**
42 **for reappointment. The governor shall fill any vacancy for the**
43 **remainder of any unexpired term within thirty days of notification of**
44 **the vacancy. If the governor does not make the appointment in the**
45 **required time, the lieutenant governor shall make such appointment. If**
46 **the lieutenant governor does not make the appointment in thirty days,**
47 **the speaker of the house of representatives shall make such**

48 **appointment. Any member of the authority may be removed by the**
49 **governor for misfeasance, malfeasance, willful neglect of duty, or other**
50 **cause after notice and a public hearing unless the notice or hearing**
51 **shall be expressly waived in writing.**

52 **5. Members of the authority shall receive no compensation for**
53 **services, but shall be entitled to reimbursement for necessary expenses,**
54 **including traveling and lodging expenses, incurred in the discharge of**
55 **their duties. Any payment for expenses shall be paid from funds of the**
56 **authority.**

57 **6. One member of the authority, designated by the governor for**
58 **the purpose, shall call and convene the initial organizational meeting**
59 **of the authority and shall serve as its president pro tempore. At the**
60 **initial meeting and annually thereafter, the authority shall elect one of**
61 **its members as president. The authority may appoint an executive**
62 **director who shall not be a member of the authority and who shall**
63 **serve at its pleasure. If an executive director is appointed, he or she**
64 **shall receive such compensation as shall be fixed from time to time by**
65 **action of the authority. The authority shall appoint a member as**
66 **secretary who shall keep a record of the proceedings of the authority**
67 **and shall be the custodian of all books, documents, and papers filed**
68 **with the authority, the minute books or journal thereof, and its official**
69 **seal. The secretary may cause copies to be made of all minutes and**
70 **other records and documents of the authority and may give certificates**
71 **under the official seal of the authority to the effect that the copies are**
72 **true and correct copies, and all persons dealing with the authority may**
73 **rely on such certificates. The authority, by resolution duly adopted,**
74 **shall fix the powers and duties of its executive director as it may, from**
75 **time to time, deem proper and necessary.**

76 **7. Meetings, records, and operations of the authority shall be**
77 **subject to the provisions of chapter 610.**

78 **8. The authority shall have the following powers, together with**
79 **all powers incidental thereto or necessary for the performance thereof**
80 **to:**

81 **(1) Have perpetual succession as a body politic and corporate;**

82 **(2) Adopt bylaws for the regulation of its affairs and the conduct**
83 **of its business;**

84 **(3) Sue and be sued and to prosecute and defend, at law or in**
85 **equity, in any court having jurisdiction of the subject matter and of the**
86 **parties;**

87 **(4) Establish and use a corporate seal and to alter the same at**
88 **pleasure;**

89 **(5) Maintain an office at such place or places in the state of**
90 **Missouri as it may designate;**

91 **(6) Employ an executive director and other staff as needed, with**
92 **compensation fixed by the authority;**

93 **(7) Coordinate student transfers from unaccredited schools in**
94 **unaccredited districts located in its jurisdiction, as provided by law;**
95 **and**

96 **(8) Coordinate and collaborate with local districts and local**
97 **governments for the transfer of students, as provided by law.**

167.845. 1. There is hereby created in the state treasury the
2 "Statewide Education Authority Fund". The fund shall consist of any
3 gifts, bequests, or public or private donations to such fund. Any
4 moneys in the fund shall be used to fund the operations of the
5 education authority. The state treasurer shall be custodian of the fund.
6 In accordance with sections 30.170 and 30.180, the state treasurer may
7 approve disbursements of public money in accordance with distribution
8 requirements and procedures developed by the department of
9 elementary and secondary education and shall make disbursement of
10 private funds according to the directions of the donor. If the donor did
11 not specify how the private funds were to be disbursed, the state
12 treasurer shall contact the donor to determine the manner of
13 disbursement. The fund shall be a dedicated fund and, upon
14 appropriation, money in the fund shall be used solely for the
15 administration of sections 167.842 and 167.845.

16 2. Notwithstanding the provisions of section 33.080 to the
17 contrary, any moneys remaining in the fund at the end of the biennium
18 shall not revert to the credit of the general revenue fund.

19 **3. The state treasurer shall invest moneys in the fund in the**
20 **same manner as other funds are invested. Any interest and moneys**
21 **earned on such investments shall be credited to the fund.**

167.848. For purposes of sections 161.084, 161.086, 161.238,
2 **162.1310, 167.642, 167.685, and 167.687, and 167.825 to 167.848, the**
3 **following terms shall mean:**

4 **(1) "Accredited district", a school district that is accredited by**
5 **the state board of education pursuant to the authority of the state**
6 **board of education to classify schools as established in sections 161.086**
7 **and 161.092;**

8 **(2) "Accredited school", an attendance center that is accredited**
9 **by the state board of education pursuant to the authority of the state**
10 **board of education to classify schools as established in sections 161.086,**
11 **161.092, and 161.238;**

12 **(3) "Attendance center", a public school building or buildings or**
13 **part of a school building that constitutes one unit for accountability**
14 **purposes under the Missouri school improvement program;**

15 **(4) "Borderline district", a school district that has a current**
16 **annual performance report score between seventy-five and seventy with**
17 **the last two consecutive years showing a decline in the score, with a**
18 **district third-grade or eighth-grade statewide reading assessment that**
19 **shows that fifty percent or more of the students are at a level less than**
20 **proficient, and a transient student ratio in the top quartile of districts;**

21 **(5) "Education authority" or "authority", an education authority**
22 **established under sections 167.830 to 167.845;**

23 **(6) "Nonsectarian school", "nonsectarian private school" or**
24 **"private nonsectarian school", a school that is not part of the public**
25 **school system of the state of Missouri, that charges tuition for the**
26 **rendering of elementary and secondary educational services, and that**
27 **is not disqualified from accepting public funds by any provision of the**
28 **Missouri or United States Constitutions;**

29 **(7) "Provisionally accredited district", a school district that is**
30 **classified as provisionally accredited by the state board of education**
31 **pursuant to the authority of the state board of education to classify**

32 schools as established in sections 161.086 and 161.092;

33 (8) "Provisionally accredited school", an attendance center that
34 is classified as provisionally accredited by the state board of education
35 pursuant to the authority of the state board of education to classify
36 schools as established in sections 161.086, 161.092, and 161.238;

37 (9) "Unaccredited district", a school district classified as
38 unaccredited by the state board of education pursuant to the authority
39 of the state board of education to classify schools as established in
40 sections 161.086 and 161.092;

41 (10) "Unaccredited school", an attendance center that is classified
42 as unaccredited by the state board of education pursuant to the
43 authority of the state board of education to classify schools as
44 established in sections 161.086, 161.092, and 161.238;

45 (11) "Underperforming", a school district or an attendance center
46 that has been classified as unaccredited or provisionally accredited
47 pursuant to the authority of the state board of education to classify
48 schools or has a three-year average annual performance report score
49 consistent with a classification of provisionally accredited or
50 unaccredited.

168.205. Notwithstanding any provision of law to the contrary,
2 two or more school districts may share a superintendent who possesses
3 a valid Missouri superintendent's license. If any school districts choose
4 to share a superintendent, they shall not be required to receive
5 approval from the department of elementary and secondary education
6 but may notify the department.

170.215. 1. Any school district may enter into a contract with a
2 public library to provide online tutoring services through a third party
3 vendor or a nonprofit organization for the district's students. Any
4 tutoring services shall be conducted through any compatible computer
5 to participating students who have a library card, both within and
6 without the public library facility.

7 2. Online tutoring services may include, but shall not be limited
8 to, providing participating students with a library card the following:

9 (1) Assistance with homework;

10 **(2) Collaboration and study tools in math, science, social**
11 **sciences, English, language arts, and computer literacy;**

12 **(3) Access to comprehensive writing assistance productivity**
13 **software; and**

14 **(4) Test preparation tools.**

15 **3. Any contract may allow participating students with a library**
16 **card dedicated access to assistance during specified hours of the day**
17 **and specified days of the week. A contract may also allow students to**
18 **submit questions to tutors or join online study groups.**

19 **4. Online tutoring services shall be designed and implemented**
20 **in such a manner as to:**

21 **(1) Protect individual student privacy;**

22 **(2) Prohibit voice communication between the parties; and**

23 **(3) Prohibit face-to-face visual communication.**

24 **5. No employee of any third party vendor or a nonprofit**
25 **organization with which a public library has contracted for online**
26 **tutoring services shall solicit personally identifiable information from**
27 **any participating student, including but not limited to home address,**
28 **telephone number, and email address.**

29 **6. Each school district that offers online tutoring services under**
30 **this section shall maintain an archive of all communications between**
31 **students and tutors for two years that shall be accessible to district**
32 **officials and tutoring supervisors.**

33 **7. School districts may use available funds or seek grants from**
34 **private foundations to cover the costs of online tutoring services.**

170.320. 1. There is hereby created in the state treasury the
2 **"Parent Portal Fund". The fund shall consist of any gifts, bequests, or**
3 **public or private donations to such fund. Any moneys in the fund shall**
4 **be used to assist districts in establishing and maintaining a parent**
5 **portal. School districts may establish a parent portal that shall be**
6 **accessible by mobile technology for parents to have access to**
7 **educational information and access to student data. Any person or**
8 **entity that makes a gift, bequest, or donation to the fund may specify**
9 **the district that shall be the recipient of such gift, bequest, or donation.**

10 **2. The state treasurer shall be custodian of the fund. In**
11 **accordance with sections 30.170 and 30.180, the state treasurer may**
12 **approve disbursements of public money in accordance with distribution**
13 **requirements and procedures developed by the department of**
14 **elementary and secondary education and shall make disbursements of**
15 **private funds according to the directions of the donor. If the donor did**
16 **not specify how the private funds were to be disbursed, the state**
17 **treasurer shall contact the donor to determine the manner of**
18 **disbursement. The fund shall be a dedicated fund and, upon**
19 **appropriation, money in the fund shall be used solely for the**
20 **administration of this section.**

21 **3. Notwithstanding the provisions of section 33.080 to the**
22 **contrary, any moneys remaining in the fund at the end of the biennium**
23 **shall not revert to the credit of the general revenue fund.**

24 **4. The state treasurer shall invest moneys in the fund in the**
25 **same manner as other funds are invested. Any interest and moneys**
26 **earned on such investments shall be credited to the fund.**

171.029. 1. **Through school year 2014-2015,** the school board of any
2 school district in the state, upon adoption of a resolution by the vote of a majority
3 of all its members to authorize such action, may establish a four-day school week
4 or other calendar consisting of less than one hundred seventy-four days in lieu
5 of a five-day school week. Upon adoption of a four-day school week or other
6 calendar consisting of less than one hundred seventy-four days, the school shall
7 file a calendar with the department of elementary and secondary education in
8 accordance with section 171.031. Such calendar shall include, but not be limited
9 to, a minimum term of one hundred forty-two days and one thousand forty-four
10 hours of actual pupil attendance.

11 2. If a school district that attends less than one hundred seventy-four
12 days meets at least two fewer performance standards on two successive annual
13 performance reports than it met on its last annual performance report received
14 prior to implementing a calendar year of less than one hundred seventy-four days,
15 it shall be required to revert to a one hundred seventy-four-day school year in the
16 school year following the report of the drop in the number of performance
17 standards met. When the number of performance standards met reaches the

18 earlier number, the district may return to the four-day week or other calendar
19 consisting of less than one hundred seventy-four days in the next school year.

20 **3. The provisions of this section shall terminate on July 1, 2015.**

171.031. 1. Each school board shall prepare annually a calendar for the
2 school term, specifying the opening date, **days of planned attendance**, and
3 providing a minimum term of at least one hundred seventy-four days for schools
4 with a five-day school week or one hundred forty-two days for schools with a
5 four-day school week, and one thousand forty-four hours of actual pupil
6 attendance. **As of school year 2015-2016, one thousand forty-four hours**
7 **of actual pupil attendance shall be required with no minimum number**
8 **of school days.** In addition, such calendar shall include six make-up days for
9 possible loss of attendance due to inclement weather as defined in subsection 1
10 of section 171.033. **Beginning in school year 2015-2016, such calendar**
11 **shall include thirty-six make-up hours for possible loss of attendance**
12 **due to inclement weather as defined in subsection 1 of section 171.033.**

13 2. Each local school district may set its opening date each year, which
14 date shall be no earlier than ten calendar days prior to the first Monday in
15 September. No public school district shall select an earlier start date unless the
16 district follows the procedure set forth in subsection 3 of this section.

17 3. A district may set an opening date that is more than ten calendar days
18 prior to the first Monday in September only if the local school board first gives
19 public notice of a public meeting **to be held on a separate date from a**
20 **regularly scheduled board meeting** to discuss the proposal of opening school
21 on a date more than ten days prior to the first Monday in September, and the
22 local school board holds said meeting and, at the same public meeting, a majority
23 of the board votes to allow an earlier opening date. If all of the previous
24 conditions are met, the district may set its opening date more than ten calendar
25 days prior to the first Monday in September. The [condition provided in this
26 subsection must be satisfied by the] local school board **shall follow the**
27 **procedure of this subsection** each year that the board proposes an opening
28 date more than ten days before the first Monday in September.

29 4. If any local district violates the provisions of this section, the
30 department of elementary and secondary education shall withhold an amount
31 equal to one quarter of the state funding the district generated under section

32 163.031 for each date the district was in violation of this section.

33 5. The provisions of subsections 2 to 4 of this section shall not apply to
34 school districts in which school is in session for twelve months of each calendar
35 year.

36 6. The state board of education may grant an exemption from this section
37 to a school district that demonstrates highly unusual and extenuating
38 circumstances justifying exemption from the provisions of subsections 2 to 4 of
39 this section. Any exemption granted by the state board of education shall be
40 valid for one academic year only.

41 7. No school day [for schools with a five-day school week] shall be longer
42 than seven hours except for:

43 (1) Vocational schools which may adopt an eight-hour day in a
44 metropolitan school district and a school district in a first class county adjacent
45 to a city not within a county, and **until school year 2015-2016** any school that
46 adopts a four-day school week in accordance with section 171.029; and

47 (2) **A school district that increases the length of the school day
48 or the number of required hours by following the procedure established
49 in subsection 8 of this section.**

50 8. **The school board of any district in this state that has been
51 declared unaccredited or provisionally accredited or that is accredited
52 but has a three-year average annual performance report score
53 consistent with a classification of unaccredited or provisionally
54 accredited may increase the length of the school day upon adoption of
55 a resolution by a majority vote to authorize such action. Such a school
56 district may also increase the annual hours of instruction above the
57 required number of hours in subsection 1 of this section by the
58 adoption of a resolution by a majority vote to authorize such action.**

59 9. (1) **There is hereby created in the state treasury the "Extended
60 Learning Time Fund". The fund shall consist of any moneys that may
61 be appropriated by the general assembly from general revenue to such
62 fund, any moneys paid into the state treasury and required by law to
63 be credited to such fund and any gifts, bequests or public or private
64 donations to such fund.**

65 (2) **The state treasurer shall be custodian of the fund. In**

66 accordance with sections 30.170 and 30.180, the state treasurer may
67 approve disbursements in accordance with distribution requirements
68 and procedures developed by the department of elementary and
69 secondary education. The fund shall be a dedicated fund and, upon
70 appropriation, money in the fund shall be used solely for the
71 administration of subsection 8 of this section.

72 (3) Notwithstanding the provisions of section 33.080 to the
73 contrary, any moneys remaining in the fund at the end of the biennium
74 shall not revert to the credit of the general revenue fund.

75 (4) The state treasurer shall invest moneys in the fund in the
76 same manner as other funds are invested. Any interest and moneys
77 earned on such investments shall be credited to the fund.

171.033. 1. "Inclement weather", for purposes of this section, shall be
2 defined as ice, snow, extreme cold, flooding, or a tornado, but such term shall not
3 include excessive heat.

4 2. A district shall be required to make up the first six days of school lost
5 or cancelled due to inclement weather and half the number of days lost or
6 cancelled in excess of six days if the makeup of the days is necessary to ensure
7 that the district's students will attend a minimum of one hundred forty-two days
8 and a minimum of one thousand forty-four hours for the school year except as
9 otherwise provided in this section. Schools with a four-day school week may
10 schedule such make-up days on Fridays. **Beginning in school year 2015-2016,**
11 **make-up time shall be scheduled in hours with the first thirty-six hours**
12 **of school lost or cancelled due to inclement weather and half the**
13 **number of hours lost or cancelled to an excess of thirty-six if the**
14 **makeup of the hours is necessary to ensure that the district's students**
15 **shall attend minimum of one thousand forty-four hours for the school**
16 **year.**

17 3. [In the 2008-09 school year a school district may be exempt from the
18 requirement to make up days of school lost or cancelled due to inclement weather
19 in the school district when the school district has made up the six days required
20 under subsection 2 of this section and half the number of additional lost or
21 cancelled days up to eight days, resulting in no more than ten total make-up days
22 required by this section.

23 4.] In the 2009-10 school year and subsequent years, a school district may
24 be exempt from the requirement to make up days of school lost or cancelled due
25 to inclement weather in the school district when the school district has made up
26 the six days required under subsection 2 of this section and half the number of
27 additional lost or cancelled days up to eight days, resulting in no more than ten
28 total make-up days required by this section. **Beginning in the 2015-2016**
29 **school year, a school district may be exempt from the requirement to**
30 **make up school lost or cancelled due to inclement weather in the school**
31 **district when the district has made up the thirty-six hours required**
32 **under subsection 2 of this section and half the number of additional**
33 **lost or cancelled hours up to forty-eight, resulting in no more than sixty**
34 **total make-up hours required by this section.**

35 [5.] 4. The commissioner of education may provide, for any school district
36 [in which schools are in session for twelve months of each calendar year] that
37 cannot meet the minimum school calendar requirement of at least one hundred
38 seventy-four days for schools with a five-day school week or one hundred forty-two
39 days for schools with a four-day school week and one thousand forty-four hours
40 of actual pupil attendance or **beginning in school year 2015-2016, one**
41 **thousand forty-four hours of actual pupil attendance**, upon request, a
42 waiver to be excused from such requirement. This waiver shall be requested from
43 the commissioner of education and may be granted if the school was closed due
44 to circumstances beyond school district control, including inclement weather,
45 flooding or fire.

177.011. 1. The title of all schoolhouse sites and other school property is
2 vested in the district in which the property is located, or if the directors of both
3 school districts involved agree, a school district may own property outside of the
4 boundaries of the district and operate upon such property for school purposes;
5 provided that, such property may only be used for school purposes for students
6 residing in the school district owning such property or students who are enrolled
7 in such school district as part of a court-ordered desegregation plan. All property
8 leased or rented for school purposes shall be wholly under the control of the
9 school board during such time. **With the exception of lease agreements**
10 **entered into under the provisions of section 177.088**, no board shall lease
11 or rent any building for school purposes while the district schoolhouse is

12 unoccupied, and no schoolhouse or school site shall be abandoned or sold until
13 another site and house are provided for the school district.

14 2. Notwithstanding the provisions of section 178.770, the provisions of
15 this section shall not apply to community college districts. Nothing in this
16 subsection shall be construed to impair the duty and authority of the coordinating
17 board for higher education to approve academic programs under section 173.005.

177.088. 1. As used in this section, the following terms shall mean:

2 (1) "Board", the board of education, board of trustees, board of regents, or
3 board of governors of an educational institution;

4 (2) "Educational institution", any school district, including all community
5 college districts, and any state college or university organized under chapter 174.

6 2. The board of any educational institution may enter into agreements as
7 authorized in this section [with a not-for-profit corporation formed under the
8 general not-for-profit corporation law of Missouri, chapter 355,] in order to
9 provide for the acquisition, construction, improvement, extension, repair,
10 remodeling, renovation and financing of sites, buildings, facilities, furnishings
11 and equipment for the use of the educational institution for educational purposes.

12 3. The board may on such terms as it shall approve:

13 (1) Lease [from the corporation] sites, buildings, facilities, furnishings and
14 equipment [which the corporation has] acquired or constructed; or

15 (2) Notwithstanding the provisions of this chapter or any other provision
16 of law to the contrary, sell or lease at fair market value, which may be
17 determined by appraisal, [to the corporation] any existing sites [owned by the
18 educational institution], together with any existing buildings and facilities
19 thereon, in order [for the corporation] to acquire, construct, improve, extend,
20 repair, remodel, renovate, furnish and equip buildings and facilities thereon, and
21 [then] lease back or purchase such sites, buildings and facilities [from the
22 corporation]; provided that upon selling or leasing the sites, buildings or
23 facilities, [the corporation agrees to enter into a lease for] **any lease back to**
24 **the educational institution is** not more than one year [but] in length, and
25 with not more than twenty-five successive options by the educational institution
26 to renew the lease under the same conditions; and provided further that [the
27 corporation agrees] **there is an agreement** to convey or sell the sites, buildings
28 or facilities, including any improvements, extensions, renovations, furnishings or

29 equipment, back to the educational institution with clear title at the end of the
30 period of successive one-year options or at any time bonds, notes or other
31 obligations issued [by the corporation] to pay for the improvements, extensions,
32 renovations, furnishings or equipment have been paid and discharged.

33 4. Any consideration, promissory note or deed of trust which an
34 educational institution receives for selling or leasing property [to a not-for-profit
35 corporation] pursuant to this section shall be placed in a separate fund or in
36 escrow, and neither the principal or any interest thereon shall be commingled
37 with any other funds of the educational institutions. At such time as the title or
38 deed for property acquired, constructed, improved, extended, repaired, remodeled
39 or renovated under this section is conveyed to the educational institution, the
40 consideration shall be returned [to the corporation].

41 5. The board may make rental payments [to the corporation] under such
42 leases out of its general funds or out of any other available funds, provided that
43 in no event shall the educational institution become indebted in an amount
44 exceeding in any year the income and revenue of the educational institution for
45 such year plus any unencumbered balances from previous years.

46 6. Any bonds, notes and other obligations issued [by a corporation] to pay
47 for the acquisition, construction, improvements, extensions, repairs, remodeling
48 or renovations of sites, buildings and facilities, pursuant to this section, may be
49 secured by a mortgage, pledge or deed of trust of the sites, buildings and facilities
50 and a pledge of the revenues received from the rental thereof to the educational
51 institution. Such bonds, notes and other obligations issued [by a corporation]
52 shall not be a debt of the educational institution and the educational institution
53 shall not be liable thereon, and in no event shall such bonds, notes or other
54 obligations be payable out of any funds or properties other than those acquired
55 for the purposes of this section, and such bonds, notes and obligations shall not
56 constitute an indebtedness of the educational institution within the meaning of
57 any constitutional or statutory debt limitation or restriction.

58 7. The interest on such bonds, notes and other obligations [of the
59 corporation] and the income therefrom shall be exempt from taxation by the state
60 and its political subdivisions, except for death and gift taxes on transfers. Sites,
61 buildings, facilities, furnishings and equipment owned [by a corporation] in
62 connection with any project pursuant to this section shall be exempt from

63 taxation.

64 8. The board may make all other contracts or agreements [with the
65 corporation] necessary or convenient in connection with any project pursuant to
66 this section. [The corporation shall comply with sections 290.210 to 290.340.]

67 9. Notice that the board is considering a project pursuant to this section
68 shall be given by publication in a newspaper published within the county in
69 which all or a part of the educational institution is located which has general
70 circulation within the area of the educational institution, once a week for two
71 consecutive weeks, the last publication to be at least seven days prior to the date
72 of the meeting of the board at which such project will be considered and acted
73 upon.

74 10. [Provisions of other law to the contrary notwithstanding, the board
75 may refinance any lease purchase agreement that satisfies at least one of the
76 conditions specified in subsection 6 of section 165.011 for the purpose of payment
77 on any lease with the corporation under this section for sites, buildings, facilities,
78 furnishings or equipment which the corporation has acquired or constructed, but
79 such refinance shall not extend the date of maturity of any obligation, and the
80 refinancing obligation shall not exceed the amount necessary to pay or provide for
81 the payment of the principal of the outstanding obligations to be refinanced,
82 together with the interest accrued thereon to the date of maturity or redemption
83 of such obligations and any premium which may be due under the terms of such
84 obligations and any amounts necessary for the payments of costs and expenses
85 related to issuing such refunding obligations and to fund a capital projects
86 reserve fund for the obligations.

87 11.] Provisions of other law to the contrary notwithstanding, payments
88 made from any source by a school district, after the latter of July 1, 1994, or July
89 12, 1994, that result in the transfer of the title of real property to the school
90 district, other than those payments made from the capital projects fund, shall be
91 deducted as an adjustment to the funds payable to the district pursuant to section
92 163.031 beginning in the year following the transfer of title to the district, as
93 determined by the department of elementary and secondary education. No
94 district with modular buildings leased in fiscal year 2004, with the lease
95 payments made from the incidental fund and that initiates the transfer of title
96 to the district after fiscal year 2007, shall have any adjustment to the funds

97 payable to the district under section 163.031 as a result of the transfer of title.
98 [12.] 11. Notwithstanding provisions of this section to the contrary, the
99 board of education of any school district may enter into agreements with the
100 county in which the school district is located, or with a city, town, or village
101 wholly or partially located within the boundaries of the school district, in order
102 to provide for the acquisition, construction, improvement, extension, repair,
103 remodeling, renovation, and financing of sites, buildings, facilities, furnishings,
104 and equipment for the use of the school district for educational purposes. Such
105 an agreement may provide for the present or future acquisition of an ownership
106 interest in such facilities by the school district, by lease, lease-purchase
107 agreement, option to purchase agreement, or similar provisions, and may provide
108 for a joint venture between the school district and other entity or entities that are
109 parties to such an agreement providing for the sharing of the costs of acquisition,
110 construction, repair, maintenance, and operation of such facilities. The school
111 district may wholly own such facilities, or may acquire a partial ownership
112 interest along with the county, city, town, or village with which the agreement
113 was executed.

210.861. 1. When the tax prescribed by section 210.860 or section 67.1775
2 is established, the governing body of the city or county or city not within a county
3 shall appoint a board of directors consisting of nine members, who shall be
4 residents of the city or county or city not within a county. All board members
5 shall be appointed to serve for a term of three years, except that of the first board
6 appointed, three members shall be appointed for one-year terms, three members
7 for two-year terms and three members for three-year terms. Board members may
8 be reappointed. In a city not within a county, or any county of the first
9 classification with a charter form of government with a population not less than
10 nine hundred thousand inhabitants, or any county of the first classification with
11 a charter form of government with a population not less than two hundred
12 thousand inhabitants and not more than six hundred thousand inhabitants, or
13 any noncharter county of the first classification with a population not less than
14 one hundred seventy thousand and not more than two hundred thousand
15 inhabitants, or any noncharter county of the first classification with a population
16 not less than eighty thousand and not more than eighty-three thousand
17 inhabitants, or any third classification county with a population not less than

18 twenty-eight thousand and not more than thirty thousand inhabitants, or any
19 county of the third classification with a population not less than nineteen
20 thousand five hundred and not more than twenty thousand inhabitants the
21 members of the community mental health board of trustees appointed pursuant
22 to the provisions of sections 205.975 to 205.990 shall be the board members for
23 the community children's services fund. The directors shall not receive
24 compensation for their services, but may be reimbursed for their actual and
25 necessary expenses.

26 2. The board shall elect a chairman, vice chairman, treasurer, and such
27 other officers as it deems necessary for its membership. Before taking office, the
28 treasurer shall furnish a surety bond, in an amount to be determined and in a
29 form to be approved by the board, for the faithful performance of his or her duties
30 and faithful accounting of all moneys that may come into his or her hands. The
31 treasurer shall enter into the surety bond with a surety company authorized to
32 do business in Missouri, and the cost of such bond shall be paid by the board of
33 directors. The board shall administer and expend all funds generated pursuant
34 to section 210.860 or section 67.1775 in a manner consistent with this section.

35 3. The board may contract with public or not-for-profit agencies licensed
36 or certified where appropriate to provide qualified services and may place
37 conditions on the use of such funds. The board shall reserve the right to audit
38 the expenditure of any and all funds. The board and any agency with which the
39 board contracts may establish eligibility standards for the use of such funds and
40 the receipt of services. No member of the board shall serve on the governing
41 body, have any financial interest in, or be employed by any agency which is a
42 recipient of funds generated pursuant to section 210.860 or section 67.1775.

43 4. Revenues collected and deposited in the community children's services
44 fund may be expended for the purchase of the following services:

45 (1) Up to thirty days of temporary shelter for abused, neglected, runaway,
46 homeless or emotionally disturbed youth; respite care services; and services to
47 unwed mothers;

48 (2) Outpatient chemical dependency and psychiatric treatment programs;
49 counseling and related services as a part of transitional living programs;
50 home-based and community-based family intervention programs; unmarried
51 parent services; crisis intervention services, inclusive of telephone hotlines; and

52 prevention programs which promote healthy lifestyles among children and youth
53 and strengthen families;

54 (3) Individual, group, or family professional counseling and therapy
55 services; psychological evaluations; and mental health screenings.

56 5. Revenues collected and deposited in the community children's services
57 fund may not be expended for inpatient medical, psychiatric, and chemical
58 dependency services, or for transportation services.

59 **6. (1) In fiscal years 2015 and 2016, in any county with a charter**
60 **form of government and with more than nine hundred fifty thousand**
61 **inhabitants that contains all or any portion of a school district that has**
62 **been designated as unaccredited or provisionally accredited by the**
63 **state board of education, up to five percent of the service fund's yearly**
64 **revenues, based on the total dollar amount needed to provide services**
65 **as determined by a needs assessment, shall be devoted to a grant**
66 **program that delivers services directly to schools in such districts**
67 **according to the procedure in this subsection. The president of the**
68 **school board shall notify the board of directors within five business**
69 **days after such designation. The board shall, in its budget process for**
70 **the following fiscal year, ensure that the total amount of funds needed**
71 **to provide services based on the needs assessment is allocated**
72 **according to this subsection, not to exceed five percent of the service**
73 **fund's yearly revenues. If the total amount of funds needed to provide**
74 **such services exceeds five percent of the service fund's yearly revenues,**
75 **the funds shall be distributed in an order based on the greatest need**
76 **for each district. Any moneys distributed from the fund to a district**
77 **shall be subject to an annual audit.**

78 (2) The board shall undertake a needs assessment for any such
79 school district within ninety days after receipt of the notice under this
80 subsection. The needs assessment shall be used as a basis for
81 comprehensive mental health wraparound services delivery for which
82 the board shall contract as provided under subsection 3 of this section.

83 (3) The board shall appoint one of its members to a direct school
84 service coordinating committee. The board may appoint an additional
85 one of its member to serve as an ex-officio member. The board shall

86 **appoint a social worker to the committee. The school board of each**
87 **affected district shall appoint two parents with a child enrolled in a**
88 **public school in the district based on school district identification**
89 **numbers from the department of elementary and secondary education,**
90 **rotating year to year from highest number to lowest number. The**
91 **school board of each affected district shall appoint a school services**
92 **staff member. The superintendent of each affected district shall serve**
93 **on the committee. An additional member from each affected district**
94 **may be appointed to serve as an ex-officio member.**

95 **(4) The direct school service coordinating committee shall**
96 **provide recommendations and oversight to the program of contracted**
97 **services under this subsection.**

98 **(5) If an additional district becomes unaccredited or**
99 **provisionally accredited in the service area of the children's services**
100 **fund, the general assembly shall review the percentage of revenue**
101 **dedicated to the grant program for a possible increase.**

102 **(6) The provisions of this subsection shall terminate on June 30,**
103 **2016.**

Section 1. 1. There is hereby established within the department
2 **of elementary and secondary education a task force, to be known as the**
3 **"School Transfer and Improvement Task Force", which shall be**
4 **composed of eleven members.**

5 **2. The task force is hereby created to study the following:**

6 **(1) Means to address failing schools, including but not limited to,**
7 **the creation of a school improvement district;**

8 **(2) Developing options for school transfer finance formulas;**

9 **(3) Best practices for how to design and finance public virtual**
10 **and blended schools; and**

11 **(4) Best practices and possible pilot projects to assist transient**
12 **students.**

13 **3. The task force shall consist of the following members:**

14 **(1) Three members of the senate, appointed by the president pro**
15 **tempore of the senate, of whom not more than two shall be of the same**
16 **party;**

17 **(2) One member from an education policy research organization**
18 **in Missouri, appointed by the president pro tempore of the senate;**

19 **(3) Three members of the house of representatives, appointed by**
20 **the speaker, of whom not more than two shall be of the same party;**

21 **(4) One member from a statewide business association, appointed**
22 **by the speaker of the house of representatives;**

23 **(5) The commissioner of education, or his or her designee;**

24 **(6) One member from an education organization consisting**
25 **exclusively of elected officials, appointed by the commissioner of**
26 **education;**

27 **(7) The lieutenant governor, or his or her designee.**

28 **4. The first meeting of the task force shall be called by the**
29 **president pro tempore of the senate. The task force shall elect a**
30 **presiding officer by a majority vote of the membership of the task**
31 **force. Subsequent meetings of the task force shall be at the call of the**
32 **presiding officer.**

33 **5. The task force shall make recommendations regarding the**
34 **provisions of subsection 2 of this section. In making those**
35 **recommendations, the task force shall receive reports and testimony**
36 **from individuals, state and local agencies, experts and other public and**
37 **private organizations.**

38 **6. The task force's recommendations may include proposals for**
39 **specific statutory changes.**

40 **7. The members shall receive no compensation for their services**
41 **on the task force but shall be reimbursed for ordinary and necessary**
42 **expenses incurred in the performance of their duties.**

43 **8. By February 1, 2015, the task force shall report its findings**
44 **and recommendations to the general assembly.**

45 **9. The provisions of this section shall expire on April 31, 2015.**

Section B. Because of the importance of improving and sustaining
2 Missouri's elementary and secondary education system and establishing
3 standards for student transfers to school districts, section A of this act is deemed
4 necessary for the immediate preservation of the public health, welfare, peace and
5 safety, and is hereby declared to be an emergency act within the meaning of the

CCS HCS SCS SBs 493, 485,
495, 516, 534, 545, 595,
616 & 624

95

6 constitution, and section A of this act shall be in full force and effect upon its
7 passage and approval.

✓

Unofficial

Bill

Copy