

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR

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

97TH GENERAL ASSEMBLY

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Reported from the Committee on Education, February 24, 2014, with recommendation that the Senate Committee Substitute do pass.

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TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal sections 162.081, 163.021, 167.121, 167.131, and 171.031, RSMo, and to enact in lieu thereof twenty-six new sections relating to elementary and secondary education, with an emergency clause.

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

Section A. Sections 162.081, 163.021, 167.121, 167.131, and 171.031, RSMo, are repealed and twenty-six new sections enacted in lieu thereof, to be known as sections 161.086, 161.238, 162.081, 162.432, 162.1303, 162.1310, 163.021, 167.121, 167.131, 167.642, 167.685, 167.687, 167.730, 167.825, 167.826, 167.827, 167.828, 167.830, 167.833, 167.836, 167.839, 167.842, 167.845, 167.848, 170.320, and 171.031, to read as follows:

**161.086. When the state board of education assigns classification designations to school districts and individual school buildings pursuant to its authority to classify the public schools of the state in section 161.092, the state board shall only use the following classification designations based on the standards adopted by the state board:**

- (1) Unaccredited;**
- (2) Provisionally accredited;**
- (3) Accredited; and**
- (4) Accredited with distinction.**

**161.238. 1. As authorized under its duty to classify the schools**

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

2 of the state under section 161.092, the state board of education shall  
3 adopt a system of classification that accredits individual school  
4 buildings within a district separately from the district as a whole using  
5 the classification designations provided in section 161.086.

6 2. Under this system, the state board of education shall not  
7 classify a district as unaccredited unless it has previously classified at  
8 least sixty-five percent of the district's school buildings as  
9 unaccredited.

10 3. The state board of education shall also adopt a system of  
11 classification that accredits charter schools. The state board of  
12 education shall not use the accreditation classification of charter  
13 schools when determining the accreditation classification of the district  
14 in which charter schools are located.

15 4. Any rule or portion of a rule, as that term is defined in section  
16 536.010 that is created under the authority delegated in this section  
17 shall become effective only if it complies with and is subject to all of  
18 the provisions of chapter 536, and, if applicable, section 536.028. This  
19 section and chapter 536 are nonseverable and if any of the powers  
20 vested with the general assembly pursuant to chapter 536, to review, to  
21 delay the effective date, or to disapprove and annul a rule are  
22 subsequently held unconstitutional, then the grant of rulemaking  
23 authority and any rule proposed or adopted after the effective date of  
24 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 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. **The state board  
34 of education may appoint members of the district's elected school board  
35 to the special administrative board but members of the elected school  
36 board shall not comprise more than forty-nine percent of the special  
37 administrative board's membership.** Within fourteen days after the  
38 appointment by the state board of education, the special administrative board  
39 shall organize by the election of a president, vice president, secretary and a  
40 treasurer, with their duties and organization as enumerated in section  
41 162.301. The special administrative board shall appoint a superintendent of  
42 schools to serve as the chief executive officer of the school district and to have all  
43 powers and duties of any other general superintendent of schools in a  
44 seven-director school district. Any special administrative board appointed under  
45 this section shall be responsible for the operation of the district until such time  
46 that the district is classified by the state board of education as provisionally  
47 accredited for at least two successive academic years, after which time the state  
48 board of education may provide for a transition pursuant to section 162.083; or

49 (b) Determine an alternative governing structure for the district

50 including, at a minimum:

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

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

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

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

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

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

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

82 5. A special administrative board appointed under this section shall retain  
83 the authority granted to a board of education for the operation of the lapsed  
84 school district under the laws of the state in effect at the time of the lapse and  
85 may enter into contracts with accredited school districts or other education

86 service providers in order to deliver high-quality educational programs to the  
87 residents of the district. If a student graduates while attending a school building  
88 in the district that is operated under a contract with an accredited school district  
89 as specified under this subsection, the student shall receive his or her diploma  
90 from the accredited school district. The authority of the special administrative  
91 board shall expire at the end of the third full school year following its  
92 appointment, unless extended by the state board of education. If the lapsed  
93 district is reassigned, the special administrative board shall provide an  
94 accounting of all funds, assets and liabilities of the lapsed district and transfer  
95 such funds, assets, and liabilities of the lapsed district as determined by the state  
96 board of education. Neither the special administrative board nor its members or  
97 employees shall be deemed to be the state or a state agency for any purpose,  
98 including section 105.711, et seq. The state of Missouri, its agencies and  
99 employees shall be absolutely immune from liability for any and all acts or  
100 omissions relating to or in any way involving the lapsed district, the special  
101 administrative board, its members or employees. Such immunities, and immunity  
102 doctrines as exist or may hereafter exist benefitting boards of education, their  
103 members and their employees shall be available to the special administrative  
104 board, its members and employees.

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

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

113         8. In the event that a school district with an enrollment in excess of five  
114 thousand pupils lapses, no school district shall have all or any part of such lapsed  
115 school district attached without the approval of the board of the receiving school  
116 district.

**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 sections 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.

162.1303. 1. The department of elementary and secondary  
2 education shall annually calculate a transient student ratio for each  
3 public school building and each school district. The department shall  
4 publish each district's and each school building'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 public school building operated by the  
9 district.

10 3. The department shall include in each public school building's  
11 school accountability report card the transient student ratio for the  
12 public school building.

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

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

16 (1) One hundred; and

17 (2) The quotient of:

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

23 (b) The sum of the number of students who enrolled in the  
24 district on or before the last Wednesday in September and the number  
25 of students who enrolled in the district after the last Wednesday of  
26 September.

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

31           **7. The statewide assessment scores and all other performance**  
32 **data for any transient student or any student who has not been**  
33 **enrolled in a district-operated school for the previous three full school**  
34 **terms shall be modified in the following manner when calculating the**  
35 **district's performance for purposes of the Missouri school improvement**  
36 **program or any successor assessment program:**

37           **(1) Any statewide assessment scores and all other performance**  
38 **data for any student who has not been enrolled in a district-operated**  
39 **school for the preceding full school term shall not be used when**  
40 **calculating the district's performance for purposes of the Missouri**  
41 **school improvement program or any successor assessment program;**

42           **(2) The statewide assessment scores and all other performance**  
43 **data for any student who has been enrolled in a district-operated**  
44 **school for the full preceding school term but has not been enrolled in**  
45 **a district-operated school for the full two preceding school terms shall**  
46 **be weighted at thirty percent of the weight assigned to a student who**  
47 **has been enrolled in a district operated school for the full three**  
48 **preceding school terms when calculating the district's performance for**  
49 **purposes of the Missouri school improvement program or any successor**  
50 **assessment program;**

51           **(3) The assessment data for any student who has been enrolled**  
52 **in a district-operated school for two full preceding school terms but has**  
53 **not been enrolled in a district-operated school for the full three**  
54 **preceding school terms shall be weighted at seventy percent of the**  
55 **weight assigned to a student who has been enrolled in a district-**  
56 **operated school for the full three preceding school terms when**  
57 **calculating the district's performance for purposes of the Missouri**  
58 **school improvement program or any successor assessment program.**

59           **8. For purposes of this section, the following terms shall mean:**

60           **(1) "Department", the department of elementary and secondary**  
61 **education;**

62           **(2) "Reentry student" or "reentry students", any student who was**

63 enrolled in a district, withdrew from the district, and reenrolled in the  
64 district.

162.1310. 1. When the state board of education classifies any  
2 district or school building as unaccredited, the district shall notify the  
3 parent or guardian of any student enrolled in the unaccredited district  
4 or unaccredited school and any district taxpayer of the loss of  
5 accreditation within seven business days. The district's notice shall  
6 include an explanation of the option to transfer students to another  
7 accredited school in the district, to another accredited district, or to a  
8 private nonsectarian school, and any services students may be entitled  
9 to receive. The district's notice shall be written in a clear, concise, and  
10 easy to understand manner. The district shall post the notice in a  
11 conspicuous and accessible place in each district school. The district  
12 shall also send the notice to each political subdivision located within  
13 the boundaries of the district.

14 2. Any unaccredited school, provisionally accredited school, or  
15 school with a three year average annual performance report score  
16 consistent with a classification of unaccredited or provisionally  
17 accredited shall perform at least one home visit for each student  
18 enrolled in the school.

19 3. For purposes of this section, the following terms shall mean:

20 (1) "Provisionally accredited school", a school building that is  
21 classified as provisionally accredited by the state board of education  
22 pursuant to the authority of the state board of education to classify  
23 schools as established in sections 161.086, 161.092, and 161.238;

24 (2) "Unaccredited school", a school building that is classified as  
25 unaccredited by the state board of education pursuant to the authority  
26 of the state board of education to classify schools as established in  
27 sections 161.086, 161.092, and 161.238.

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 for each pupil or group of pupils, except that  
6 the board shall provide a minimum of one hundred seventy-four days and five  
7 hundred twenty-two hours of actual pupil attendance in a term for kindergarten



8 pupils. If any school is dismissed because of inclement weather after school has  
9 been in session for three hours, that day shall count as a school day including  
10 afternoon session kindergarten students. When the aggregate hours lost in a  
11 term due to inclement weather decreases the total hours of the school term below  
12 the required minimum number of hours by more than twelve hours for all-day  
13 students or six hours for one-half-day kindergarten students, all such hours below  
14 the minimum must be made up in one-half day or full day additions to the term,  
15 except as provided in section 171.033;

16 (2) Maintains adequate and accurate records of attendance, personnel and  
17 finances, as required by the state board of education, which shall include the  
18 preparation of a financial statement which shall be submitted to the state board  
19 of education the same as required by the provisions of section 165.111 for  
20 districts;

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

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

31 **(5) At any time that it is classified as unaccredited by the state**  
32 **board of education, uses funds derived from the operating levy for**  
33 **school purposes to pay tuition remission for students who attend a**  
34 **nonsectarian private school under section 167.828 of this act.**

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

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

62 3. No school district shall receive more state aid, as calculated in section  
63 163.031, for its education program, exclusive of categorical add-ons, than it  
64 received per eligible pupil for the school year 1993-1994, if the state board of  
65 education determines that the district was not in compliance in the preceding  
66 school year with the requirements of section 163.172, until such time as the board  
67 determines that the district is again in compliance with the requirements of  
68 section 163.172.

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

73 5. No school district shall receive more state aid, as calculated in  
74 subsections 1 and 2 of section 163.031, for its education program, exclusive of  
75 categorical add-ons, than it received per weighted average daily attendance for  
76 the school year 2005-06 from the foundation formula, line 14, gifted, remedial  
77 reading, exceptional pupil aid, fair share, and free textbook payment amounts, if  
78 the district did not comply in the preceding school year with the requirements of  
79 subsection 6 of section 163.031.

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

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 or her designee may assign the pupil to another district. **The**  
5 **commissioner or his or her designee shall, upon proper application by**  
6 **the parent or guardian of the pupil, assign the pupil and any sibling of**  
7 **the pupil to another district if the following conditions are met:**

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

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

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

20           **2. The commissioner of education shall assign pupils in the order**  
21 **in which applications are received, provided the applications are**  
22 **properly completed and the conditions of subsection 1 of this section**  
23 **are met. Once granted, the hardship assignment shall continue until**  
24 **the pupil, and any sibling of the pupil who attends the same attendance**  
25 **center, completes his or her course of study in the receiving district or**  
26 **the parent or guardian withdraws the pupil. If a parent or guardian**  
27 **withdraws a pupil from a hardship assignment, the granting of a**  
28 **subsequent application is discretionary.**

29           **3. A pupil shall be eligible to apply to the commissioner of**  
30 **education to be assigned to another district under this section if the**  
31 **pupil has been enrolled in and attending a public school in his or her**  
32 **district of residence during the school year prior to the application. A**  
33 **pupil shall be eligible to apply to the commissioner of education to be**  
34 **assigned to another district under this section if the pupil has been**  
35 **enrolled in and attending a public school in a district other than his or**  
36 **her district of residence and paid nonresident tuition for such**  
37 **enrollment during the school year prior to the application. Pupils who**  
38 **reside in the district who become eligible for kindergarten or first**  
39 **grade shall also be eligible to apply to the commissioner of education**  
40 **to be assigned to another district. A pupil who is not currently**  
41 **enrolled in a public school district shall become eligible to apply to the**  
42 **commissioner of education to be assigned to another district after the**  
43 **student has enrolled in and completed a full school year in a public**  
44 **school in his or her district of residence.**

45           **4. Subject to the provisions of this section, all existing assignments shall**  
46 **be reviewed prior to July 1, 1984, and from time to time thereafter, and may be**  
47 **continued or rescinded. Any assignment granted to a pupil under this**  
48 **section prior to the effective date of this section shall also be**  
49 **applicable to any sibling of the pupil. Such assignment shall remain in**  
50 **effect until the pupil and any sibling of the pupil completes his or her**  
51 **course of study in the receiving district or until the parent or guardian**  
52 **withdraws the pupil and any sibling of the pupil from the**  
53 **assignment. The board of education of the district in which the pupil lives shall**  
54 **pay the tuition of the pupil assigned. The tuition shall [not exceed the pro rata**  
55 **cost of instruction] be the lesser of the student's district of residence's**  
56 **current expenditure per average daily attendance for the previous**  
57 **school year and the receiving district's current expenditure per**  
58 **average daily attendance for the previous school year. If there is**  
59 **disagreement as to the tuition amount, the facts shall be submitted to**  
60 **the state board of education and its decision in the matter shall be**  
61 **final. For any pupil that the commissioner assigns to another district**  
62 **who has an individualized education program, the pupil shall be**  
63 **included in the pupil count of the district of residence for purposes of**  
64 **state aid. No district to which a pupil with an individualized education**

65 **program is assigned shall be included in such district's pupil count for**  
66 **state aid. If there is disagreement as to the tuition amount for any**  
67 **pupil with an individualized education program, the facts shall be**  
68 **submitted to the state board of education and its decision in the matter**  
69 **shall be final.**

70 [2.] 5. (1) For the school year beginning July 1, 2008, and each  
71 succeeding school year, a parent or guardian residing in a lapsed public school  
72 district or a district that has scored either unaccredited or provisionally  
73 accredited, or a combination thereof, on two consecutive annual performance  
74 reports may enroll the parent's or guardian's child in the Missouri virtual school  
75 created in section 161.670 provided the pupil first enrolls in the school district of  
76 residence. The school district of residence shall include the pupil's enrollment in  
77 the virtual school created in section 161.670 in determining the district's average  
78 daily attendance. Full-time enrollment in the virtual school shall constitute one  
79 average daily attendance equivalent in the school district of residence. Average  
80 daily attendance for part-time enrollment in the virtual school shall be calculated  
81 as a percentage of the total number of virtual courses enrolled in divided by the  
82 number of courses required for full-time attendance in the school district of  
83 residence.

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

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

92 (4) Any rule or portion of a rule, as that term is defined in section  
93 536.010, that is created under the authority delegated in this section shall  
94 become effective only if it complies with and is subject to all of the provisions of  
95 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
96 nonseverable and if any of the powers vested with the general assembly pursuant  
97 to chapter 536 to review, to delay the effective date, or to disapprove and annul  
98 a rule are subsequently held unconstitutional, then the grant of rulemaking  
99 authority and any rule proposed or adopted after August 28, 2007, shall be  
100 invalid and void.

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.

**167.642. 1. No unaccredited district, no provisionally accredited**  
2 **district, and no district with a three year average annual performance**  
3 **report score consistent with a classification of unaccredited or**  
4 **provisionally accredited shall promote a student from the fifth grade**  
5 **to the sixth grade or from the eighth grade to the ninth grade who has**  
6 **not scored at the proficient level or above on the statewide assessments**  
7 **in the areas of English language arts and mathematics.**

8 2. Notwithstanding subsection 1 of this section, the provisions of  
9 this section shall not apply to any metropolitan school district or any  
10 urban school district containing most or all of a home rule city with  
11 more than four hundred thousand inhabitants and located in more than  
12 one county.

13 3. For purposes of this section, the following terms shall mean:

14           **(1) "Provisionally accredited district", a school district classified**  
15 **as provisionally accredited by the state board of education pursuant to**  
16 **the authority of the state board of education to classify schools as**  
17 **established in sections 161.086 and 161.092;**

18           **(2) "Unaccredited district", a school district classified as**  
19 **unaccredited by the state board of education pursuant to the authority**  
20 **of the state board of education to classify schools as established in**  
21 **sections 161.086 and 161.092.**

**167.685. 1. Any unaccredited district, any provisionally**  
2 **accredited district, any district in which sixty-five percent or more of**  
3 **its schools have been classified as unaccredited by the state board of**  
4 **education, or any district with a three year average annual**  
5 **performance report score consistent with a classification of**  
6 **unaccredited or provisionally accredited shall offer free tutoring and**  
7 **supplemental education services to students who are performing below**  
8 **grade level or identified by the district as struggling, using funds from**  
9 **the school district improvement fund.**

10           **2. There is hereby created in the state treasury the "School**  
11 **District Improvement Fund". The fund shall consist of any moneys**  
12 **appropriated annually by the general assembly from general revenue**  
13 **to such fund, any moneys paid into the state treasury and required by**  
14 **law to be credited to such fund and any gifts, bequests or public or**  
15 **private donations to such fund.**

16           **3. The state treasurer shall be custodian of the fund. In**  
17 **accordance with sections 30.170 and 30.180, the state treasurer may**  
18 **approve disbursements. 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           **4. 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           **5. 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.**

27           **6. For purposes of this section, the following terms shall mean:**

28           **(1) "Provisionally accredited district", a school district classified**

29 as provisionally accredited by the state board of education pursuant to  
30 the authority of the state board of education to classify schools as  
31 established in sections 161.086 and 161.092;

32 (2) "Unaccredited district", a school district classified as  
33 unaccredited by the state board of education pursuant to the authority  
34 of the state board of education to classify schools as established in  
35 sections 161.086 and 161.092.

167.687. 1. Any unaccredited district, provisionally accredited  
2 district, any district in which sixty-five percent or more of its schools  
3 have been classified as unaccredited by the state board of education,  
4 or any district with a three year average annual performance report  
5 score consistent with a classification of unaccredited or provisionally  
6 accredited may perform any or all of the following actions:

7 (1) Implement a new curriculum, including appropriate  
8 professional development, based on scientifically-based research that  
9 offers substantial promise of improving educational achievement of  
10 low-achieving students;

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

13 (3) Enter into a contract with an education management  
14 company or education services provider to operate a school or schools  
15 within the district that has a demonstrated record of effectiveness;

16 (4) For any unaccredited school, enter into a collaborative  
17 relationship and agreement with an accredited district in which  
18 teachers from the unaccredited school may exchange positions with  
19 teachers from an accredited school in an accredited district for a  
20 period of two school weeks;

21 (5) Notwithstanding the provisions of sections 168.102 to 168.130  
22 or section 168.221 to the contrary:

23 (a) Terminate the employment of any school personnel who may  
24 have contributed to the school's or district's lack of accreditation,  
25 following the procedures of subsection 7 of section 168.420; or

26 (b) Terminate the employment of the majority of school  
27 personnel, including the school principal.

28 2. Notwithstanding any provision of law to the contrary, when a  
29 district is declared unaccredited, the contracts of all teachers employed



30 by the district shall be void including indefinite contracts as defined  
31 in section 168.104 or any teacher's appointment that has become  
32 permanent under section 168.221.

33 3. For purposes of this section, the following terms shall mean:

34 (1) "Accredited district", a school district that is accredited by  
35 the state board of education pursuant to the authority of the state  
36 board of education to classify schools as established in sections 161.086  
37 and 161.092;

38 (2) "Accredited school", a school building that is accredited by  
39 the state board of education pursuant to the authority of the state  
40 board of education to classify schools as established in sections 161.086,  
41 161.092, and 161.238;

42 (3) "Provisionally accredited district", a school district classified  
43 as provisionally accredited by the state board of education pursuant to  
44 the authority of the state board of education to classify schools as  
45 established in sections 161.086 and 161.092;

46 (4) "Provisionally accredited school", a school building that is  
47 provisionally accredited by the state board of education pursuant to  
48 the authority of the state board of education to classify schools as  
49 established in sections 161.086, 161.092, and 161.238;

50 (5) "Unaccredited district", a school district classified as  
51 unaccredited by the state board of education pursuant to the authority  
52 of the state board of education to classify schools as established in  
53 sections 161.086 and 161.092;

54 (6) "Unaccredited school", a school building that is classified as  
55 unaccredited by the state board of education pursuant to the authority  
56 of the state board of education to classify schools as established in  
57 sections 161.086, 161.092, and 161.238.

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.**

**167.825. 1. Any student who is enrolled in and attends a public**  
2 **school that is classified as unaccredited by the state board of education**  
3 **under the system of classification enacted under section 161.238 may**  
4 **transfer to another public school in the student's district of residence**

5 that offers the student's grade level of enrollment and that is  
6 accredited without provisions by the state board of education.

7 2. If the student chooses to attend a magnet school, an  
8 academically selective school, or a school with a competitive entrance  
9 process within his or her district of residence that has admissions  
10 requirements criteria, the student shall meet such admissions  
11 requirements criteria in order to attend.

12 3. Each district shall adopt a policy to grant priority to the  
13 lowest achieving students from low-income families if its capacity is  
14 insufficient to enroll all pupils who seek to attend.

167.826. 1. If a student residing in an unaccredited district and  
2 living within the attendance boundaries of an unaccredited school is  
3 unable to transfer to another accredited school within his or her  
4 district of residence under section 167.825, the student may transfer to  
5 an accredited school within an accredited district located in the same  
6 or an adjoining county or may enroll in a nonsectarian private school  
7 as provided in section 167.828. The student's district of residence shall  
8 pay the student's tuition as established in subsection 3 of this section,  
9 or, if applicable, subsection 4 of this section shall apply. If a student  
10 enrolls in a nonsectarian private school, the student's district of  
11 residence shall pay the student's tuition as provided in section 167.828.  
12 A student who wishes to transfer to an accredited district or to a  
13 nonsectarian private school shall provide proof that he or she resided  
14 in an unaccredited district and within the attendance boundaries of an  
15 unaccredited school for a minimum of twelve months prior to applying  
16 for a transfer.

17 2. No provisionally accredited district or provisionally  
18 accredited school shall be eligible to receive transfer students. No  
19 unaccredited district or unaccredited school shall be eligible to receive  
20 transfer students. No district or school with a current year score of  
21 seventy-five or lower on its annual performance report under the fifth  
22 cycle of the Missouri school improvement program shall be eligible to  
23 receive any transfer students, irrespective of its state board of  
24 education accreditation classification, except that any student who was  
25 granted a transfer prior to the effective date of this section, to such a  
26 district or school may remain enrolled in that district or school.

27           **3. The rate of tuition to be charged by the district attended and**  
28 **paid by the sending district is the per pupil cost of maintaining the**  
29 **district's grade level grouping which includes the school attended. The**  
30 **cost of maintaining a grade level grouping shall be determined by the**  
31 **board of education of the district but in no case shall it exceed all**  
32 **amounts spent for teachers' wages, incidental purposes, debt service,**  
33 **maintenance, and replacements. The term "debt service", as used in this**  
34 **section, means expenditures for the retirement of bonded indebtedness**  
35 **and expenditures for interest on bonded indebtedness. Per pupil cost**  
36 **of the grade level grouping shall be determined by dividing the cost of**  
37 **maintaining the grade level grouping by the average daily pupil**  
38 **attendance. If there is disagreement as to the amount of tuition to be**  
39 **paid, the facts shall be submitted to the state board of education, and**  
40 **its decision in the matter shall be final.**

41           **4. If a receiving district has a higher per pupil cost of**  
42 **maintaining the district's grade level grouping, including the school**  
43 **attended, than the sending district, the difference between the two**  
44 **districts' per pupil costs of maintaining the districts' grade level**  
45 **groupings shall be paid from the supplemental tuition fund established**  
46 **in this section. There is hereby created in the state treasury the**  
47 **"Supplemental Tuition Fund". The fund shall consist of any moneys**  
48 **appropriated annually by the general assembly from general revenue**  
49 **to such fund, any moneys paid into the state treasury and required by**  
50 **law to be credited to such fund and any gifts, bequests or public or**  
51 **private donations to such fund. The state treasurer shall be custodian**  
52 **of the fund. In accordance with sections 30.170 and 30.180, the state**  
53 **treasurer may approve disbursements. The fund shall be a dedicated**  
54 **fund and, upon appropriation, money in the fund shall be used solely**  
55 **for the administration of this section. Notwithstanding the provisions**  
56 **of section 33.080 to the contrary, any moneys remaining in the fund at**  
57 **the end of the biennium shall not revert to the credit of the general**  
58 **revenue fund. The state treasurer shall invest moneys in the fund in**  
59 **the same manner as other funds are invested. Any interest and moneys**  
60 **earned on such investments shall be credited to the fund.**

61           **5. Each district shall have the right to establish and adopt, by**  
62 **objective means, a policy for desirable class size and student-teacher**

63 ratios. If a district adopts such a policy, it shall not be required to  
64 accept any transfer students under this section that would violate its  
65 class size or student-teacher ratio. If a student seeking to transfer is  
66 denied admission to a district based on a lack of space under the  
67 district's policy, the student or the student's parent or guardian may  
68 appeal the ruling to the state board of education if he or she believes  
69 the district's policy is unduly restrictive to student transfers. The state  
70 board of education shall review the appropriateness of the district's  
71 policy and shall give special consideration to any district with a  
72 greater than average population of students that qualify for free and  
73 reduced lunch. If the state board of education finds that the district's  
74 policy is unduly restrictive to student transfers, it may limit the  
75 district's policy. The state board of education's decision shall be final.

76 6. The student's district of residence may provide transportation  
77 for him or her to attend another accredited district but shall not be  
78 required to do so.

167.827. 1. By January first annually, each accredited district,  
2 any portion of which is located in the same county or in an adjoining  
3 county to an unaccredited district or an unaccredited school shall  
4 report to the education authority for the county in which the  
5 unaccredited district or unaccredited school is located the number of  
6 available enrollment slots by grade level.

7 2. Any education authority whose geographic area includes an  
8 unaccredited district or unaccredited school shall make information  
9 and assistance available to parents or guardians who intend to transfer  
10 their child from an unaccredited district or school to an accredited  
11 district under section 167.826.

12 3. The parent or guardian of a student who intends to enroll his  
13 or her child in an accredited district under the provisions of section  
14 167.826 shall send initial notification to the education authority for the  
15 county in which he or she resides between January first and August  
16 first for enrollment in the subsequent school year.

17 4. The education authority whose geographic area includes an  
18 unaccredited district or unaccredited school shall assign those students  
19 who seek to transfer. The authority shall give first priority to students  
20 who live in the same household with any family member within the first

21 or second degree of consanguinity who already attends an accredited  
22 school and who apply to attend the same accredited school. The  
23 authority shall then grant transfer requests in the order in which they  
24 were received. If insufficient enrollment slots are available for a  
25 student to be able to transfer, that student shall receive first priority  
26 the following school year. If sufficient enrollment slots are available,  
27 the authority shall provide each student a choice of three accredited  
28 schools to which he or she may transfer.

29 5. A education authority may deny a transfer to a student with  
30 a demonstrated and documented history of school discipline policy  
31 violations.

167.828. 1. The school board of any district that operates an  
2 unaccredited school shall pay tuition for any student who resides  
3 within the unaccredited school's attendance boundaries to attend a  
4 nonsectarian private school located in his or her district of residence  
5 and is unable to transfer to an accredited school in his or her district  
6 of residence pursuant to sections 167.825 and 167.826.

7 2. The amount of tuition to be paid shall not exceed the lesser of:

- 8 (1) The nonsectarian private school's tuition rate; or  
9 (2) The nonresident tuition rate under section 167.826 set by the  
10 school board of the district in which the nonsectarian private school is  
11 located.

12 3. Tuition for a student who attends a nonsectarian private  
13 school shall be paid only using funds received by the district from the  
14 operating levy for school purposes.

15 4. The student's district of residence may provide transportation  
16 for him or her to attend a nonsectarian private school located within  
17 the district but shall not be required to do so.

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

16           3. The authority shall consist of three members to be appointed  
17 by the governor, by and with the advice and consent of the senate, each  
18 of whom shall be a resident of the state and a resident of any county  
19 with a charter form of government and with more than nine hundred  
20 fifty thousand inhabitants or any city not within a county. Not more  
21 than two out of the three members of the authority shall be of the same  
22 political party. The length of term for members shall be six years  
23 except for the initial members, who shall be appointed in the following  
24 manner:

- 25           (1) One member shall be appointed for a term of two years;
- 26           (2) One member shall be appointed for a term of four years; and
- 27           (3) One member shall be appointed for a term of six years.

28           4. The term length of each initial appointee shall be designated  
29 by the governor at the time of making the appointment. Upon the  
30 expiration of the initial terms of office, successor members shall be  
31 appointed for terms of six years and shall serve until their successors  
32 shall have been appointed and shall have qualified. Any member shall  
33 be eligible for reappointment. The governor shall fill any vacancy for  
34 the remainder of any unexpired term. Any member of the authority  
35 may be removed by the governor for misfeasance, malfeasance, willful  
36 neglect of duty, or other cause after notice and a public hearing unless  
37 the notice or hearing shall be expressly waived in writing.

38           5. Members of the authority shall receive no compensation for  
39 services, but shall be entitled to reimbursement for necessary expenses,  
40 including traveling and lodging expenses, incurred in the discharge of  
41 their duties. Any payment for expenses shall be paid from funds of the  
42 authority.

43           6. One member of the authority, designated by the governor for  
44 the purpose, shall call and convene the initial organizational meeting



45 of the authority and shall serve as its president pro tempore. At the  
46 initial meeting and annually thereafter, the authority shall elect one of  
47 its members as president. The authority may appoint an executive  
48 director who shall not be a member of the authority and who shall  
49 serve at its pleasure. If an executive director is appointed, he or she  
50 shall receive such compensation as shall be fixed from time to time by  
51 action of the authority. The authority shall appoint a member as  
52 secretary who shall keep a record of the proceedings of the authority  
53 and shall be the custodian of all books, documents, and papers filed  
54 with the authority, the minute books or journal thereof, and its official  
55 seal. The secretary may cause copies to be made of all minutes and  
56 other records and documents of the authority and may give certificates  
57 under the official seal of the authority to the effect that the copies are  
58 true and correct copies, and all persons dealing with the authority may  
59 rely on such certificates. The authority, by resolution duly adopted,  
60 shall fix the powers and duties of its executive director as it may, from  
61 time to time, deem proper and necessary.

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

64 8. The authority shall have the following powers, together with  
65 all powers incidental thereto or necessary for the performance thereof  
66 to:

- 67 (1) Have perpetual succession as a body politic and corporate;
- 68 (2) Adopt bylaws for the regulation of its affairs and the conduct  
69 of its business;
- 70 (3) Sue and be sued and to prosecute and defend, at law or in  
71 equity, in any court having jurisdiction of the subject matter and of the  
72 parties;
- 73 (4) Establish and use a corporate seal and to alter the same at  
74 pleasure;
- 75 (5) Maintain an office at such place or places in the state of  
76 Missouri as it may designate;
- 77 (6) Employ an executive director and other staff as needed, with  
78 compensation fixed by the authority;
- 79 (7) Coordinate student transfers from unaccredited districts  
80 located in any city not within a county or any county with a charter

81 form of government and with more than nine hundred fifty thousand  
82 inhabitants to accredited districts in the same or an adjoining county,  
83 as provided by law;

84 (8) Coordinate and collaborate with local districts and local  
85 governments for the transfer of students from unaccredited districts  
86 located in any city not within a county or any county with a charter  
87 form of government and with more than nine hundred fifty thousand  
88 inhabitants to accredited districts in the same or an adjoining county,  
89 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 moneys appropriated annually by the general assembly from general  
4 revenue to such fund, any moneys paid into the state treasury and  
5 required by law to be credited to such fund and any gifts, bequests or  
6 public or private donations to such fund. Any moneys in the fund shall  
7 be used to fund the operations of the student transfer coordination  
8 authority. The state treasurer shall be custodian of the fund. In  
9 accordance with sections 30.170 and 30.180, the state treasurer may  
10 approve disbursements. The fund shall be a dedicated fund and, upon  
11 appropriation, money in the fund shall be used solely for the  
12 administration of sections 167.830 and 167.833.

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

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

167.836. 1. There is hereby established the "Jackson County  
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 is assigned a  
12 classification designation of unaccredited by the state board of  
13 education, the authority shall coordinate student transfers from the  
14 unaccredited district to accredited districts that are located in the  
15 same or an adjoining county as the unaccredited district.

16 3. The authority shall consist of three members to be appointed  
17 by the governor, by and with the advice and consent of the senate, each  
18 of whom shall be a resident of the state and a resident of any county  
19 with a charter form of government and with more than six hundred  
20 thousand but fewer than seven hundred thousand inhabitants. Not  
21 more than two out of the three members of the authority shall be of the  
22 same political party. The length of term for members shall be six years  
23 except for the initial members, who shall be appointed in the following  
24 manner:

- 25 (1) One member shall be appointed for a term of two years;  
26 (2) One member shall be appointed for a term of four years; and  
27 (3) One member shall be appointed for a term of six years.

28 4. The term length of each initial appointee shall be designated  
29 by the governor at the time of making the appointment. Upon the  
30 expiration of the initial terms of office, successor members shall be  
31 appointed for terms of six years and shall serve until their successors  
32 shall have been appointed and shall have qualified. Any member shall  
33 be eligible for reappointment. The governor shall fill any vacancy for  
34 the remainder of any unexpired term. Any member of the authority  
35 may be removed by the governor for misfeasance, malfeasance, willful  
36 neglect of duty, or other cause after notice and a public hearing unless  
37 the notice or hearing shall be expressly waived in writing.

38 5. Members of the authority shall receive no compensation for  
39 services, but shall be entitled to reimbursement for necessary expenses,  
40 including traveling and lodging expenses, incurred in the discharge of  
41 their duties. Any payment for expenses shall be paid from funds of the  
42 authority.

43 6. One member of the authority, designated by the governor for  
44 the purpose, shall call and convene the initial organizational meeting  
45 of the authority and shall serve as its president pro tempore. At the

46 **initial meeting and annually thereafter, the authority shall elect one of**  
47 **its members as president. The authority may appoint an executive**  
48 **director who shall not be a member of the authority and who shall**  
49 **serve at its pleasure. If an executive director is appointed, he or she**  
50 **shall receive such compensation as shall be fixed from time to time by**  
51 **action of the authority. The authority shall appoint a member as**  
52 **secretary who shall keep a record of the proceedings of the authority**  
53 **and shall be the custodian of all books, documents, and papers filed**  
54 **with the authority, the minute books or journal thereof, and its official**  
55 **seal. The secretary may cause copies to be made of all minutes and**  
56 **other records and documents of the authority and may give certificates**  
57 **under the official seal of the authority to the effect that the copies are**  
58 **true and correct copies, and all persons dealing with the authority may**  
59 **rely on such certificates. The authority, by resolution duly adopted,**  
60 **shall fix the powers and duties of its executive director as it may, from**  
61 **time to time, deem proper and necessary.**

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

64 **8. The authority shall have the following powers, together with**  
65 **all powers incidental thereto or necessary for the performance thereof**  
66 **to:**

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

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

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

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

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

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

79 **(7) Coordinate student transfers from unaccredited districts**  
80 **located in any county with a charter form of government and with more**  
81 **than six hundred thousand but fewer than seven hundred thousand**

82 inhabitants to accredited districts in the same or an adjoining county,  
83 as provided by law;

84 (8) Coordinate and collaborate with local districts and local  
85 governments for the transfer of students from unaccredited districts  
86 located in any county with a charter form of government and with more  
87 than six hundred thousand but fewer than seven hundred thousand  
88 inhabitants to accredited districts in the same or an adjoining county,  
89 as provided by law.

167.839. 1. There is hereby created in the state treasury the  
2 "Jackson County Education Authority Fund". The fund shall consist of  
3 any moneys appropriated annually by the general assembly from  
4 general revenue to such fund, any moneys paid into the state treasury  
5 and required by law to be credited to such fund and any gifts, bequests  
6 or public or private donations to such fund. Any moneys in the fund  
7 shall be used to fund the operations of the student transfer  
8 coordination authority. The state treasurer shall be custodian of the  
9 fund. In accordance with sections 30.170 and 30.180, the state treasurer  
10 may approve disbursements. The fund shall be a dedicated fund and,  
11 upon appropriation, money in the fund shall be used solely for the  
12 administration of sections 167.836 and 167.839.

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

16 3. The state treasurer shall invest moneys in the fund in the  
17 same manner as other funds are invested. Any interest and moneys  
18 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;**

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

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 the unaccredited district to**  
20 **accredited districts that are located in the same or an adjoining county**  
21 **as the unaccredited district.**

22           **3. The authority shall consist of three members to be appointed**  
23 **by the governor, by and with the advice and consent of the senate, each**  
24 **of whom shall be a resident of the state and a resident of any county**  
25 **located in the authority's jurisdiction. Not more than two out of the**  
26 **three members of the authority shall be of the same political**  
27 **party. The length of term for members shall be six years except for the**  
28 **initial members, who shall be appointed in the following manner:**

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

30           **(2) One member shall be appointed for a term of four years; and**

31           **(3) One member shall be appointed for a term of six years.**

32           **4. The term length of each initial appointee shall be designated**  
33 **by the governor at the time of making the appointment. Upon the**  
34 **expiration of the initial terms of office, successor members shall be**  
35 **appointed for terms of six years and shall serve until their successors**  
36 **shall have been appointed and shall have qualified. Any member shall**  
37 **be eligible for reappointment. The governor shall fill any vacancy for**  
38 **the remainder of any unexpired term. Any member of the authority**  
39 **may be removed by the governor for misfeasance, malfeasance, willful**  
40 **neglect of duty, or other cause after notice and a public hearing unless**  
41 **the notice or hearing shall be expressly waived in writing.**

42           **5. Members of the authority shall receive no compensation for**  
43 **services, but shall be entitled to reimbursement for necessary expenses,**  
44 **including traveling and lodging expenses, incurred in the discharge of**  
45 **their duties. Any payment for expenses shall be paid from funds of the**  
46 **authority.**

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

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

68           **8. The authority shall have the following powers, together with**  
69 **all powers incidental thereto or necessary for the performance thereof**  
70 **to:**

- 71           **(1) Have perpetual succession as a body politic and corporate;**
- 72           **(2) Adopt bylaws for the regulation of its affairs and the conduct**  
73 **of its business;**
- 74           **(3) Sue and be sued and to prosecute and defend, at law or in**  
75 **equity, in any court having jurisdiction of the subject matter and of the**  
76 **parties;**
- 77           **(4) Establish and use a corporate seal and to alter the same at**  
78 **pleasure;**
- 79           **(5) Maintain an office at such place or places in the state of**  
80 **Missouri as it may designate;**
- 81           **(6) Employ an executive director and other staff as needed, with**  
82 **compensation fixed by the authority;**

83 (7) Coordinate student transfers from unaccredited districts  
84 located in the jurisdiction of the statewide education authority to  
85 accredited districts in the same or an adjoining county, as provided by  
86 law;

87 (8) Coordinate and collaborate with local districts and local  
88 governments for the transfer of students from unaccredited districts  
89 located in the jurisdiction of the statewide education authority to  
90 accredited districts in the same or an adjoining county, as provided by  
91 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 moneys appropriated annually by the general assembly from general  
4 revenue to such fund, any moneys paid into the state treasury and  
5 required by law to be credited to such fund and any gifts, bequests, or  
6 public or private donations to such fund. Any moneys in the fund shall  
7 be used to fund the operations of the student transfer coordination  
8 authority. The state treasurer shall be custodian of the fund. In  
9 accordance with sections 30.170 and 30.180, the state treasurer may  
10 approve disbursements. The fund shall be a dedicated fund and, upon  
11 appropriation, money in the fund shall be used solely for the  
12 administration of sections 167.842 and 167.845.

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

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

167.848. For purposes of sections 167.825 to 167.848, the following  
2 terms shall mean:

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

7 (2) "Accredited school", a school building that is accredited by  
8 the state board of education pursuant to the authority of the state  
9 board of education to classify schools as established in sections 161.086,



10 **161.092, and 161.238;**

11 **(3) "Education authority" or "authority", an education authority**  
12 **established under sections 167.830 to 167.845;**

13 **(4) "Provisionally accredited district", a school district that is**  
14 **classified as provisionally accredited by the state board of education**  
15 **pursuant to the authority of the state board of education to classify**  
16 **schools as established in sections 161.086 and 161.092;**

17 **(5) "Provisionally accredited school", a school building that is**  
18 **classified as provisionally accredited by the state board of education**  
19 **pursuant to the authority of the state board of education to classify**  
20 **schools as established in sections 161.086, 161.092, and 161.238;**

21 **(6) "Unaccredited district", a school district classified as**  
22 **unaccredited by the state board of education pursuant to the authority**  
23 **of the state board of education to classify schools as established in**  
24 **sections 161.086 and 161.092;**

25 **(7) "Unaccredited school", a school building that is classified as**  
26 **unaccredited by the state board of education pursuant to the authority**  
27 **of the state board of education to classify schools as established in**  
28 **sections 161.086, 161.092, and 161.238.**

**170.320. 1. There is hereby created in the state treasury the**  
2 **"Parent Portal Fund". The fund shall consist of any moneys**  
3 **appropriated annually by the general assembly from general revenue**  
4 **to such fund, any moneys paid into the state treasury and required by**  
5 **law to be credited to such fund and any gifts, bequests, or public or**  
6 **private donations to such fund. Any moneys in the fund shall be used**  
7 **to assist districts in establishing and maintaining a parent**  
8 **portal. School districts may establish a parent portal that shall be**  
9 **accessible by mobile technology for parents to have access to**  
10 **educational information and access to student data.**

11 **2. The state treasurer shall be custodian of the fund. In**  
12 **accordance with sections 30.170 and 30.180, the state treasurer may**  
13 **approve disbursements. The fund shall be a dedicated fund and, upon**  
14 **appropriation, money in the fund shall be used solely for the**  
15 **administration of this section.**

16 **3. 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 **4. 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.**

171.031. 1. Each school board shall prepare annually a calendar for the  
2 school term, specifying the opening date and providing a minimum term of at  
3 least one hundred seventy-four days for schools with a five-day school week or one  
4 hundred forty-two days for schools with a four-day school week, and one thousand  
5 forty-four hours of actual pupil attendance. In addition, such calendar shall  
6 include six make-up days for possible loss of attendance due to inclement weather  
7 as defined in subsection 1 of section 171.033.

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

12 3. A district may set an opening date that is more than ten calendar days  
13 prior to the first Monday in September only if the local school board first gives  
14 public notice of a public meeting to discuss the proposal of opening school on a  
15 date more than ten days prior to the first Monday in September, and the local  
16 school board holds said meeting and, at the same public meeting, a majority of  
17 the board votes to allow an earlier opening date. If all of the previous conditions  
18 are met, the district may set its opening date more than ten calendar days prior  
19 to the first Monday in September. The condition provided in this subsection must  
20 be satisfied by the local school board each year that the board proposes an  
21 opening date more than ten days before the first Monday in September.

22 4. If any local district violates the provisions of this section, the  
23 department of elementary and secondary education shall withhold an amount  
24 equal to one quarter of the state funding the district generated under section  
25 163.031 for each date the district was in violation of this section.

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

29 6. The state board of education may grant an exemption from this section  
30 to a school district that demonstrates highly unusual and extenuating  
31 circumstances justifying exemption from the provisions of subsections 2 to 4 of  
32 this section. Any exemption granted by the state board of education shall be

33 valid for one academic year only.

34 7. No school day for schools with a five-day school week shall be longer  
35 than seven hours except for:

36 (1) Vocational schools which may adopt an eight-hour day in a  
37 metropolitan school district and a school district in a first class county adjacent  
38 to a city not within a county[, and];

39 (2) Any school that adopts a four-day school week in accordance with  
40 section 171.029; and

41 (3) A school district that increases the length of the school day  
42 for an unaccredited school or provisionally accredited school by  
43 following the procedure established in subsection 8 of this section.

44 8. The school board of any school district in this state, upon  
45 adoption of a resolution by a majority vote to authorize such action,  
46 may increase the length of the school day by ten percent for any  
47 provisionally accredited school or unaccredited school that has a  
48 student population, seventy-five percent of which is eligible for free  
49 and reduced lunch or seventy-five percent of which has been eligible  
50 in any of the three previous school years. Such a school district may  
51 also, by the adoption of a resolution by a majority vote to authorize  
52 such action, increase the annual hours of instruction above the  
53 required number of hours in subsection 1 of this  
54 section. Notwithstanding any provision of law to the contrary, for any  
55 district that increases the length of its school day or hours of  
56 instruction under this subsection, the department of elementary and  
57 secondary education shall adjust the district's state aid so it receives  
58 additional funding under section 163.031 for the increased instruction  
59 time.

60 9. For purposes of this section, the following terms shall mean:

61 (1) "Provisionally accredited school", a school building that is  
62 classified as provisionally accredited by the state board of education  
63 pursuant to the authority of the state board of education to classify  
64 schools as established in sections 161.086, 161.092, and 161.238;

65 (2) "Unaccredited school", a school building that is classified as  
66 unaccredited by the state board of education pursuant to the authority  
67 of the state board of education to classify schools as established in  
68 sections 161.086, 161.092, and 161.238.

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

✓

Unofficial

Bill

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