

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE COMMITTEE SUBSTITUTE FOR

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

97TH GENERAL ASSEMBLY

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

Senate Committee Substitute for Senate Bills Nos. 493, 485, 495, 516, 534, 545, 595, 616 & 624, adopted February 26, 2014.

Taken up for Perfection February 26, 2014. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

4627S.06P

AN ACT

To repeal sections 160.400, 160.405, 162.081, 163.021, 163.036, 167.121, 167.131, and 171.031, RSMo, and to enact in lieu thereof thirty-one new sections relating to elementary and secondary education, with an emergency clause.

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

Section A. Sections 160.400, 160.405, 162.081, 163.021, 163.036, 167.121, 2 167.131, and 171.031, RSMo, are repealed and thirty-one new sections enacted in 3 lieu thereof, to be known as sections 160.400, 160.405, 161.084, 161.086, 161.238, 4 162.081, 162.432, 162.1303, 162.1310, 163.021, 163.036, 167.121, 167.131, 5 167.642, 167.685, 167.687, 167.730, 167.825, 167.826, 167.827, 167.828, 167.830, 6 167.833, 167.836, 167.839, 167.842, 167.845, 167.848, 168.205, 170.320, and 7 171.031, to read as follows:

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

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

4 (1) In a metropolitan school district;

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

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

8 (4) In a school district that has been classified as provisionally accredited

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

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

13 (a) The eligibility for charter schools of any school district whose
14 provisional accreditation is based in whole or in part on financial stress as
15 defined in sections 161.520 to 161.529, or on financial hardship as defined by rule
16 of the state board of education, shall be decided by a vote of the state board of
17 education during the third consecutive school year after the designation of
18 provisional accreditation; and

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

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

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

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

44 (2) A public four-year college or university with an approved teacher

45 education program that meets regional or national standards of accreditation;

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

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

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

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

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

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

64 (2) As a district transitions from provisionally accredited to full
65 accreditation, the district shall continue to fall under the requirements for a
66 provisionally accredited district until it achieves three consecutive full school
67 years of full accreditation;

68 (3) In any school district classified as unaccredited or provisionally
69 accredited where a charter school is operating and is sponsored by an entity other
70 than the local school board, when the school district becomes classified as
71 accredited without provisions, a charter school may continue to be sponsored by
72 the entity sponsoring it prior to the classification of accredited without provisions
73 and shall not be limited to the local school board as a sponsor.

74 A charter school operating in a school district identified in subdivision (1) or (2)
75 of subsection 2 of this section may be sponsored by any of the entities identified
76 in subsection 3 of this section, irrespective of the accreditation classification of
77 the district in which it is located. A charter school in a district described in this
78 subsection whose charter provides for the addition of grade levels in subsequent
79 years may continue to add levels until the planned expansion is complete to the
80 extent of grade levels in comparable schools of the district in which the charter

81 school is operated.

82 5. The mayor of a city not within a county may request a sponsor under
83 subdivision (2), (3), (4), (5), or (6) of subsection 3 of this section to consider
84 sponsoring a "workplace charter school", which is defined for purposes of sections
85 160.400 to 160.425 as a charter school with the ability to target prospective
86 students whose parent or parents are employed in a business district, as defined
87 in the charter, which is located in the city.

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

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

94 8. As a nonprofit corporation incorporated pursuant to chapter 355, the
95 charter school shall select the method for election of officers pursuant to section
96 355.326 based on the class of corporation selected. Meetings of the governing
97 board of the charter school shall be subject to the provisions of sections 610.010
98 to 610.030.

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

103 10. A charter school may affiliate with a four-year college or university,
104 including a private college or university, or a community college as otherwise
105 specified in subsection 3 of this section when its charter is granted by a sponsor
106 other than such college, university or community college. Affiliation status
107 recognizes a relationship between the charter school and the college or university
108 for purposes of teacher training and staff development, curriculum and
109 assessment development, use of physical facilities owned by or rented on behalf
110 of the college or university, and other similar purposes. A university, college or
111 community college may not charge or accept a fee for affiliation status.

112 11. The expenses associated with sponsorship of charter schools shall be
113 defrayed by the department of elementary and secondary education retaining one
114 and five-tenths percent of the amount of state and local funding allocated to the
115 charter school under section 160.415, not to exceed one hundred twenty-five
116 thousand dollars, adjusted for inflation. The department of elementary and

117 secondary education shall remit the retained funds for each charter school to the
118 school's sponsor, provided the sponsor remains in good standing by fulfilling its
119 sponsorship obligations under sections 160.400 to 160.425 and 167.349 with
120 regard to each charter school it sponsors, including appropriate demonstration of
121 the following:

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

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

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

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

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

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

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

144 14. No sponsor shall grant a charter under sections 160.400 to 160.425
145 and 167.349 without ensuring that a criminal background check and family care
146 safety registry check are conducted for all members of the governing board of the
147 charter schools or the incorporators of the charter school if initial directors are
148 not named in the articles of incorporation, nor shall a sponsor renew a charter
149 without ensuring a criminal background check and family care registry check are
150 conducted for each member of the governing board of the charter school.

151 15. No member of the governing board of a charter school shall hold any
152 office or employment from the board or the charter school while serving as a

153 member, nor shall the member have any substantial interest, as defined in
154 section 105.450, in any entity employed by or contracting with the board. No
155 board member shall be an employee of a company that provides substantial
156 services to the charter school. All members of the governing board of the charter
157 school shall be considered decision-making public servants as defined in section
158 105.450 for the purposes of the financial disclosure requirements contained in
159 sections 105.483, 105.485, 105.487, and 105.489.

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

161 (1) The review of a charter school proposal including an application that
162 provides sufficient information for rigorous evaluation of the proposed charter and
163 provides clear documentation that the education program and academic program
164 are aligned with the state standards and grade-level expectations, and provides
165 clear documentation of effective governance and management structures, and a
166 sustainable operational plan;

167 (2) The granting of a charter;

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

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

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

177 (6) Procedures to be implemented if a charter school should close,
178 consistent with the provisions of subdivision (15) of subsection 1 of section
179 160.405.

180 The department shall provide guidance to sponsors in developing such policies
181 and procedures.

182 17. (1) A sponsor shall provide timely submission to the state board of
183 education of all data necessary to demonstrate that the sponsor is in material
184 compliance with all requirements of sections 160.400 to 160.425 and section
185 167.349. The state board of education shall ensure each sponsor is in compliance
186 with all requirements under sections 160.400 to 160.425 and 167.349 for each
187 charter school sponsored by any sponsor. The state board shall notify each
188 sponsor of the standards for sponsorship of charter schools, delineating both what

189 is mandated by statute and what best practices dictate. The state board shall
190 evaluate sponsors to determine compliance with these standards every three
191 years. The evaluation shall include a sponsor's policies and procedures in the
192 areas of charter application approval; required charter agreement terms and
193 content; sponsor performance evaluation and compliance monitoring; and charter
194 renewal, intervention, and revocation decisions. Nothing shall preclude the
195 department from undertaking an evaluation at any time for cause.

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

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

212 (4) If the state board removes the authority to sponsor a currently
213 operating charter school under any provision of law, the Missouri charter public
214 school commission shall become the sponsor of the school.

215 **18. When a sponsor notifies a charter school of closure under**
216 **subsection 8 of section 160.405 the department of elementary and**
217 **secondary education shall exercise its financial withholding authority**
218 **under subsection 12 of section 160.415 to assure all obligations of the**
219 **charter school have been met.**

220 **19. In the event the department is unable to withhold sufficient**
221 **funds prior to the closure as specified in subsection 18 of this**
222 **section, sponsors of charter schools shall be responsible for all**
223 **expenditures associated with the closure of a charter school they**
224 **sponsor. The provisions of this subsection shall be applicable to newly**

225 **proposed charters and those charters renewed after the effective date**
226 **of this section.**

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

- 13 (1) A mission and vision statement for the charter school;
- 14 (2) A description of the charter school's organizational structure and
15 bylaws of the governing body, which will be responsible for the policy, financial
16 management, and operational decisions of the charter school, including the nature
17 and extent of parental, professional educator, and community involvement in the
18 governance and operation of the charter school;
- 19 (3) A financial plan for the first three years of operation of the charter
20 school including provisions for annual audits;
- 21 (4) A description of the charter school's policy for securing personnel
22 services, its personnel policies, personnel qualifications, and professional
23 development plan;
- 24 (5) A description of the grades or ages of students being served;
- 25 (6) The school's calendar of operation, which shall include at least the
26 equivalent of a full school term as defined in section 160.011;
- 27 (7) A description of the charter school's pupil performance standards and
28 academic program performance standards, which shall meet the requirements of
29 subdivision (6) of subsection 4 of this section. The charter school program shall
30 be designed to enable each pupil to achieve such standards and shall contain a
31 complete set of indicators, measures, metrics, and targets for academic program
32 performance, including specific goals on graduation rates and standardized test
33 performance and academic growth;
- 34 (8) A description of the charter school's educational program and

35 curriculum;

36 (9) The term of the charter, which shall be five years and shall be
37 renewable;

38 (10) Procedures, consistent with the Missouri financial accounting
39 manual, for monitoring the financial accountability of the charter, which shall
40 meet the requirements of subdivision (4) of subsection 4 of this section;

41 (11) Preopening requirements for applications that require that charter
42 schools meet all health, safety, and other legal requirements prior to opening;

43 (12) A description of the charter school's policies on student discipline and
44 student admission, which shall include a statement, where applicable, of the
45 validity of attendance of students who do not reside in the district but who may
46 be eligible to attend under the terms of judicial settlements and procedures that
47 ensure admission of students with disabilities in a nondiscriminatory manner;

48 (13) A description of the charter school's grievance procedure for parents
49 or guardians;

50 (14) A description of the agreement between the charter school and the
51 sponsor as to when a sponsor shall intervene in a charter school, when a sponsor
52 shall revoke a charter for failure to comply with subsection 8 of this section, and
53 when a sponsor will not renew a charter under subsection 9 of this section;

54 (15) Procedures to be implemented if the charter school should close, as
55 provided in subdivision (6) of subsection 16 of section 160.400 including:

56 (a) Orderly transition of student records to new schools and archival of
57 student records;

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

60 (c) Submission of final financial reports;

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

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

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

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

69 (17) For all new or revised charters, procedures to be used upon closure
70 of the charter school requiring that unobligated assets of the charter school be

71 returned to the department of elementary and secondary education for their
72 disposition, which upon receipt of such assets shall return them to the local
73 school district in which the school was located, the state, or any other entity to
74 which they would belong.

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

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

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

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

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

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

106 (5) The sponsor of a charter school shall give priority to charter school

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

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

143 **failures of the application to meet the requirements of sections 160.400**
144 **to 160.425 and section 167.349, and the written disapproval shall be**
145 **provided within five business days to the sponsor.**

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

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

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

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

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

177 (5) Provide a comprehensive program of instruction for at least one grade
178 or age group from kindergarten through grade twelve, which may include early

179 childhood education if funding for such programs is established by statute, as
180 specified in its charter;

181 (6) (a) Design a method to measure pupil progress toward the pupil
182 academic standards adopted by the state board of education pursuant to section
183 160.514, establish baseline student performance in accordance with the
184 performance contract during the first year of operation, collect student
185 performance data as defined by the annual performance report throughout the
186 duration of the charter to annually monitor student academic performance, and
187 to the extent applicable based upon grade levels offered by the charter school,
188 participate in the statewide system of assessments, comprised of the essential
189 skills tests and the nationally standardized norm-referenced achievement tests,
190 as designated by the state board pursuant to section 160.518, complete and
191 distribute an annual report card as prescribed in section 160.522, which shall also
192 include a statement that background checks have been completed on the charter
193 school's board members, report to its sponsor, the local school district, and the
194 state board of education as to its teaching methods and any educational
195 innovations and the results thereof, and provide data required for the study of
196 charter schools pursuant to subsection 4 of section 160.410. No charter school
197 shall be considered in the Missouri school improvement program review of the
198 district in which it is located for the resource or process standards of the
199 program.

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

212 (c) Nothing in this subdivision shall be construed as permitting a charter
213 school to be held to lower performance standards than other public schools within
214 a district; however, the charter of a charter school may permit students to meet

215 performance standards on a different time frame as specified in its charter. The
216 performance standards for alternative and special purpose charter schools that
217 target high-risk students as defined in subdivision (5) of subsection 2 of this
218 section shall be based on measures defined in the school's performance contract
219 with its sponsors;

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

225 (8) Provide along with any request for review by the state board of
226 education the following:

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

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

234 5. (1) Proposed or existing high-risk or alternative charter schools may
235 include alternative arrangements for students to obtain credit for satisfying
236 graduation requirements in the school's charter application and
237 charter. Alternative arrangements may include, but not be limited to, credit for
238 off-campus instruction, embedded credit, work experience through an internship
239 arranged through the school, and independent studies. When the state board of
240 education approves the charter, any such alternative arrangements shall be
241 approved at such time.

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

247 6. The charter of a charter school may be amended at the request of the
248 governing body of the charter school and on the approval of the sponsor. The
249 sponsor and the governing board and staff of the charter school shall jointly
250 review the school's performance, management and operations during the first year

251 of operation and then every other year after the most recent review or at any
252 point where the operation or management of the charter school is changed or
253 transferred to another entity, either public or private. The governing board of a
254 charter school may amend the charter, if the sponsor approves such amendment,
255 or the sponsor and the governing board may reach an agreement in writing to
256 reflect the charter school's decision to become a local educational agency. In such
257 case the sponsor shall give the department of elementary and secondary
258 education written notice no later than March first of any year, with the
259 agreement to become effective July first. The department may waive the March
260 first notice date in its discretion. The department shall identify and furnish a list
261 of its regulations that pertain to local educational agencies to such schools within
262 thirty days of receiving such notice.

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

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

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

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

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

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

274 8. (1) (a) A sponsor's intervention policies shall give schools clear,
275 adequate, evidence-based, and timely notice of contract violations or performance
276 deficiencies and mandate intervention based upon findings of the state board of
277 education of the following:

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

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

286 c. The charter school is identified as a persistently lowest achieving school

287 by the department of elementary and secondary education.

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

290 a. Clear evidence of underperformance as [demonstrated in the charter
291 school's annual performance report in three of the last four school years]
292 **determined by the charter school accreditation process outlined in**
293 **subsection 15 of this section; or**

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

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

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

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

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

321 (5) A termination shall be effective only at the conclusion of the school
322 year, unless the sponsor determines that continued operation of the school

323 presents a clear and immediate threat to the health and safety of the children.

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

327 9. (1) A sponsor shall take all reasonable steps necessary to confirm that
328 each charter school sponsored by such sponsor is in material compliance and
329 remains in material compliance with all material provisions of the charter and
330 sections 160.400 to 160.425 and 167.349. Every charter school shall provide all
331 information necessary to confirm ongoing compliance with all provisions of its
332 charter and sections 160.400 to 160.425 and 167.349 in a timely manner to its
333 sponsor.

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

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

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

344 a. A negative balance in its operating funds;

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

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

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

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

357 (b) Along with data reflecting the academic performance standards
358 indicated in paragraph (a) of this subdivision, the sponsor shall submit a revised

359 charter application to the state board of education for review.

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

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

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

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

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

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

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

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

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

395 **15. (1) The sponsor of each charter school shall adopt a system**
396 **of classification that accredits charter schools. This system shall be**
397 **based on the charter school's compliance with terms of the charter**
398 **school's legally binding performance contract with the sponsor and**
399 **shall also consider the following:**

400 **a. The charter school's annual performance report results based**
401 **on the performance standards that are applicable to the grade level**
402 **configuration of both the charter school and the district in which the**
403 **charter school is located;**

404 **b. If the charter school has a high school program, the**
405 **graduation rate unless the school has dropout recovery as its mission;**

406 **c. The charter school's participation in the statewide system of**
407 **assessments under section 160.518;**

408 **d. The longitudinal success of the charter school as determined**
409 **by comparison to the baseline data collected during the first three**
410 **years of operation;**

411 **e. The measurement of pupil progress toward the pupil academic**
412 **standards adopted by the state board of education under section**
413 **160.514; and**

414 **f. If the charter school is identified as a persistently lowest**
415 **achieving school by the department of elementary and secondary**
416 **education.**

417 **(2) The sponsor's system of accreditation shall also consider if**
418 **the charter school is organizationally and fiscally viable determining**
419 **at a minimum that the school does not have:**

420 **a. A negative balance in its operating funds;**

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

423 **c. Expenditures that exceed receipts for the most recently**
424 **completed fiscal year;**

425 **(3) The sponsor's system of accreditation shall also consider if**
426 **the charter school has been placed on probationary status to allow the**
427 **implementation of a remedial plan.**

428 **(4) In making accreditation designations, sponsors shall utilize**
429 **a minimum of three years of performance data.**

430 **(5) Sponsors shall utilize the accreditation criteria of this**

431 subsection in addition to any other applicable requirements of this
432 section when conducting their duties pursuant to subsections 8 and 9
433 of this section.

161.084. When classifying the public schools of the state under
2 section 161.092, the state board of education shall not assign to any
3 school district an accreditation classification of unaccredited or change
4 a district's accreditation classification from accredited to provisionally
5 accredited at any time when there is no state board of education
6 member who is a resident of the congressional district in which such
7 school district is located.

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

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

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

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 fifty-five percent of the district's school buildings as unaccredited.

3. Any rule or portion of a rule, as that term is defined in section
10 536.010 that is created under the authority delegated in this section
11 shall become effective only if it complies with and is subject to all of
12 the provisions of chapter 536, and, if applicable, section 536.028. This
13 section and chapter 536 are nonseverable and if any of the powers
14 vested with the general assembly pursuant to chapter 536, to review, to
15 delay the effective date, or to disapprove and annul a rule are
16 subsequently held unconstitutional, then the grant of rulemaking

17 **authority and any rule proposed or adopted after the effective date of**
18 **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.

117 **9. If the state board of education reasonably believes that a**
118 **school district is unlikely to provide for the minimum school term**
119 **required by section 163.021 because of financial difficulty, the state**
120 **board of education may, prior to the start of the school term:**

121 **(1) Allow continued governance by the existing district school**
122 **board under terms and conditions established by the state board of**
123 **education; or**

124 **(2) Lapse the corporate organization of the district and**
125 **implement one of the options available under subdivision (2) of**
126 **subsection 3 of this section.**

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. The school board of any district that operates an unaccredited**
15 **school, provisionally accredited school, or school with a three year**
16 **average annual performance report score consistent with a**
17 **classification of unaccredited or provisionally accredited shall adopt**
18 **a policy regarding the availability of home visits by school**
19 **personnel. Pursuant to such policy, the school shall offer to the parent**
20 **or guardian of a student enrolled in any such school the opportunity to**
21 **have at least one annual home visit.**

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

23 **(1) "Private nonsectarian school", a school that is not a part of**
24 **the public school system of the state of Missouri, that charges tuition**
25 **for the rendering of elementary and secondary educational services,**
26 **and that does not have a religious affiliation;**

27 **(2) "Provisionally accredited school", a school building that is**
28 **classified as provisionally accredited by the state board of education**
29 **pursuant to the authority of the state board of education to classify**
30 **schools as established in sections 161.086, 161.092, and 161.238;**

31 **(3) "Unaccredited school", a school building that is classified as**
32 **unaccredited by the state board of education pursuant to the authority**
33 **of the state board of education to classify schools as established in**
34 **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.

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

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

28 3. Any error made in the apportionment of state aid because of a
29 difference between the actual equalized assessed valuation for the current year
30 and the estimated equalized assessed valuation for the current year shall be
31 corrected as provided in section 163.091, except that if the amount paid to a
32 district estimating current equalized assessed valuation exceeds the amount to

33 which the district was actually entitled, interest at the rate of six percent shall
34 be charged on the excess and shall be added to the amount to be deducted from
35 the district's apportionment the next succeeding year.

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

63 5. If a district receives state aid based on equalized assessed valuation as
64 determined by subsection 4 of this section and if prior to such notice the district
65 was paid state aid pursuant to section 163.031, the amount of state aid paid
66 during the year of such notice and the first year following shall equal the sum of
67 state aid paid pursuant to section 163.031 plus the difference between the state
68 aid amount being paid after such notice minus the amount of state aid the district

69 would have received pursuant to section 163.031 before such notice. To be
70 eligible to receive state aid based on this provision the district must levy during
71 the first year following such notice at least the maximum levy permitted school
72 districts by article X, section 11(b) of the Missouri Constitution and have a
73 voluntary rollback of its tax rate which is no greater than one cent per one
74 hundred dollars assessed valuation.

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

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 student with an individualized
10 education program, any student receiving services through a plan
11 prepared under Section 504 of the Rehabilitation Act of 1973, any
12 metropolitan school district or any urban school district containing
13 most or all of a home rule city with more than four hundred thousand
14 inhabitants and located in more than one county.

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

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

20 (2) "Unaccredited district", a school district classified as
21 unaccredited by the state board of education pursuant to the authority
22 of the state board of education to classify schools as established in
23 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 gifts,
12 bequests or public or private donations to such fund. Any person or
13 entity that makes a gift, bequest, or donation to the fund may specify
14 the district that shall be the recipient of such gift, bequest, or donation.

15 3. The state treasurer shall be custodian of the fund. In
16 accordance with sections 30.170 and 30.180, the state treasurer may
17 approve disbursements. The fund shall be a dedicated fund and, upon
18 appropriation, money in the fund shall be used solely for the
19 administration of this section.

20 4. Notwithstanding the provisions of section 33.080 to the
21 contrary, any moneys remaining in the fund at the end of the biennium

22 shall not revert to the credit of the general revenue fund.

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

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

27 (1) "Provisionally accredited district", a school district classified
28 as provisionally accredited by the state board of education pursuant to
29 the authority of the state board of education to classify schools as
30 established in sections 161.086 and 161.092;

31 (2) "Unaccredited district", a school district classified as
32 unaccredited by the state board of education pursuant to the authority
33 of the state board of education to classify schools as established in
34 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 2. For purposes of this section, the following terms shall mean:

22 (1) "Accredited district", a school district that is accredited by
23 the state board of education pursuant to the authority of the state

24 **board of education to classify schools as established in sections 161.086**
25 **and 161.092;**

26 (2) "Accredited school", a school building that is accredited by
27 the state board of education pursuant to the authority of the state
28 board of education to classify schools as established in sections 161.086,
29 161.092, and 161.238;

30 (3) "Provisionally accredited district", a school district classified
31 as provisionally accredited by the state board of education pursuant to
32 the authority of the state board of education to classify schools as
33 established in sections 161.086 and 161.092;

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

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

42 (6) "Unaccredited school", a school building that is classified as
43 unaccredited by the state board of education pursuant to the authority
44 of the state board of education to classify schools as established in
45 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
7 education. However, no such transfer shall result in a class size and
8 assigned enrollment in a receiving school that exceeds the standard
9 level for class size and assigned enrollment as promulgated in the
10 Missouri school improvement program's resource standards.

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

16 **3. Each district shall adopt a policy to grant priority to the**
17 **lowest achieving students from low-income families if its capacity is**
18 **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**
22 **Missouri school improvement program shall be eligible to receive any**
23 **transfer students, irrespective of its state board of education**
24 **accreditation classification, except that any student who was granted**
25 **a transfer prior to the effective date of this section, to such a district**
26 **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. The school board of a receiving
41 district, upon a majority vote of the board, may choose to charge a rate
42 of tuition less than the amount that would otherwise be calculated
43 under this subsection. If any receiving district chooses to charge a rate
44 of tuition that is at least thirty percent less than the rate of tuition that
45 would otherwise be calculated under this subsection, then the
46 statewide assessment scores and all other performance data for those
47 students whom the district received shall not be used for five school
48 years when calculating the performance of the receiving district for
49 purposes of the Missouri school improvement program.

50 4. If the school board of a receiving district, upon a majority vote
51 of the board, chooses to charge a rate of tuition that is less than ninety
52 percent of the rate that would otherwise be calculated under subsection
53 3 of this section, ten percent of the receiving district's tuition rate shall
54 be paid from the supplemental tuition fund. There is hereby created in
55 the state treasury the "Supplemental Tuition Fund". The fund shall
56 consist of any moneys appropriated annually by the general assembly
57 from general revenue to such fund, any moneys paid into the state
58 treasury and required by law to be credited to such fund and any gifts,
59 bequests or public or private donations to such fund. The state
60 treasurer shall be custodian of the fund. In accordance with sections
61 30.170 and 30.180, the state treasurer may approve disbursements. The
62 fund shall be a dedicated fund and, upon appropriation, money in the
63 fund shall be used solely for the administration of this
64 section. Notwithstanding the provisions of section 33.080 to the

65 **contrary, any moneys remaining in the fund at the end of the biennium**
66 **shall not revert to the credit of the general revenue fund. The state**
67 **treasurer shall invest moneys in the fund in the same manner as other**
68 **funds are invested. Any interest and moneys earned on such**
69 **investments shall be credited to the fund.**

70 **5. Each district shall have the right to establish and adopt, by**
71 **objective means, a policy for desirable class size and student-teacher**
72 **ratios. If a district adopts such a policy, it shall not be required to**
73 **accept any transfer students under this section that would violate its**
74 **class size or student-teacher ratio. If a student seeking to transfer is**
75 **denied admission to a district based on a lack of space under the**
76 **district's policy, the student or the student's parent or guardian may**
77 **appeal the ruling to the state board of education if he or she believes**
78 **the district's policy is unduly restrictive to student transfers. The state**
79 **board of education shall review the appropriateness of the district's**
80 **policy and shall give special consideration to any district with a**
81 **greater than average population of students that qualify for free and**
82 **reduced lunch. If the state board of education finds that the district's**
83 **policy is unduly restrictive to student transfers, it may limit the**
84 **district's policy. The state board of education's decision shall be final.**

85 **6. When a district is declared unaccredited, it shall contract with**
86 **any special school district located in the same or an adjoining county**
87 **for the reimbursement of special education services provided by the**
88 **special school district for transfer students who are residents of the**
89 **unaccredited district.**

90 **7. The student's district of residence may provide transportation**
91 **for him or her to attend another accredited district but shall not be**
92 **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 shall report to the education**
4 **authority for the county in which the unaccredited district is located**
5 **the number of available enrollment slots by grade level.**

6 **2. Any education authority whose geographic area includes an**
7 **unaccredited district or unaccredited school shall make information**
8 **and assistance available to parents or guardians who intend to transfer**

9 their child from an unaccredited district to an accredited district
10 under section 167.826.

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

16 4. The education authority whose geographic area includes an
17 unaccredited district shall assign those students who seek to
18 transfer. The authority shall give first priority to students who live in
19 the same household with any family member within the first or second
20 degree of consanguinity who already attends an accredited school and
21 who apply to attend the same accredited school. The authority shall
22 then grant transfer requests in the order in which they were received.
23 If insufficient enrollment slots are available for a student to be able to
24 transfer, that student shall receive first priority the following school
25 year. Each education authority shall adopt a policy giving enrollment
26 preference to the lowest achieving students if sufficient enrollment
27 slots are not available to enroll all students who apply, while following
28 the order of priority of this subsection. If sufficient enrollment slots
29 are available, the authority shall provide each student a choice of three
30 accredited schools to which he or she may transfer.

31 5. A education authority may deny a transfer to a student with
32 a demonstrated and documented history of school discipline policy
33 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. To be eligible to transfer to a nonsectarian private school, a**
13 **student shall meet the following requirements:**

14 **(1) Have been unable to transfer to an accredited school within**
15 **his or her district of residence under section 167.825;**

16 **(2) Provide proof that he or she has resided in an unaccredited**
17 **district or unaccredited districts and within the attendance boundaries**
18 **of an unaccredited school or unaccredited schools for a minimum of**
19 **twelve months; and**

20 **(3) Except for a student entering kindergarten or first grade for**
21 **the first time, have been enrolled in one or more unaccredited schools**
22 **in an unaccredited district or unaccredited districts for a minimum of**
23 **one school term.**

24 **4. A nonsectarian private school shall qualify to receive tuition**
25 **payments under this section only if it satisfies the following conditions:**

26 **(1) Is accredited by the North Central Association Commission**
27 **On Accreditation and School Improvement or demonstrates similar**
28 **academic quality credentials to the department of elementary and**
29 **secondary education;**

30 **(2) Administers or allows for the administration of the statewide**
31 **assessments in English language arts and mathematics or equivalent**
32 **assessments for transfer students;**

33 **(3) Complies with all health and safety laws or codes that apply**
34 **to nonpublic schools;**

35 **(4) Holds a valid occupancy permit if required by their**
36 **municipality; and**

37 **(5) Files with the department of elementary and secondary**
38 **education a statement of intent to accept transfer students that**
39 **includes the information listed in this subsection.**

40 **5. Tuition for a student who attends a nonsectarian private**
41 **school shall be paid only using funds received by the district from the**
42 **operating levy for school purposes.**

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

46 **7. For purposes of this section, the term "nonsectarian school"**
47 **shall mean a school that is not a part of the public school system of the**

48 state of Missouri, that charges tuition for the rendering of elementary
49 and secondary educational services, and that does not have a religious
50 affiliation.

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 gifts, bequests or public or private donations to such fund. Any moneys
4 in the fund shall be used to fund the operations of the student transfer
5 coordination authority. The state treasurer shall be custodian of the
6 fund. In accordance with sections 30.170 and 30.180, the state treasurer
7 may approve disbursements. The fund shall be a dedicated fund and,
8 upon appropriation, money in the fund shall be used solely for the
9 administration of sections 167.830 and 167.833.

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

13 3. The state treasurer shall invest moneys in the fund in the
14 same manner as other funds are invested. Any interest and moneys
15 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 gifts, bequests or public or private donations to such fund. Any
4 moneys in the fund shall be used to fund the operations of the student
5 transfer coordination authority. The state treasurer shall be custodian
6 of the fund. In accordance with sections 30.170 and 30.180, the state
7 treasurer may approve disbursements. The fund shall be a dedicated
8 fund and, upon appropriation, money in the fund shall be used solely
9 for the administration of sections 167.836 and 167.839.

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

13 3. The state treasurer shall invest moneys in the fund in the
14 same manner as other funds are invested. Any interest and moneys
15 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 gifts, bequests, or public or private donations to such fund. Any
4 moneys in the fund shall be used to fund the operations of the student
5 transfer coordination authority. The state treasurer shall be custodian
6 of the fund. In accordance with sections 30.170 and 30.180, the state
7 treasurer may approve disbursements. The fund shall be a dedicated
8 fund and, upon appropriation, money in the fund shall be used solely
9 for the administration of sections 167.842 and 167.845.

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

13 3. The state treasurer shall invest moneys in the fund in the
14 same manner as other funds are invested. Any interest and moneys
15 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.

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

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

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

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

18 **4. The state treasurer shall invest moneys in the fund in the**
19 **same manner as other funds are invested. Any interest and moneys**
20 **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 section.

54 **9. (1)** There is hereby created in the state treasury the "Extended
55 Learning Time Fund". The fund shall consist of any moneys that may
56 be appropriated by the general assembly from general revenue to such
57 fund, any moneys paid into the state treasury and required by law to
58 be credited to such fund and any gifts, bequests or public or private
59 donations to such fund.

60 **(2)** The state treasurer shall be custodian of the fund. In
61 accordance with sections 30.170 and 30.180, the state treasurer may

62 **approve disbursements. The fund shall be a dedicated fund and, upon**
63 **appropriation, money in the fund shall be used solely for the**
64 **administration of subsection 8 of this section.**

65 **(3) Notwithstanding the provisions of section 33.080 to the**
66 **contrary, any moneys remaining in the fund at the end of the biennium**
67 **shall not revert to the credit of the general revenue fund.**

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

71 **10. For purposes of this section, the following terms shall mean:**

72 **(1) "Provisionally accredited school", a school building that is**
73 **classified as provisionally accredited by the state board of education**
74 **pursuant to the authority of the state board of education to classify**
75 **schools as established in sections 161.086, 161.092, and 161.238;**

76 **(2) "Unaccredited school", a school building that is classified as**
77 **unaccredited by the state board of education pursuant to the authority**
78 **of the state board of education to classify schools as established in**
79 **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.

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