

SECOND REGULAR SESSION

SENATE BILL NO. 493

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PEARCE.

Pre-filed December 1, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

4627S.011

AN ACT

To repeal sections 162.081, 167.131, and 167.241, RSMo, and to enact in lieu thereof six 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Section A. Sections 162.081, 167.131, and 167.241, RSMo, are repealed
2 and six new sections enacted in lieu thereof, to be known as sections 161.091,
3 162.081, 162.1110, 167.131, 167.132, and 167.241, to read as follows:

**161.091. 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 to accredit districts using the
4 classifications identified in this section.**

**5 2. Districts shall be classified as accredited with distinction,
6 accredited, provisionally accredited, or unaccredited.**

**7 3. As authorized under its duty to classify the schools of the state
8 under section 161.092, the state board of education shall adopt a system
9 of classification that accredits individual school buildings within a
10 district separately from the district as a whole for districts that are
11 provisionally accredited or unaccredited.**

**12 4. An annual performance report score for a district or school
13 that is between seventy and one hundred shall be consistent with an
14 accreditation classification of accredited.**

**15 5. An annual performance report score for a district or school
16 that is between fifty and sixty-nine shall be consistent with an
17 accreditation classification of provisionally accredited.**

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

18 6. An annual performance report score for a district or school
19 that is below fifty shall be consistent with an accreditation
20 classification of unaccredited.

21 7. The state board of education shall develop additional criteria
22 to classify a district as accredited with distinction for any district with
23 an annual performance report score of ninety or higher.

24 8. The state board of education shall consider three years of a
25 district's and school's accreditation data when making an accreditation
26 classification.

27 9. When the state board of education classifies a district as
28 provisionally accredited, it shall intervene in the district with
29 individualized improvement measures based on the district's and the
30 underlying community's needs. At such time, the state board of
31 education shall assign each school within the provisionally accredited
32 district an accreditation classification. The state board shall identify
33 any underperforming schools within the provisionally accredited
34 district and may work with the district and the community to develop
35 interventions specific to them. The state board may transfer any
36 underperforming school to the jurisdiction of the achievement district.
37 If a provisionally accredited district does not show any growth within
38 a period of time not to exceed five years, the state board of education
39 shall classify it as unaccredited. At such time, the state board of
40 education shall transfer any of the district's underperforming schools
41 to the jurisdiction of the achievement district as created in section
42 162.1110.

43 10. Within no more than five years of classifying a district as
44 unaccredited, if the district is unable to demonstrate sustained
45 improvement and become classified as provisionally accredited or
46 accredited without provisions, the state board of education shall lapse
47 the district's corporate organization and shall:

48 (1) Attach the territory of the district to another district or
49 district for school purposes under paragraph (c) of subdivision (2) of
50 subsection 3 of section 162.081; or

51 (2) Establish one or more school districts within the territory of
52 the lapsed district under paragraph (d) of subdivision (2) of subsection
53 3 of section 162.081.

54 11. The state board of education shall promulgate rules and

55 regulations to implement the provisions of this section. Any rule or
56 portion of a rule, as that term is defined in section 536.010 that is
57 created under the authority delegated in this section shall become
58 effective only if it complies with and is subject to all of the provisions
59 of chapter 536, and, if applicable, section 536.028. This section and
60 chapter 536 are nonseverable and if any of the powers vested with the
61 general assembly pursuant to chapter 536, to review, to delay the
62 effective date, or to disapprove and annul a rule are subsequently held
63 unconstitutional, then the grant of rulemaking authority and any rule
64 proposed or adopted after the effective date of this section, shall be
65 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 the unaccredited district and:

28 (a) Appoint a special administrative board for the operation of all or part
29 of the district. The number of members of the special administrative board shall
30 not be less than five, the majority of whom shall be residents of the district. The
31 members of the special administrative board shall reflect the population
32 characteristics of the district and shall collectively possess strong experience in
33 school governance, management and finance, and leadership. Within fourteen
34 days after the appointment by the state board of education, the special
35 administrative board shall organize by the election of a president, vice president,
36 secretary and a treasurer, with their duties and organization as enumerated in
37 section 162.301. The special administrative board shall appoint a superintendent
38 of schools to serve as the chief executive officer of the school district and to have
39 all powers and duties of any other general superintendent of schools in a
40 seven-director school district. Any special administrative board appointed under
41 this section shall be responsible for the operation of the district until such time
42 that the district is classified by the state board of education as provisionally
43 accredited for at least two successive academic years, after which time the state
44 board of education may provide for a transition pursuant to section 162.083; or
45 (b) Determine an alternative governing structure for the district
46 including, at a minimum:

47 a. A rationale for the decision to use an alternative form of governance
48 and in the absence of the district's achievement of full accreditation, the state
49 board of education shall review and recertify the alternative form of governance
50 every three years;

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

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

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

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

61 (d) Establish one or more school districts within the territory of the lapsed

62 district, with a governance structure specified by the state board of education,
63 with the option of permitting a district to remain intact for the purposes of
64 assessing, collecting, and distributing property taxes, to be distributed equitably
65 on a weighted average daily attendance basis, but to be divided for operational
66 purposes, which shall take effect sixty days after the adjournment of the regular
67 session of the general assembly next following the state board's decision unless
68 a statute or concurrent resolution is enacted to nullify the state board's decision
69 prior to such effective date.

70 4. If a district remains under continued governance by the school board
71 under subdivision (1) of subsection 3 of this section and either has been
72 unaccredited for three consecutive school years and failed to attain accredited
73 status after the third school year or has been unaccredited for two consecutive
74 school years and the state board of education determines its academic progress
75 is not consistent with attaining accredited status after the third school year, then
76 the state board of education shall proceed under subdivision (2) of subsection 3
77 of this section in the following school year.

78 5. A special administrative board appointed under this section shall retain
79 the authority granted to a board of education for the operation of the lapsed
80 school district under the laws of the state in effect at the time of the lapse and
81 may enter into contracts with accredited school districts or other education
82 service providers in order to deliver high-quality educational programs to the
83 residents of the district. If a student graduates while attending a school building
84 in the district that is operated under a contract with an accredited school district
85 as specified under this subsection, the student shall receive his or her diploma
86 from the accredited school district. The authority of the special administrative
87 board shall expire at the end of the third full school year following its
88 appointment, unless extended by the state board of education. If the lapsed
89 district is reassigned, the special administrative board shall provide an
90 accounting of all funds, assets and liabilities of the lapsed district and transfer
91 such funds, assets, and liabilities of the lapsed district as determined by the state
92 board of education. Neither the special administrative board nor its members or
93 employees shall be deemed to be the state or a state agency for any purpose,
94 including section 105.711, et seq. The state of Missouri, its agencies and
95 employees shall be absolutely immune from liability for any and all acts or
96 omissions relating to or in any way involving the lapsed district, the special
97 administrative board, its members or employees. Such immunities, and immunity

98 doctrines as exist or may hereafter exist benefitting boards of education, their
99 members and their employees shall be available to the special administrative
100 board, its members and employees.

101 6. Neither the special administrative board nor any district or other entity
102 assigned territory, assets or funds from a lapsed district shall be considered a
103 successor entity for the purpose of employment contracts, unemployment
104 compensation payment pursuant to section 288.110, or any other purpose.

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

109 [8. In the event that a school district with an enrollment in excess of five
110 thousand pupils lapses, no school district shall have all or any part of such lapsed
111 school district attached without the approval of the board of the receiving school
112 district.]

**162.1110. 1. Effective January 1, 2015, a school district to be
2 known as the "statewide achievement school district" is
3 established. The district may be cited and referred to as the
4 "achievement district." The achievement district shall be a body
5 corporate and politic and a subdivision of the state.**

**6 2. The state board of education shall transfer any
7 underperforming schools located in an unaccredited district to the
8 jurisdiction of the achievement district. The state board of education
9 may also transfer any underperforming schools located in a
10 provisionally accredited district to the jurisdiction of the achievement
11 district. The achievement district shall oversee and administer such
12 schools.**

**13 3. The governing authority of the achievement district shall be
14 vested in a three member governing board, with each member
15 appointed by the governor with the advice and consent of the
16 senate. The length of term for governing board members shall be six
17 years.**

**18 4. Unless otherwise provided, the achievement district shall be
19 subject to all general laws pertaining to the operation of seven-director
20 districts as defined in section 160.011.**

21 5. The governing board shall select a president from the

22 members by July 31, 2015. The governing board shall select a chief
23 executive officer who shall be a person of recognized administrative
24 ability and shall have all other powers and duties of a superintendent
25 of schools, including appointment of staff.

26 6. The powers and duties of the achievement district shall
27 include but need not be limited to:

28 (1) Managing schools assigned to it by the state board of
29 education so as to provide the best educational opportunity to all
30 students who attend, including but not limited to the authority to
31 determine and act on which schools should be operated, closed, or
32 relocated, and what range of grades should be operated in each school
33 under its direct management;

34 (2) Oversight of facility planning, construction, improvement,
35 repair, maintenance, rehabilitation, repurposing, and disposal;

36 (3) Employment of such staff members as it deems necessary,
37 including the authority to require all staff under contract at the time
38 a school was transferred to the achievement district to reapply for
39 employment;

40 (4) Continuation of contracts in place at the time the school was
41 transferred under the jurisdiction of the achievement district that are
42 not related to personnel, unless the president of the governing board
43 or the other party to the contract gives notice within ninety days of the
44 school transfer that the contract shall be subject to renegotiation;

45 (5) Development of a community outreach plan to engage parents
46 and community leaders in the successful operation and academic
47 improvement of all schools under its jurisdiction and to solicit advice
48 on proposed changes and other matters of community significance.

49 7. When the state board of education transfers a school to the
50 jurisdiction of the achievement district, neither the achievement
51 district nor the state board of education shall be considered a successor
52 entity for the purpose of employment contracts, unemployment
53 compensation payment pursuant to section 288.110, or any other
54 purpose.

55 8. When the state board of education transfers a school to the
56 jurisdiction of the achievement district, the district in which the school
57 is physically located shall remain intact for the purposes of assessing,
58 collecting, and distributing property taxes, which shall be distributed

59 equitably on a weighted average daily attendance basis to the district
60 and the achievement district. For any district that has a school
61 transferred to the jurisdiction of the achievement district, the
62 department of elementary and secondary education shall divide the
63 district's state aid equitably on a weighted average daily attendance
64 basis and distribute to the achievement district the portion of the
65 district's state aid associated with the school transferred to the
66 achievement 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 a 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.

167.132. 1. The board of education of each district in this state
2 that has been declared unaccredited pursuant to the authority of the
3 state board of education to classify schools as established in section
4 161.092 shall pay tuition and provide transportation consistent with the
5 provisions of section 167.241 for each student resident therein who

6 meets the criteria of this section.

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

23 3. A student who resides in an unaccredited district may transfer
24 to a public school in another district of the same or an adjoining county
25 if the receiving district is accredited without provisions by the state
26 board of education and the student follows the procedures required by
27 this section. Before a student who attends a public school in an
28 unaccredited district may transfer to an accredited district in the same
29 or an adjoining county, the unaccredited district shall determine if
30 there is sufficient capacity in a district school offering the student's
31 grade level of enrollment that is classified as accredited by the state
32 board of education at the individual building level. If such capacity
33 exists, the student shall remain enrolled in the unaccredited district
34 and attend the accredited school, provided that the student meets any
35 admissions requirements criteria if the school is a magnet school,
36 academically selective school, or school with a competitive entrance
37 process.

38 4. The parent or guardian of a student who seeks to transfer to
39 an accredited district in the same or an adjoining county shall provide
40 proof that the student has resided in the unaccredited district for at
41 least twelve months prior to seeking to transfer out of the district. Any
42 student who has transferred to an accredited district shall maintain

43 residency in his or her unaccredited district of residence to continue
44 eligibility for enrollment in the accredited district. If a student does
45 not maintain such residency, the student shall no longer be eligible to
46 attend the accredited district. If a transfer student withdraws from the
47 accredited district in which he or she has enrolled, the student shall be
48 ineligible to transfer to another district.

49 5. By August 1, 2014 each local school board shall establish
50 specific criteria through board policy for the admission of nonresident
51 pupils from districts that have been classified as unaccredited by the
52 state board of education who seek admission into a school district
53 under this section. Each school board shall adopt and publish a policy
54 for reasonable student and teacher ratios and reasonable class
55 sizes. When adopting its policy, each school board shall consider
56 previous years' student enrollment, student and teacher ratios, and
57 class size. Each school board shall take into account the district's
58 resident student population growth or decrease, based on demographic
59 projections provided by the office of socioeconomic data analysis, such
60 that the receiving district shall not be required to employ additional
61 teachers or construct new classrooms to accommodate such transfer
62 pupils. No resident pupil shall be displaced from a school to which he
63 or she would otherwise be assigned to accommodate the admission of
64 a nonresident pupil. The assignment of a student to a particular
65 building shall be the decision of the receiving district.

66 6. If an unaccredited district becomes classified as provisionally
67 accredited or accredited without provisions by the state board of
68 education, resident students of the unaccredited district who are
69 enrolled in an accredited district in the same or an adjoining county
70 under this section shall be permitted to continue their educational
71 program in the accredited district through the highest grade level of
72 enrollment offered in the district or graduation.

73 7. For the purposes of this section, the following terms shall
74 mean:

75 (1) "Accredited district", a school district that is accredited by
76 the state board of education pursuant to the authority of the state
77 board of education to classify schools as established in section 161.092;

78 (2) "Provisionally accredited district", a school district that is
79 classified as provisionally accredited by the state board of education

80 pursuant to the authority of the state board of education to classify
81 schools as established in section 161.092;

82 (3) "Unaccredited district", a school district classified as
83 unaccredited by the state board of education pursuant to the authority
84 of the state board of education to classify schools as established in
85 section 161.092.

167.241. Transportation for pupils whose tuition the district of residence
2 is required to pay by section 167.131, **section 167.132**, or who are assigned as
3 provided in section 167.121 shall be provided by the district of residence;
4 however, in the case of pupils covered by section 167.131 **or section 167.132**, the
5 district of residence shall be required to provide transportation only to school
6 districts accredited by the state board of education pursuant to the authority of
7 the state board of education to classify schools as established in section 161.092
8 and those school districts designated by the board of education of the district of
9 residence.

Section B. Because of the importance of improving and sustaining
2 Missouri's elementary and secondary education system, section A of this act is
3 deemed necessary for the immediate preservation of the public health, welfare,
4 peace and safety, and is hereby declared to be an emergency act within the
5 meaning of the constitution, and section A of this act shall be in full force and
6 effect upon its passage and approval.

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