

SECOND REGULAR SESSION

SENATE BILL NO. 633

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SIFTON.

Pre-filed December 1, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4279S.04I

AN ACT

To repeal sections 160.011, 160.400, 160.403, 160.405, 160.410, 160.415, 160.417, 160.425, 162.081, 167.121, 167.131, 171.031, and 210.861, RSMo, and to enact in lieu thereof forty-four new sections relating to elementary and secondary education, with an emergency clause.

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

Section A. Sections 160.011, 160.400, 160.403, 160.405, 160.410, 160.415, 160.417, 160.425, 162.081, 167.121, 167.131, 171.031, and 210.861, RSMo, are repealed and forty-four new sections enacted in lieu thereof, to be known as sections 160.011, 160.400, 160.403, 160.405, 160.408, 160.410, 160.415, 160.417, 160.425, 161.084, 161.087, 161.238, 161.1005, 162.081, 162.1303, 162.1305, 162.1310, 162.1313, 167.121, 167.127, 167.131, 167.132, 167.642, 167.685, 167.688, 167.730, 167.825, 167.826, 167.827, 167.830, 167.833, 167.836, 167.839, 167.842, 167.845, 167.848, 167.890, 170.215, 170.320, 171.031, 177.015, 210.861, 633.420, and 1, to read as follows:

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

(1) "District" or "school district", when used alone, may include seven-director, urban, and metropolitan school districts;

(2) "Elementary school", a public school giving instruction in a grade or grades not higher than the eighth grade;

(3) "Family literacy programs", services of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in families that include:

(a) Interactive literacy activities between parents and their children;

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

11 (b) Training of parents regarding how to be the primary teacher of their
12 children and full partners in the education of their children;

13 (c) Parent literacy training that leads to high school completion and
14 economic self sufficiency; and

15 (d) An age-appropriate education to prepare children of all ages for
16 success in school;

17 (4) "Graduation rate", the [quotient of the number of graduates in the
18 current year as of June thirtieth divided by the sum of the number of graduates
19 in the current year as of June thirtieth plus the number of twelfth graders who
20 dropped out in the current year plus the number of eleventh graders who dropped
21 out in the preceding year plus the number of tenth graders who dropped out in
22 the second preceding year plus the number of ninth graders who dropped out in
23 the third preceding year] **graduation rate determined by the annual
24 performance report required by the Missouri school improvement
25 program;**

26 (5) "High school", a public school giving instruction in a grade or grades
27 not lower than the ninth nor higher than the twelfth grade;

28 (6) "Metropolitan school district", any school district the boundaries of
29 which are coterminous with the limits of any city which is not within a county;

30 (7) "Public school" includes all elementary and high schools operated at
31 public expense;

32 (8) "School board", the board of education having general control of the
33 property and affairs of any school district;

34 (9) "School term", a minimum of one hundred seventy-four school days, as
35 that term is defined in section 160.041, for schools with a five-day school week or
36 a minimum of one hundred forty-two school days, as that term is defined in
37 section 160.041, for schools with a four-day school week, and one thousand
38 forty-four hours of actual pupil attendance as scheduled by the board pursuant
39 to section 171.031 during a twelve-month period in which the academic
40 instruction of pupils is actually and regularly carried on for a group of students
41 in the public schools of any school district. A school term may be within a school
42 year or may consist of parts of two consecutive school years, but does not include
43 summer school. A district may choose to operate two or more terms for different
44 groups of children. A school term for students participating in a school flex
45 program as established in section 160.539 may consist of a combination of actual
46 pupil attendance and attendance at college or technical career education or

47 approved employment aligned with the student's career academic plan for a total
48 of one thousand forty-four hours;

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

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

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

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

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

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] **classified as**
8 **unaccredited by the state board of education;**

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

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

20 (b) The sponsor is limited to the local school board or a sponsor who has
21 met the standards of accountability and performance as determined by the

22 department based on sections 160.400 to 160.425 and section 167.349 and
23 properly promulgated rules of the department]; [or]

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

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

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

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

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

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

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

56 (6) The Missouri charter public school commission created in section
57 160.425.

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

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

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

69 (3) **(1)** In any school district classified as unaccredited or provisionally
70 accredited where a charter school is operating and is sponsored by an entity other
71 than the local school board, when the school district becomes classified as
72 accredited without provisions, a charter school may continue to be sponsored by
73 the entity sponsoring it prior to the classification of accredited without provisions
74 and shall not be limited to the local school board as a sponsor.

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

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

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

92 7. The charter school shall be organized as a Missouri nonprofit
93 corporation incorporated pursuant to chapter 355. The charter provided for

94 herein shall constitute a contract between the sponsor and the charter school.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

163 (1) The review of a charter school proposal including an application that
164 provides sufficient information for rigorous evaluation of the proposed charter and
165 provides clear documentation that the education program and academic program

166 are aligned with the state standards and grade-level expectations, and provides
167 clear documentation of effective governance and management structures, and a
168 sustainable operational plan;

169 (2) The granting of a charter;

170 (3) The performance [framework] **contract** that the sponsor will use to
171 evaluate the performance of charter schools. **Charter schools shall meet**
172 **current state academic performance standards as well as other**
173 **standards agreed upon by the sponsor and the charter school in the**
174 **performance contract;**

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

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

182 (6) Procedures to be implemented if a charter school should close,
183 consistent with the provisions of subdivision (15) of subsection 1 of section
184 160.405. The department shall provide guidance to sponsors in developing such
185 policies and procedures.

186 17. (1) A sponsor shall provide timely submission to the state board of
187 education of all data necessary to demonstrate that the sponsor is in material
188 compliance with all requirements of sections 160.400 to 160.425 and section
189 167.349. The state board of education shall ensure each sponsor is in compliance
190 with all requirements under sections 160.400 to 160.425 and 167.349 for each
191 charter school sponsored by any sponsor. The state board shall notify each
192 sponsor of the standards for sponsorship of charter schools, delineating both what
193 is mandated by statute and what best practices dictate. The state board shall
194 evaluate sponsors to determine compliance with these standards every three
195 years. The evaluation shall include a sponsor's policies and procedures in the
196 areas of charter application approval; required charter agreement terms and
197 content; sponsor performance evaluation and compliance monitoring; and charter
198 renewal, intervention, and revocation decisions. Nothing shall preclude the
199 department from undertaking an evaluation at any time for cause.

200 (2) If the department determines that a sponsor is in material
201 noncompliance with its sponsorship duties, the sponsor shall be notified and

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

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

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

219 **18. If a sponsor notifies a charter school of closure under**
220 **subsection 8 of section 160.405, the department of elementary and**
221 **secondary education shall exercise its financial withholding authority**
222 **under subsection 13 of section 160.415 to assure all obligations of the**
223 **charter school shall be met. The state, charter sponsor, or resident**
224 **district shall not be liable for any outstanding liability or obligations**
225 **of the charter school.**

160.403. 1. The department of elementary and secondary education shall
2 establish an annual application and approval process for all entities eligible to
3 sponsor charters as set forth in section 160.400 which are not sponsoring a
4 charter school as of August 28, 2012. No later than November 1, 2012, the
5 department shall make available information and guidelines for all eligible
6 sponsors concerning the opportunity to apply for sponsoring authority under this
7 section.

8 2. The application process for sponsorship shall require each interested
9 eligible sponsor to submit an application by February first that includes the
10 following:

11 (1) Written notification of intent to serve as a charter school sponsor in
12 accordance with sections 160.400 to 160.425 and section 167.349;

13 (2) Evidence of the applicant sponsor's budget and personnel capacity;

14 (3) An outline of the request for proposal that the applicant sponsor
15 would, if approved as a charter sponsor, issue to solicit charter school applicants
16 consistent with sections 160.400 to 160.425 **and section 167.349**;

17 (4) The performance **[framework] contract** that the applicant sponsor
18 would, if approved as a charter sponsor, use to **[guide the establishment of a**
19 **charter contract and for ongoing oversight and a description of how it would]**
20 evaluate the charter schools it sponsors; and

21 (5) The applicant sponsor's renewal, revocation, and nonrenewal processes
22 consistent with section 160.405.

23 3. By April first of each year, the department shall decide whether to
24 grant or deny a sponsoring authority to a sponsor applicant. This decision shall
25 be made based on the applicant charter's compliance with sections 160.400 to
26 160.425 **and section 167.349** and properly promulgated rules of the department.

27 4. Within thirty days of the department's decision, the department shall
28 execute a renewable sponsoring contract with each entity it has approved as a
29 sponsor. The term of each authorizing contract shall be six years and renewable.
30 No eligible sponsor which is not currently sponsoring a charter school as of
31 August 28, 2012, shall commence charter sponsorship without approval from the
32 state board of education and a sponsor contract with the state board of education
33 in effect.

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] may be**
37 **[renewable] renewed;**

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 **and time frame for**
51 **implementation** between the charter school and the sponsor as to when a

52 sponsor shall intervene in a charter school, when a sponsor shall revoke a charter
53 for failure to comply with subsection 8 of this section, and when a sponsor will
54 not renew a charter under subsection 9 of this section;

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

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

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

61 (c) Submission of final financial reports;

62 (d) Resolution of any remaining financial obligations; [and]

63 (e) Disposition of the charter school's assets upon closure; **and**

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

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

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

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

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

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

84 (2) A charter may be approved when the sponsor determines that the
85 requirements of this section are met, determines that the applicant is sufficiently
86 qualified to operate a charter school, and that the proposed charter is consistent
87 with the sponsor's charter sponsorship goals and capacity. The sponsor's decision

88 of approval or denial shall be made within ninety days of the filing of the
89 proposed charter;

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

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

107 (5) The sponsor of a charter school shall give priority to charter school
108 applicants that propose a school oriented to high-risk students and to the reentry
109 of dropouts into the school system. If a sponsor grants three or more charters,
110 at least one-third of the charters granted by the sponsor shall be to schools that
111 actively recruit dropouts or high-risk students as their student body and address
112 the needs of dropouts or high-risk students through their proposed mission,
113 curriculum, teaching methods, and services. For purposes of this subsection, a
114 "high-risk" student is one who is at least one year behind in satisfactory
115 completion of course work or obtaining high school credits for graduation, has
116 dropped out of school, is at risk of dropping out of school, needs drug and alcohol
117 treatment, has severe behavioral problems, has been suspended from school three
118 or more times, has a history of severe truancy, is a pregnant or parenting teen,
119 has been referred for enrollment by the judicial system, is exiting incarceration,
120 is a refugee, is homeless or has been homeless sometime within the preceding six
121 months, has been referred by an area school district for enrollment in an
122 alternative program, or qualifies as high risk under department of elementary
123 and secondary education guidelines. "Dropout" shall be defined through the

124 guidelines of the school core data report. The provisions of this subsection do not
125 apply to charters sponsored by the state board of education.

126 3. If a charter is approved by a sponsor, the charter application shall be
127 submitted to the state board of education, along with a statement of finding **by**
128 **the sponsor** that the application meets the requirements of sections 160.400 to
129 160.425 and section 167.349 and a monitoring plan under which the charter
130 sponsor shall evaluate the academic performance, **including annual**
131 **performance reports**, of students enrolled in the charter school. The state
132 board of education [may, within sixty days, disapprove the granting of the
133 charter] **shall approve or deny a charter application within sixty days**
134 **of receipt of the application.** The state board of education may [disapprove]
135 **deny** a charter on grounds that the application fails to meet the requirements of
136 sections 160.400 to 160.425 and section 167.349 or that a charter sponsor
137 previously failed to meet the statutory responsibilities of a charter sponsor. **Any**
138 **denial of a charter application made by the state board of education**
139 **shall be in writing and shall identify the specific failures of the**
140 **application to meet the requirements of sections 160.400 to 160.425 and**
141 **section 167.349, and the written denial shall be provided within ten**
142 **business days to the sponsor.**

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

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

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

155 (3) Except as provided in sections 160.400 to 160.425 **and as specifically**
156 **provided in other sections**, be exempt from all laws and rules relating to
157 schools, governing boards and school districts;

158 (4) Be financially accountable, use practices consistent with the Missouri
159 financial accounting manual, provide for an annual audit by a certified public

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

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

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

196 district in which it is located for the resource or process standards of the
197 program.

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

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

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

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

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

229 (b) A statement outlining the reasons for approval or [disapproval] **denial**
230 by the sponsor, specifically addressing the requirements of sections 160.400 to
231 160.425 and 167.349.

232 5. (1) Proposed or existing high-risk or alternative charter schools may
233 include alternative arrangements for students to obtain credit for satisfying
234 graduation requirements in the school's charter application and
235 charter. Alternative arrangements may include, but not be limited to, credit for
236 off-campus instruction, embedded credit, work experience through an internship
237 arranged through the school, and independent studies. When the state board of
238 education approves the charter, any such alternative arrangements shall be
239 approved at such time.

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

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

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

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

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

267 (3) The collection of baseline data during the first three years of operation

268 to determine the longitudinal success of the charter school;

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

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

272 8. (1) (a) A sponsor's [intervention] policies shall give schools clear,
273 adequate, evidence-based, and timely notice of contract violations or performance
274 deficiencies and mandate intervention based upon findings of the state board of
275 education of the following:

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

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

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

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

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

290 b. A violation of the law or the public trust that imperils students or
291 public funds.

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

303 (2) The sponsor may place the charter school on probationary status to

304 allow the implementation of a remedial plan, which may require a change of
305 methodology, a change in leadership, or both, after which, if such plan is
306 unsuccessful, the charter may be revoked.

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

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

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

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

323 9. (1) A sponsor shall take all reasonable steps necessary to confirm that
324 each charter school sponsored by such sponsor is in material compliance and
325 remains in material compliance with all material provisions of the charter and
326 sections 160.400 to 160.425 and 167.349. Every charter school shall provide all
327 information necessary to confirm ongoing compliance with all provisions of its
328 charter and sections 160.400 to 160.425 and 167.349 in a timely manner to its
329 sponsor.

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

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

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

340 a. A negative balance in its operating funds;
341 b. A combined balance of less than three percent of the amount expended
342 for such funds during the previous fiscal year; or

343 c. Expenditures that exceed receipts for the most recently completed fiscal
344 year;

345 (c) The charter is in compliance with its legally binding performance
346 contract and sections 160.400 to 160.425 and section 167.349; **and**

347 **(d) The charter school has an annual performance report**
348 **consistent with a classification of accredited for three of the last four**
349 **years and is fiscally viable as described in paragraph (b) of subdivision**
350 **(2) of this subsection. If such is the case, the charter school may have**
351 **an expedited renewal process as defined by rule of the department of**
352 **elementary and secondary education.**

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

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

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

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

369 10. A school district may enter into a lease with a charter school for
370 physical facilities.

371 11. A governing board or a school district employee who has control over
372 personnel actions shall not take unlawful reprisal against another employee at
373 the school district because the employee is directly or indirectly involved in an
374 application to establish a charter school. A governing board or a school district
375 employee shall not take unlawful reprisal against an educational program of the

376 school or the school district because an application to establish a charter school
377 proposes the conversion of all or a portion of the educational program to a charter
378 school. As used in this subsection, "unlawful reprisal" means an action that is
379 taken by a governing board or a school district employee as a direct result of a
380 lawful application to establish a charter school and that is adverse to another
381 employee or an educational program.

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

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

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

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

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

397 **15. The department of elementary and secondary education shall**
398 **calculate an annual performance report for each charter school and**
399 **shall publish it in the same manner as annual performance reports are**
400 **calculated and published for districts and attendance centers.**

401 **16. The department of elementary and secondary education shall**
402 **create a committee to investigate facility access and affordability for**
403 **charter schools. The committee shall be comprised of equal numbers**
404 **of the charter school sector and the public school sector and shall**
405 **report its findings to the general assembly by December 31, 2016.**

160.408. 1. For purposes of this section, "high-quality local
2 **educational agency" means a charter school operating in the state of**
3 **Missouri that meets the following requirements:**

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

7 performance report for three of the last four school years;

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

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

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

16 2. Notwithstanding any other provision of law, high-quality local
17 educational agencies shall be provided expedited opportunities to
18 replicate and expand into unaccredited districts and provisionally
19 accredited districts. Such replication and expansion shall be subject to
20 the following:

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

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

28 (3) If a charter is approved by a sponsor, the charter application
29 shall be filed with the state board of education with a statement of
30 finding from the sponsor that the application meets the requirements
31 of sections 160.400 to 160.425 and section 167.349 and a monitoring plan
32 under which the sponsor shall evaluate the academic performance of
33 students enrolled in the charter school. Such filing shall be made by
34 January thirty-first prior to the school year in which the charter school
35 intends to begin operations.

36 3. The term of the charter for schools operating under this
37 section shall be five years, and the charter may be renewed for terms
38 of up to ten years. Renewal shall be subject to the provisions of
39 paragraphs (a) to (d) of subdivision (3) of subsection 9 of section
40 160.405.

160.410. 1. A charter school shall enroll:

2 (1) All pupils resident in the district in which it operates;

3 (2) Nonresident pupils eligible to attend a district's school under an urban

4 voluntary transfer program;

5 (3) **Nonresident pupils who are residents of Missouri and have at**
6 **least one parent employed by the charter school at which the**
7 **nonresident pupil is seeking enrollment unless the pupil's enrollment**
8 **will cause a resident student to be denied enrollment;**

9 (4) **Nonresident pupils from the same or an adjoining county who**
10 **were enrolled in and attended an unaccredited school for at least one**
11 **semester immediately prior to requesting the transfer and who were**
12 **unable to transfer to an accredited school within their district of**
13 **residence as provided in section 167.826, provided the school is an**
14 **approved charter school, as defined in section 167.848, and subject to**
15 **all other provisions of section 167.826;**

16 (5) In the case of a charter school whose mission includes student
17 drop-out prevention or recovery, any nonresident pupil from the same or an
18 adjacent county who resides in a residential care facility, a transitional living
19 group home, or an independent living program whose last school of enrollment is
20 in the school district where the charter school is established, who submits a
21 timely application; and

22 [(4)] (6) In the case of a workplace charter school, any student eligible
23 to attend under subdivision (1) or (2) of this subsection whose parent is employed
24 in the business district, who submits a timely application, unless the number of
25 applications exceeds the capacity of a program, class, grade level or building. The
26 configuration of a business district shall be set forth in the charter and shall not
27 be construed to create an undue advantage for a single employer or small number
28 of employers.

29 2. If capacity is insufficient to enroll all pupils who submit a timely
30 application, the charter school shall have an admissions process that assures all
31 applicants of an equal chance of gaining admission **and does not discriminate**
32 **based on parents' ability to pay fees or tuition** except that:

33 (1) A charter school may establish a geographical area around the school
34 whose residents will receive a preference for enrolling in the school, provided that
35 such preferences do not result in the establishment of racially or
36 socioeconomically isolated schools and provided such preferences conform to
37 policies and guidelines established by the state board of education;

38 (2) A charter school may also give a preference for admission of children
39 whose siblings attend the school [or], **for admission of children resident in**

40 **the district in which it operates and** whose parents are employed at the
41 school, or, in the case of a workplace charter school, **for admission of** a child
42 whose parent is employed in the business district or at the business site of such
43 school; and

44 (3) Charter alternative and special purpose schools may also give a
45 preference for admission to high-risk students, as defined in subdivision (5) of
46 subsection 2 of section 160.405, when the school targets these students through
47 its proposed mission, curriculum, teaching methods, and services.

48 3. A charter school shall not limit admission based on race, ethnicity,
49 national origin, disability, income level, proficiency in the English language or
50 athletic ability, but may limit admission to pupils within a given age group or
51 grade level. Charter schools may limit admission based on gender only when the
52 school is a single-gender school. Students of a charter school [that are present
53 for the January membership count as defined in section 163.011] **who have**
54 **been enrolled for a full academic year** shall be counted in the performance
55 of the charter school on the statewide assessments in that calendar year, unless
56 otherwise exempted as English language learners. **For purposes of this**
57 **subsection, "full academic year" means the last Wednesday in September**
58 **through the administration of the Missouri assessment program test**
59 **without transferring out of the school and re-enrolling.**

60 4. The department of elementary and secondary education shall
61 commission a study of the performance of students at each charter school in
62 comparison with an equivalent group of district students representing an
63 equivalent demographic and geographic population and a study of the impact of
64 charter schools upon the constituents they serve in the districts in which they are
65 located, to be conducted by the joint committee on education. The charter school
66 study shall include analysis of the administrative and instructional practices of
67 each charter school and shall include findings on innovative programs that
68 illustrate best practices and lend themselves to replication or incorporation in
69 other schools. The joint committee on education shall coordinate with individuals
70 representing charter schools and the districts in which charter schools are located
71 in conducting the study. The study of a charter school's student performance in
72 relation to a comparable group shall be designed to provide information that
73 would allow parents and educators to make valid comparisons of academic
74 performance between the charter school's students and an equivalent group of
75 district students representing an equivalent demographic and geographic

76 population. The student performance assessment and comparison shall include,
77 but may not be limited to:

78 (1) Missouri assessment program test performance and aggregate growth
79 over several years;

80 (2) Student reenrollment rates;

81 (3) Educator, parent, and student satisfaction data;

82 (4) Graduation rates in secondary programs; and

83 (5) Performance of students enrolled in the same public school for three
84 or more consecutive years. The impact study shall be undertaken every two years
85 to determine the impact of charter schools on the constituents they serve in the
86 districts where charter schools are operated. The impact study shall include, but
87 is not limited to, determining if changes have been made in district policy or
88 procedures attributable to the charter school and to perceived changes in
89 attitudes and expectations on the part of district personnel, school board
90 members, parents, students, the business community and other education
91 stakeholders. The department of elementary and secondary education shall make
92 the results of the studies public and shall deliver copies to the governing boards
93 of the charter schools, the sponsors of the charter schools, the school board and
94 superintendent of the districts in which the charter schools are operated.

95 5. A charter school shall make available for public inspection, and provide
96 upon request, to the parent, guardian, or other custodian of any school-age pupil
97 resident in the district in which the school is located the following information:

98 (1) The school's charter;

99 (2) The school's most recent annual report card published according to
100 section 160.522;

101 (3) The results of background checks on the charter school's board
102 members; and

103 (4) If a charter school is operated by a management company, a copy of
104 the written contract between the governing board of the charter school and the
105 educational management organization or the charter management organization
106 for services. The charter school may charge reasonable fees, not to exceed the
107 rate specified in section 610.026 for furnishing copies of documents under this
108 subsection.

109 6. When a student attending a charter school who is a resident of the
110 school district in which the charter school is located moves out of the boundaries
111 of such school district, the student may complete the current semester and shall

112 be considered a resident student. The student's parent or legal guardian shall
113 be responsible for the student's transportation to and from the charter school.

114 7. If a change in school district boundary lines occurs under section
115 162.223, 162.431, 162.441, or 162.451, or by action of the state board of education
116 under section 162.081, including attachment of a school district's territory to
117 another district or dissolution, such that a student attending a charter school
118 prior to such change no longer resides in a school district in which the charter
119 school is located, then the student may complete the current academic year at the
120 charter school. The student shall be considered a resident student. The student's
121 parent or legal guardian shall be responsible for the student's transportation to
122 and from the charter school.

123 8. The provisions of sections 167.018 and 167.019 concerning foster
124 children's educational rights are applicable to charter schools.

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

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

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

23 (2) The district of residence of a pupil attending a charter school shall also

24 pay to the charter school any other federal or state aid that the district receives
25 on account of such child.

26 (3) If the department overpays or underpays the amount due to the
27 charter school, such overpayment or underpayment shall be repaid by the public
28 charter school or credited to the public charter school in twelve equal payments
29 in the next fiscal year.

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

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

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

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

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

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

70 **6. For purposes of calculation and distribution of state school aid**
71 **to charter schools under this section, a charter school's weighted**
72 **average daily attendance shall include any nonresident pupil who is a**
73 **resident of Missouri, who attends the charter school, and whose parent**
74 **is employed at the charter school.**

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

83 **[7.] 8.** In the case of a proposed charter school that intends to contract
84 with an education service provider for substantial educational services[,] **or**
85 management services, the request for proposals shall additionally require the
86 charter school applicant to:

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

91 (2) Provide a term sheet setting forth the proposed duration of the service
92 contract; roles and responsibilities of the governing board, the school staff, and
93 the service provider; scope of services and resources to be provided by the service
94 provider; performance evaluation measures and time lines; compensation
95 structure, including clear identification of all fees to be paid to the service

96 provider; methods of contract oversight and enforcement; investment disclosure;
97 and conditions for renewal and termination of the contract;

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

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

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

105 (6) Provide a process to ensure that the expenditures that the
106 [educational] **education** service provider intends to bill to the charter school
107 shall receive prior approval of the governing board or its designee.

108 [8.] **9.** A charter school may enter into contracts with community
109 partnerships and state agencies acting in collaboration with such partnerships
110 that provide services to children and their families linked to the school.

111 [9.] **10.** A charter school shall be eligible for transportation state aid
112 pursuant to section 163.161 and shall be free to contract with the local district,
113 or any other entity, for the provision of transportation to the students of the
114 charter school.

115 [10.] **11.** (1) The proportionate share of state and federal resources
116 generated by students with disabilities or staff serving them shall be paid in full
117 to charter schools enrolling those students by their school district where such
118 enrollment is through a contract for services described in this section. The
119 proportionate share of money generated under other federal or state categorical
120 aid programs shall be directed to charter schools serving such students eligible
121 for that aid.

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

125 [11.] **12.** A charter school may not charge tuition[, nor may it] **or** impose
126 fees that a school district is prohibited from **charging or** imposing **except that**
127 **a charter school may receive tuition payments from districts in the**
128 **same or an adjoining county for nonresident students who transfer to**
129 **a charter school from an unaccredited school under section 167.826.**

130 [12.] **13.** A charter school is authorized to incur debt in anticipation of
131 receipt of funds. A charter school may also borrow to finance facilities and other

132 capital items. A school district may incur bonded indebtedness or take other
133 measures to provide for physical facilities and other capital items for charter
134 schools that it sponsors or contracts with. **Except as otherwise specifically**
135 **provided in sections 160.400 to 160.425**, upon the dissolution of a charter
136 school, any liabilities of the corporation will be satisfied through the procedures
137 of chapter 355. The department of elementary and secondary education may
138 withhold funding at a level the department determines to be adequate during a
139 school's last year of operation until the department determines that school
140 records, liabilities, and reporting requirements, including a full audit, are
141 satisfied.

142 [13.] 14. Charter schools shall not have the power to acquire property by
143 eminent domain.

144 [14.] 15. The governing body of a charter school is authorized to accept
145 grants, gifts or donations of any kind and to expend or use such grants, gifts or
146 donations. A grant, gift or donation may not be accepted by the governing body
147 if it is subject to any condition contrary to law applicable to the charter school or
148 other public schools, or contrary to the terms of the charter.

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

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

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

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

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

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

19 3. The sponsor shall notify by November first the governing board of the

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

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

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

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

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

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

160.425. 1. The "Missouri Charter Public School Commission" is hereby
2 created with the authority to sponsor [high quality] **high-quality** charter schools
3 throughout the state of Missouri **as specified in section 160.400.**

4 2. The commission shall consist of nine members appointed by the
5 governor, by and with the advice and consent of the senate. No more than five
6 of the members shall be of the same political party. No more than two members
7 shall be from the same congressional district. The term of office of each member
8 shall be four years, except those of the members first appointed, of which three
9 shall be appointed for a term of one year, two for a term of two years, two for a

10 term of three years, and two for a term of four years. At the expiration of the
11 term of each member, the governor, by and with the advice and consent of the
12 senate, shall appoint a successor.

13 3. The appointees to the commission shall be selected as follows:

14 (1) One member selected by the governor from a slate of three
15 recommended by the commissioner of education;

16 (2) One member selected by the governor from a slate of three
17 recommended by the commissioner of higher education;

18 (3) One member selected by the governor from a slate of three
19 recommended by the president pro tempore of the senate;

20 (4) One member selected by the governor from a slate of three
21 recommended by the speaker of the house of representatives; and

22 (5) Five additional members appointed by the governor, one of whom shall
23 be selected from a slate of three nominees recommended by the Missouri School
24 Boards Association.

25 4. Members appointed to the commission shall collectively possess strong
26 experience and expertise in governance, management and finance, school
27 leadership, assessment, curriculum and instruction, and education law. All
28 members of the commission shall have demonstrated understanding of and
29 commitment to charter schooling as a strategy for strengthening public education.

30 5. The commission shall annually elect a chairperson and vice
31 chairperson, who shall act as chairperson in his or her absence. The commission
32 shall meet at the call of the chairperson. The chairperson may call meetings at
33 such times as he or she deems advisable and shall call a meeting when requested
34 to do so by three or more members of the commission. Members of the
35 commission are not eligible to receive compensation.

36 6. The commission may approve proposed charters for its sponsorship
37 under sections 160.400 to 160.425 and shall:

38 (1) Comply with all of the requirements applicable to sponsors under
39 sections 160.400 to 160.425;

40 (2) Exercise sponsorship over charters approved by the commission under
41 sections 160.400 to 160.425, including receipt of sponsorship funding under
42 subsection 11 of section 160.400.

43 7. Charter schools sponsored by the commission shall comply with all of
44 the requirements applicable to charter schools under sections 160.400 to 160.425.

45 8. The commission shall conduct its business in accordance with chapter

46 610.

47 9. The department of elementary and secondary education shall provide
48 start-up funding for the commission to operate. The commission shall reimburse
49 the department's costs from any funds it receives as sponsor under section
50 160.400.

51 10. The commission is authorized to receive and expend gifts, grants, and
52 donations of any kind from any public or private entity to carry out the purposes
53 of sections 160.400 to 160.425, subject to the terms and conditions under which
54 they are given, provided that all such terms and conditions are permissible under
55 law.

56 **11. The commission may employ staff including, but not limited**
57 **to, an executive director as needed to carry out its duties. The**
58 **commission may establish personnel, payroll, benefit, and other such**
59 **systems as needed and may provide death and disability**
60 **benefits. Commission employees shall be considered state employees**
61 **for the purposes of membership in the Missouri state employees'**
62 **retirement system and the Missouri consolidated health care**
63 **plan. Compensation paid by the commission shall constitute pay from**
64 **a state department for purposes of accruing benefits under the**
65 **Missouri state employees' retirement system.**

66 12. There is hereby created in the state treasury the "Missouri
67 Charter Public School Commission Revolving Fund", which shall consist
68 of money collected under this section. The state treasurer shall be
69 custodian of the fund. In accordance with sections 30.170 and 30.180,
70 the state treasurer may approve disbursements. The fund shall be a
71 dedicated fund, and moneys in the fund shall be used solely by the
72 Missouri charter public school commission for purposes of sections
73 160.400 to 160.425 and section 167.349. Notwithstanding the provisions
74 of section 33.080 to the contrary, any moneys remaining in the fund at
75 the end of the biennium shall not revert to the credit of the general
76 revenue fund. The state treasurer shall invest moneys in the fund in
77 the same manner as other funds are invested. Any interest and moneys
78 earned on such investments shall be credited to the fund.

161.084. When classifying the public schools of the state under
2 section 161.092, if there is no state board of education member who is
3 a resident of the congressional district in which such school district
4 under consideration is located, the state board of education shall assign

5 such school district a classification designation of unaccredited or
6 change a district's classification designation from accredited to
7 provisionally accredited only after notifying the governor of its intent
8 to change the classification of the district. The governor shall make the
9 appointment under section 161.052 within thirty days of notification.

161.087. 1. When assigning classification designations to school
2 districts pursuant to its authority to classify the public schools of the
3 state under section 161.092, the state board of education shall use only
4 the following classification designations:

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

9 2. The state board of education shall develop and implement a
10 process to provide assistance teams to borderline districts, as defined
11 in section 167.848, as determined by the department of elementary and
12 secondary education and to underperforming districts, as defined in
13 section 167.848, upon assignment of a classification designation of
14 unaccredited or provisionally accredited or determination made by the
15 state board of education. The composition and size of the team may
16 vary, based on academic, demographic, and financial circumstances of
17 the district, but in no case will the team have fewer than ten members,
18 two of whom shall be active classroom teachers in the district, two of
19 whom shall be principals, and one of whom shall be a parent of a
20 student in the district. The department staff member assigned to the
21 region in which the district is located may be included in the assistance
22 team's activities but shall not be formally assigned to the team. The
23 team shall provide recommendations for improvement based on the
24 needs of the community and the district and analysis of, at a minimum,
25 the assessment data, classroom practices, and communication processes
26 within attendance centers, within the district, and with the larger
27 community. Separate teams may be used to provide analysis and
28 recommendations at the discretion of the state board. Beginning with
29 school year 2016-17, the team shall provide its recommendations no
30 later than June 30, 2017, for underperforming districts and borderline
31 districts. The state board shall prioritize the assignment of teams so
32 that the districts with the lower annual performance report scores are

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

161.238. 1. Notwithstanding any provision of chapter 536 and
2 subdivisions (9) and (14) of section 161.092 to the contrary, the state
3 board of education shall adopt a policy to classify individual
4 attendance centers. Attendance centers that do not offer classes above
5 the second grade level are exempt from classification under this
6 subsection. The policy shall require that an attendance center's
7 classification be based solely on a three-year average of the attendance
8 center's annual performance report scores using the three most recent
9 years. The state board shall assign a classification consistent with such
10 three-year average score. The state board shall implement such policy
11 and:

12 (1) Within forty-five days of the effective date of this section, for
13 each district that is classified as unaccredited by the state board of
14 education at that time, classify each of the unaccredited district's
15 attendance centers separately from the district as a whole using the
16 classification designations provided in section 161.087; and

17 (2) Within ninety days of the effective date of this section, for
18 each district that is classified as provisionally accredited by the state
19 board of education at that time, classify each of the provisionally
20 accredited district's attendance centers separately from the district as
21 a whole using the classification designations provided in section
22 161.087.

23 2. The classifications assigned by the state board under
24 subsection 1 of this section shall become effective immediately and
25 shall remain in effect until the state board develops, adopts, and
26 implements the system of classification described in subsection 3 of this
27 section. At such time, the state board shall classify attendance centers
28 based on the system of classification described in subsection 3 of this
29 section.

30 3. By January 1, 2017, the state board of education shall, through

31 administrative rule, develop a system of classification that accredits
32 attendance centers within a district separately from the district as a
33 whole using the classification designations provided in section
34 161.087. The state board of education's system shall not assign
35 classification designations to attendance centers that do not offer
36 classes above the second grade level. When the state board adopts its
37 system, it shall assign a classification designation to each attendance
38 center, except for those attendance centers that do not offer classes
39 above the second grade level. The state board of education may assign
40 classification numbers outside the range of numbers assigned to high
41 schools, middle schools, junior high schools, or elementary schools as
42 classification designations for attendance centers that are exempt from
43 the accreditation classification system. Public separate special
44 education schools within a special school district and within a school
45 district are exempted from the accreditation requirements of this
46 section and section 161.087. While not applicable for the purpose of
47 accreditation, a special school district shall continue to report all
48 scores on its annual performance report to the department of
49 elementary and secondary education for all its schools. Juvenile
50 detention centers within a special school district are also exempted
51 from the accreditation standards of this section and section 161.087.

52 4. Upon adoption of the classification system described in
53 subsection 3 of this section, the state board may change any
54 classification it has assigned to an attendance center under subsection
55 1 of this section.

56 5. An attendance center that does not offer classes above the
57 second grade level shall be exempt from any requirements related to
58 statewide assessments.

59 6. Notwithstanding the provisions of subdivision (9) of section
60 161.092, the rules and regulations promulgated under this section shall
61 be effective thirty days after publication in the code of state
62 regulations as provided in section 536.021 and shall not be subject to
63 the two-year delay contained in subdivision (9) of section 161.092.

64 7. Any rule or portion of a rule, as that term is defined in section
65 536.010, that is created under the authority delegated in this section
66 shall become effective only if it complies with and is subject to all of
67 the provisions of chapter 536 and, if applicable, section 536.028. This

68 section and chapter 536 are nonseverable, and if any of the powers
69 vested with the general assembly pursuant to chapter 536 to review, to
70 delay the effective date, or to disapprove and annul a rule are
71 subsequently held unconstitutional, then the grant of rulemaking
72 authority and any rule proposed or adopted after the effective date of
73 this section shall be invalid and void.

161.1005. 1. By July 1, 2017, the department shall employ a
2 dyslexia therapist, licensed psychometrist, licensed speech-language
3 pathologist, certified academic language therapist, or certified training
4 specialist to serve as the department's dyslexia specialist. Such
5 dyslexia specialist shall have a minimum of three years of field
6 experience in screening, identifying, and treating dyslexia and related
7 disorders.

8 2. The department shall ensure that the dyslexia specialist has
9 completed training and received certification from a program approved
10 by the legislative task force on dyslexia and is able to provide
11 necessary information and support to school district teachers.

12 3. The dyslexia specialist shall:

13 (1) Be highly trained in dyslexia and related disorders, including
14 best practice interventions and treatment models;

15 (2) Be responsible for the implementation of professional
16 development; and

17 (3) Serve as the primary source of information and support for
18 districts addressing the needs of students with dyslexia and related
19 disorders.

20 4. In addition to the duties assigned under subsection 3 of this
21 section, the dyslexia specialist shall also assist the department with
22 developing and administering professional development programs to be
23 made available to school districts no later than the 2017-18 school
24 year. The programs shall focus on educating teachers regarding the
25 indicators of dyslexia, the science surrounding teaching a student who
26 is dyslexic, and classroom accommodations necessary for a student with
27 dyslexia.

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

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

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

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

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

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

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

29 (a) Appoint a special administrative board for the operation of all or part
30 of the district. **If a special administrative board is appointed for the**
31 **operation of a part of a school district, the state board of education**
32 **shall determine an equitable apportionment of state and federal aid for**
33 **the part of the district, and the school district shall provide local**
34 **revenue in proportion to the weighted average daily attendance of the**
35 **part.** The number of members of the special administrative board shall not be
36 less than five, the majority of whom shall be residents of the district. The
37 members of the special administrative board shall reflect the population
38 characteristics of the district and shall collectively possess strong experience in
39 school governance, management and finance, and leadership. **The state board**
40 **of education may appoint members of the district's elected school board**

41 **to the special administrative board, but members of the elected school**
42 **board shall not comprise more than forty-nine percent of the special**
43 **administrative board's membership.** Within fourteen days after the
44 appointment by the state board of education, the special administrative board
45 shall organize by the election of a president, vice president, secretary and a
46 treasurer, with their duties and organization as enumerated in section
47 162.301. The special administrative board shall appoint a superintendent of
48 schools to serve as the chief executive officer of the school district, **or a subset**
49 **of schools,** and to have all powers and duties of any other general
50 superintendent of schools in a seven-director school district. **Nothing in this**
51 **section shall be construed to permit either the state board of education**
52 **or a special administrative board to raise, in any way not specifically**
53 **allowed by law, the tax levy of the district or any part of the district**
54 **without a vote of the people.** Any special administrative board appointed
55 under this section shall be responsible for the operation of the district **or part**
56 **of the district** until such time that the district is classified by the state board
57 of education as provisionally accredited for at least two successive academic
58 years, after which time the state board of education may provide for a transition
59 pursuant to section 162.083; or

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

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

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

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

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

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

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

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

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

93 5. A special administrative board **or any other form of governance**
94 appointed under this section shall retain the authority granted to a board of
95 education for the operation of the lapsed school district under the laws of the
96 state in effect at the time of the lapse and may enter into contracts with
97 accredited school districts or other education service providers in order to deliver
98 high-quality educational programs to the residents of the district. If a student
99 graduates while attending a school building in the district that is operated under
100 a contract with an accredited school district as specified under this subsection,
101 the student shall receive his or her diploma from the accredited school
102 district. The authority of the special administrative board **or any other form**
103 **of governance appointed under this section** shall expire at the end of the
104 third full school year following its appointment, unless extended by the state
105 board of education. If the lapsed district is reassigned, the [special
106 administrative board] **governing board prior to lapse** shall provide an
107 accounting of all funds, assets and liabilities of the lapsed district and transfer
108 such funds, assets, and liabilities of the lapsed district as determined by the state
109 board of education. Neither the special administrative board **nor any other**
110 **form of governance appointed under this section** nor its members or
111 employees shall be deemed to be the state or a state agency for any purpose,
112 including section 105.711, et seq. The state of Missouri, its agencies and

113 employees shall be absolutely immune from liability for any and all acts or
114 omissions relating to or in any way involving the lapsed district, [the] a special
115 administrative board, **any other form of governance appointed under this**
116 **section, [its] or the members or employees of the lapsed district, a special**
117 **administrative board, or any other form of governance appointed under**
118 **this section.** Such immunities, and immunity doctrines as exist or may
119 hereafter exist benefitting boards of education, their members and their
120 employees, shall be available to the special administrative board, **any other**
121 **form of governance appointed under this section, [its] and the members**
122 **and employees of the special administrative board or any other form of**
123 **governance appointed under this section.**

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

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

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

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

142 (1) **Allow continued governance by the existing district school**
143 **board under terms and conditions established by the state board of**
144 **education; or**

145 (2) **Lapse the corporate organization of the district and**
146 **implement one of the options available under subdivision (2) of**
147 **subsection 3 of this section.**

148 10. **The provisions of subsection 9 of this section shall not apply**

149 to any district solely on the basis of financial difficulty resulting from
150 paying tuition and providing transportation for transfer students under
151 sections 167.825 to 167.827.

162.1303. 1. For purposes of this section, "transient student"
2 means any student who withdraws from one attendance center and
3 enrolls in any other attendance center two or more times within two
4 school years.

5 2. The department of elementary and secondary education shall
6 annually calculate a transient student ratio for each attendance center,
7 each charter school, and each local educational agency. The
8 department shall annually calculate a transient student ratio for each
9 school district based on the transient student ratios of all the
10 attendance centers in such district. The department shall publish the
11 transient student ratio of each district, each attendance center, each
12 charter school, and each local educational agency on its website.

13 3. The department shall include, or cause to be included, in each
14 district's school accountability report card the transient student ratio
15 of the district and of each attendance center operated by the district.

16 4. The department shall include the transient student ratios of
17 attendance centers, charter schools, and local educational agencies in
18 their respective school accountability report cards.

19 5. The department shall publish the state's aggregate transient
20 student ratio on its website.

21 6. A transient student ratio shall be calculated as the product of:

22 (1) One hundred; and

23 (2) The quotient of:

24 (a) The sum of the number of transient students and the number
25 of students who withdrew from the district during the school year; and

26 (b) The sum of the number of students who enrolled in the
27 district on or before the last Wednesday in September and the number
28 of students who enrolled in the district after the last Wednesday of
29 September.

30 7. Each school district, charter school, and local educational
31 agency shall annually report to the department, by a date established
32 by the department, any information and data required to comply with
33 and perform the calculation required by the provisions of this section.

162.1305. 1. For purposes of this section, "transient student"

2 means any student who withdraws from one attendance center and
3 enrolls in any other attendance center two or more times within two
4 school years.

5 2. In the first year of attendance in a district or charter school,
6 a transient student's score on a statewide assessment shall not be
7 included when calculating the status or progress scores on the district's
8 or charter school's annual performance report scores. A transient
9 student's growth score shall be weighted at one hundred percent.

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

16 4. In the third year of attendance, a transient student's score on
17 a statewide assessment shall be weighted at seventy percent when
18 calculating the district's or charter school's performance for purposes
19 of the district's or charter school's annual performance report status or
20 progress score, with the transient student's growth score weighted at
21 one hundred percent.

22 5. In the fourth year of attendance and any subsequent years of
23 attendance, a transient student's score on a statewide assessment shall
24 be weighted at one hundred percent when calculating the district's or
25 charter school's performance for purposes of the district's or charter
26 school's annual performance report status or progress score, with the
27 transient student's growth score weighted at one hundred percent.

162.1310. If the state board of education classifies any district or
2 attendance center as unaccredited, the district shall notify the parent
3 or guardian of any student enrolled in the unaccredited district or
4 unaccredited attendance center of the loss of accreditation within
5 seven business days. The district shall also notify district taxpayers of
6 the loss of accreditation within seven business days. The district's
7 notice shall include an explanation of which students may be eligible
8 to transfer, the transfer process under sections 167.825 to 167.827, and
9 any services students may be entitled to receive. The district's notice
10 shall be written in a clear, concise, and easy-to-understand
11 manner. The district shall post the notice in a conspicuous and

12 **accessible place in each district attendance center. The district shall**
13 **also send the notice to each municipality located within the boundaries**
14 **of the district.**

162.1313. **The school board of any district that operates an**
2 **underperforming school, as defined in section 167.848, shall adopt a**
3 **policy regarding the availability of home visits by school**
4 **personnel. Pursuant to such policy, the school may offer the parent or**
5 **guardian of a student enrolled in any such school the opportunity to**
6 **have one or more annual home visits. If the school decides to offer one**
7 **or more annual home visits, the school shall offer an opportunity for**
8 **each visit to occur at the attendance center or at a mutually agreeable**
9 **site.**

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
5 district. Subject to the provisions of this section, all existing assignments shall
6 be reviewed prior to July 1, 1984, and from time to time thereafter, and may be
7 continued or rescinded. The board of education of the district in which the pupil
8 lives shall pay the tuition of the pupil assigned. The tuition shall not exceed the
9 pro rata cost of instruction.

10 2. (1) For the school year beginning July 1, 2008, and each succeeding
11 school year, a parent or guardian residing in a lapsed public school district or a
12 **parent or guardian residing in** a district that has [scored] **received an**
13 **annual performance report score consistent with a state board of**
14 **education classification of** either unaccredited or provisionally accredited[, or
15 a combination thereof, on two consecutive annual performance reports] may enroll
16 the parent's or guardian's child in the Missouri virtual school created in section
17 161.670 provided the pupil first enrolls in the school district of residence. The
18 school district of residence shall include the pupil's enrollment in the virtual
19 school created in section 161.670 in determining the district's average daily
20 attendance. Full-time enrollment in the virtual school shall constitute one
21 average daily attendance equivalent in the school district of residence. Average
22 daily attendance for part-time enrollment in the virtual school shall be calculated
23 as a percentage of the total number of virtual courses enrolled in divided by the
24 number of courses required for full-time attendance in the school district of

25 residence.

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

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

34 (4) Any rule or portion of a rule, as that term is defined in section
35 536.010, that is created under the authority delegated in this section shall
36 become effective only if it complies with and is subject to all of the provisions of
37 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
38 nonseverable and if any of the powers vested with the general assembly pursuant
39 to chapter 536 to review, to delay the effective date, or to disapprove and annul
40 a rule are subsequently held unconstitutional, then the grant of rulemaking
41 authority and any rule proposed or adopted after August 28, 2007, shall be
42 invalid and void.

**167.127. If a school district contains a facility that serves
2 neglected children or delinquent children residing in a court-ordered
3 group home, an institution for neglected children, or an institution for
4 delinquent children, the department of elementary and secondary
5 education shall be prohibited from creating any report or publication
6 related to the Missouri school improvement program, or any successor
7 program, in which data from the district's regularly enrolled pupils is
8 aggregated with data from the children residing in such facilities,
9 unless the department creates an annotation to such report or
10 publication with the data collected only from the district's regularly
11 enrolled pupils and an explanation of the effects of the data from the
12 children enrolled in such facilities on the aggregate data of the district.**

167.131. 1. The board of education of each district in this state that does
2 not maintain [an accredited] a high school [pursuant to the authority of the
3 state board of education to classify schools as established in section 161.092]
4 offering work through the twelfth grade shall pay [the] tuition [of] as
5 calculated by the receiving district under subsection 2 of this section
6 and provide transportation consistent with the provisions of section 167.241 for

7 each pupil resident therein **who has completed the work of the highest**
8 **grade offered in the schools of the district and** who attends an accredited
9 **public high** school in another district of the same or an adjoining county.

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

167.132. 1. For purposes of this section, the following terms
2 mean:

3 (1) "Available receiving district", an accredited district able to
4 receive transfer students under section 167.826;

5 (2) "Average per-pupil current expenditure", the average per-
6 pupil current expenditure for a district as a whole as reported to the
7 department of elementary and secondary education in its most recent
8 school accountability report card under section 160.522;

9 (3) "Receiving approved charter school", an approved charter
10 school, as defined in section 167.848, receiving transfer students under
11 section 167.826;

12 (4) "Receiving district", a district receiving transfer students
13 under section 167.826;

14 (5) "Sending district", a district from which students are
15 transferring to an available receiving district or an approved charter
16 school, as allowed under section 167.826.

17 2. Notwithstanding any other provisions of law to the contrary,
18 a receiving district or a receiving approved charter school may
19 negotiate with a sending district to accept a reduced tuition rate for

20 transfer students. The receiving district or receiving approved charter
21 school may limit the number of transfer students accepted at the
22 reduced tuition rate as calculated under subsection 3 of this section. If
23 the receiving district or receiving approved charter school elects to
24 accept tuition as calculated under subsection 3 of this section and does
25 not limit the number of transfer students accepted at such reduced
26 rate, such district or approved charter school shall receive students
27 through the education authority based solely on the parent request and
28 available seats.

29 3. In school year 2016-17 and subsequent years, if a sending
30 district and a receiving district or receiving approved charter school
31 have agreed upon a reduced tuition rate, such tuition shall be
32 calculated as the product of:

33 (1) The sum of the average per-pupil current expenditures of all
34 available receiving districts for the sending district divided by the
35 number of all available receiving districts for the sending district; and

36 (2) Seventy percent.

37 4. The appropriate education authority, as defined in section
38 167.848, that is coordinating the transfers for students in the sending
39 district shall perform the calculation in subsection 3 of this section
40 annually.

41 5. If there is disagreement as to the amount of tuition to be paid,
42 the facts shall be submitted to the state board of education, and its
43 decision in the matter shall be final.

44 6. For each of the first two full school years that a receiving
45 district or receiving approved charter school charges a rate of tuition
46 as calculated under subsection 3 of this section, accepts a minimum of
47 twenty-five transfer students at such reduced rate, and does not limit
48 the number of transfer students accepted at such reduced rate, if the
49 aggregate scores of student growth of all the transfer students in the
50 receiving district or receiving approved charter school meet or exceed
51 targets established in the state accountability system, the receiving
52 district or receiving approved charter school shall earn additional
53 credit in academic achievement on its annual performance report. The
54 department of elementary and secondary education shall promulgate
55 an administrative rule to implement the provisions of this
56 subsection. Any rule or portion of a rule, as that term is defined in

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

66 7. If a receiving district elects to accept tuition as calculated
67 under subsection 3 of this section and does not limit the number of
68 transfer students accepted at such reduced rate, the department of
69 elementary and secondary education shall consider such action as an
70 additional criterion when determining whether to assign the receiving
71 district a classification of accredited with distinction.

72 8. If a receiving district or receiving approved charter school
73 elects to accept tuition as calculated under subsection 3 of this section
74 and does not limit the number of transfer students accepted at such
75 reduced rate, ten percent of the amount calculated under subdivision
76 (1) of subsection 3 of this section for the receiving district or receiving
77 approved charter school shall be paid from the supplemental tuition
78 fund created in subsection 9 of this section.

79 9. There is hereby created in the state treasury the
80 "Supplemental Tuition Fund". The fund shall consist of any moneys
81 appropriated annually by the general assembly from general revenue
82 to such fund, any moneys paid into the state treasury and required by
83 law to be credited to such fund and any gifts, bequests, or public or
84 private donations to such fund. The state treasurer shall be custodian
85 of the fund. The department of elementary and secondary education
86 shall administer the fund. In accordance with sections 30.170 and
87 30.180, the state treasurer may approve disbursements. The fund shall
88 be a dedicated fund and, upon appropriation, moneys in the fund shall
89 be used solely for the administration of this section. Notwithstanding
90 the provisions of section 33.080 to the contrary, any moneys remaining
91 in the fund at the end of the biennium shall not revert to the credit of
92 the general revenue fund. The state treasurer shall invest moneys in
93 the fund in the same manner as other funds are invested. Any interest

94 and moneys earned on such investments shall be credited to the fund.

167.642. 1. No underperforming district, as defined in section
2 167.848, located in a county with a charter form of government and
3 with more than nine hundred fifty thousand inhabitants shall promote
4 a student from the fifth grade to the sixth grade or from the eighth
5 grade to the ninth grade who is two years or more below grade level as
6 measured by quantifiable student performance data designated by the
7 local district to satisfy the requirements of this section. The term
8 "quantifiable student performance data" shall be as defined in
9 subsection 2 of section 161.096.

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

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

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

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

24 fund may use such moneys to cover the cost of online tutoring services
25 provided through a contract with a public library under section
26 170.215.

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

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

167.688. 1. Any underperforming district, as defined in section
2 167.848, may perform any or all of the following actions including, but
3 not limited to:

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

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

10 (3) Enter into a contract with an education management
11 company or education services provider that has a demonstrated
12 record of effectiveness operating a school or schools;

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

18 (5) Implement any other change that is suggested by the state
19 board of education, an expert or contractor approved under this
20 section, or an assistance team under section 161.087, in accordance with
21 state law, that the school board has reason to believe will result in
22 improved performance for accreditation purposes.

23 2. Any underperforming district that offers an attendance
24 recovery program designed exclusively to allow students to recapture
25 attendance hours lost due to absences shall be allowed to include such
26 attendance recovery hours in the district's attendance rate for purposes
27 of the Missouri school improvement program accreditation
28 scoring. Districts may offer attendance recovery programs on

29 Saturdays or at any time before or after the school's regularly
30 scheduled school hours. Extended hour and day programs designed for
31 remediation or enrichment purposes shall not fulfill the criteria of
32 attendance recovery programs as provided in this subsection.

167.730. 1. Beginning July 1, 2017, and continuing thereafter,
2 every public school, including every charter school, in the metropolitan
3 school district or in any urban school district containing most or all of
4 a home rule city with more than four hundred thousand inhabitants
5 and located in more than one county shall incorporate a response-to-
6 intervention tiered approach to reading instruction to focus resources
7 on students who are determined by their school to need additional or
8 changed instruction to make progress as readers. At a minimum, the
9 reading levels of students in kindergarten through tenth grade shall be
10 assessed at the beginning and middle of the school year, and students
11 who score below district benchmarks shall be provided with intensive
12 and systematic reading instruction.

13 2. Beginning January 1, 2017, and every January first thereafter,
14 every public school, including every charter school, in the metropolitan
15 school district or in any urban school district containing most or all of
16 a home rule city with more than four hundred thousand inhabitants
17 and located in more than one county shall prepare a personalized
18 learning plan for any kindergarten or first grade student whose most
19 recent school-wide reading assessment result shows the student is
20 working below grade level unless the student has been determined by
21 other 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 who is required by this section to have a
29 personalized learning plan, the student's main teacher shall consult
30 with the student's parent or guardian during the preparation of the
31 plan and shall consult, as appropriate, any district personnel or
32 department of elementary and secondary education personnel with
33 necessary expertise to develop such a plan. The school shall require

34 the written consent of the parent or guardian to implement the plan;
35 however, if the school is unsuccessful in contacting the parent or
36 guardian by January fifteenth, the school may send a letter by certified
37 mail to the student's last known address stating its intention to
38 implement the plan by February first.

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

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

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

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

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

66 6. The metropolitan school district, any urban school district
67 containing most or all of a home rule city with more than four hundred
68 thousand inhabitants and located in more than one county, and each
69 charter school located in them shall provide in its annual report card
70 under section 160.522 the numbers and percentages by grade from first

71 grade to tenth grade in each school of any students at any grade level
72 who have been promoted who have been determined as reading below
73 grade level, except that no reporting shall permit the identification of
74 an individual student.

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

167.825. 1. For school year 2016-17, students who transferred
2 from an unaccredited district to an accredited district in the same or
3 an adjoining county under section 167.131 as it existed on July 1, 2014,
4 shall be allowed to participate under the same terms that governed
5 such transfers in school years 2014-15 and/or 2015-16, except that
6 section 167.132 shall apply to determine the reimbursement of their
7 tuition.

8 2. For school year 2016-17, if an unaccredited district becomes
9 classified as provisionally accredited or accredited without provisions
10 by the state board of education, any resident student of the
11 unaccredited district who has transferred under section 167.131 as it
12 existed on July 1, 2014, shall be permitted to continue the student's
13 educational program through the completion of middle school, junior
14 high school, or high school, whichever occurs first, except that a
15 student who attends any school serving students through high school
16 graduation but starting at grades lower than ninth grade shall be
17 permitted to complete high school in the school to which he or she has
18 transferred.

19 3. Notwithstanding any other provision of law, any student who
20 was participating in the school transfer program before January 1,
21 2016, and who attended, for at least one semester immediately prior to
22 transferring, a school in an unaccredited district, shall have the option
23 of transferring to a virtual school as provided in subsection 8 of section
24 162.1250, an approved charter school, or another public school in the
25 student's district of residence that offers the student's grade level of
26 enrollment, as further provided in section 167.826.

167.826. 1. Any student may transfer to another public school in
2 the student's district of residence that offers the student's grade level

3 of enrollment and that is accredited without provisions by the state
4 board of education if such student is enrolled in and has attended an
5 unaccredited school in an unaccredited district for the full semester
6 immediately prior to requesting the transfer.

7 2. Any student may transfer to another public school in the
8 student's district of residence that offers the student's grade level of
9 enrollment and that is accredited without provisions by the state board
10 of education if such student is enrolled in and has attended an
11 unaccredited school, for the full semester immediately prior to
12 requesting the transfer, in:

13 (1) An urban school district;

14 (2) A metropolitan school district;

15 (3) A district that has most or all of its land area located in a
16 county with a charter form of government and with more than nine
17 hundred fifty thousand inhabitants; or

18 (4) A district that has most or all of its land area located in a
19 county with a charter form of government and with more than six
20 hundred thousand but fewer than seven hundred thousand inhabitants.

21 3. No such transfer under subsections 1 and 2 of this section
22 shall result in a class size and assigned enrollment in a receiving school
23 that exceeds the standards for class size and assigned enrollment as
24 promulgated in the Missouri school improvement program's resource
25 standards. If the student chooses to attend a magnet school, an
26 academically selective school, or a school with a competitive entrance
27 process within his or her district of residence that has admissions
28 requirements, the student shall meet such admissions requirements in
29 order to attend. The school board of each district described in
30 subsections 1 and 2 of this section that operates an unaccredited school
31 shall determine the capacity at each of the district's attendance centers
32 that the state board of education has assigned a classification
33 designation of accredited or accredited with distinction. The district's
34 school board shall be responsible for coordinating student transfers
35 from unaccredited schools to accredited schools within the district. No
36 student enrolled in and attending an attendance center that does not
37 offer classes above the second grade level shall be eligible to transfer
38 under this section.

39 4. Any student who is enrolled in and has attended an

40 unaccredited school in an unaccredited district for the full semester
41 immediately prior to requesting the transfer and who has first
42 attempted but is unable to transfer to an accredited school within his
43 or her district of residence under subsection 1 of this section due to a
44 lack of capacity in accredited schools in the district of residence may
45 apply to the appropriate education authority to transfer to:

46 (1) An accredited school in another district located in the same
47 or an adjoining county; or

48 (2) An approved charter school, as defined in section 167.848, in
49 another district located in the same or an adjoining county.

50 5. After the state board of education has assigned classification
51 designations to all attendance centers under subsection 3 of section
52 161.238 and continuing thereafter, any student who is eligible to
53 transfer under subsection 2 of this section and who has first attempted
54 but is unable to transfer to an accredited school within his or her
55 district of residence under subsection 2 of this section due to a lack of
56 capacity in accredited schools in the district of residence may apply to
57 the appropriate education authority to transfer to:

58 (1) An accredited school in another district located in the same
59 or an adjoining county; or

60 (2) An approved charter school, as defined in section 167.848, in
61 another district located in the same or an adjoining county.

62 6. The application to the education authority to transfer shall be
63 made by March first before the school year in which the student
64 intends to transfer.

65 7. A student who is eligible to begin kindergarten or first grade
66 at an unaccredited school as described in subsection 1 or 2 of this
67 section may apply to the appropriate education authority for a transfer
68 if he or she resides in the attendance area of an unaccredited school on
69 March first preceding the school year of first attendance. A student
70 who does not apply by March first shall be required to enroll and
71 attend for one semester to become eligible to transfer. If the student
72 chooses to apply to attend a magnet school, an academically selective
73 school, or a school with a competitive entrance process that has
74 admissions requirements, the student shall furnish proof that he or she
75 meets such admissions requirements. Any student who does not
76 maintain residency in the attendance area of his or her attendance

77 center in the district of residence shall lose eligibility to transfer. Any
78 student who transfers but later withdraws shall lose eligibility to
79 transfer. The transfer provisions of this subsection shall not apply to
80 a district created under sections 162.815 to 162.840 or to any early
81 childhood programs or early childhood special education programs.

82 8. No unaccredited district, provisionally accredited district,
83 unaccredited school, or provisionally accredited school shall be eligible
84 to receive transfer students, except that, within an unaccredited
85 district, students may transfer from unaccredited schools to accredited
86 schools, and a transfer student who chooses to attend a provisionally
87 accredited school in the district of residence shall be allowed to
88 transfer to such school if there is an available slot.

89 9. If a charter school may receive nonresident transfer students
90 under this section because it has been operating for less than three
91 years but then loses its status as an approved charter school
92 immediately after those three years because its three-year average
93 score on its annual performance report is below seventy percent, any
94 students who previously transferred to the charter school may remain
95 enrolled in the charter school but no additional nonresident students
96 may transfer to the charter school.

97 10. No attendance center with a three-year average score of
98 seventy percent or lower on its annual performance report shall be
99 eligible to receive any transfer students, irrespective of its state board
100 of education classification designation, except that any student who
101 was granted a transfer to such an attendance center prior to the
102 effective date of this section may remain enrolled in that attendance
103 center.

104 11. For a receiving district or receiving approved charter school,
105 no acceptance of a transfer student shall require any of the following
106 actions, unless the school board of the receiving district or the
107 receiving approved charter school's governing board has approved the
108 action:

109 (1) A class size and assigned enrollment in a receiving school
110 that exceeds the number of students provided by its approved policy on
111 class size under subsection 12 of this section;

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

113 (3) The construction of additional classrooms.

114 **12. Each receiving district and each receiving approved charter**
115 **school shall have the right to establish and adopt, by objective means,**
116 **a policy for desirable class size and student-teacher ratios. A district's**
117 **policy may allow for estimated growth in the resident student**
118 **population. An approved charter school may use the class size, student-**
119 **teacher ratios, and growth projections for student enrollment contained**
120 **in the charter school's charter application and charter when adopting**
121 **a policy. Any district or approved charter school that adopts such a**
122 **policy shall do so by January first annually. A receiving district or**
123 **receiving approved charter school shall publish its policy and shall not**
124 **be required to accept any transfer students under this section that**
125 **would violate its class size or student-teacher ratio. If a student**
126 **seeking to transfer is denied admission to a district or approved**
127 **charter school based on a lack of space under the policy, the student or**
128 **the student's parent or guardian may appeal the ruling to the state**
129 **board of education if he or she believes the district's policy or**
130 **approved charter school's policy is unduly restrictive to student**
131 **transfers. If more than one student or parent appeals a denial of**
132 **admission from the same district or approved charter school to the**
133 **state board of education, the state board shall make an effort to hear**
134 **such actions at the same time. If the state board of education finds that**
135 **the policy is unduly restrictive to student transfers, the state board**
136 **may limit the policy. The state board's decision shall be final.**

137 **13. For each student who transfers to another district or**
138 **approved charter school, the student's district of residence shall pay**
139 **the tuition amount for each transfer student to the receiving district or**
140 **receiving approved charter school in two increments annually, once at**
141 **the start of the school year and once at the start of the second semester**
142 **of the school year. Each receiving district and receiving approved**
143 **charter school shall adopt a policy establishing a tuition rate by**
144 **February first annually.**

145 **14. If an unaccredited school becomes classified as provisionally**
146 **accredited or accredited without provisions by the state board of**
147 **education, any student who was assigned to such attendance center and**
148 **who has transferred under this section shall be permitted to continue**
149 **his or her educational program in that education option through the**
150 **completion of middle school, junior high school, or high school,**

151 whichever occurs first, except that a student who attends any school
152 serving students through high school graduation but starting at grades
153 lower than ninth grade shall be permitted to complete high school in
154 the school to which he or she has transferred.

155 15. (1) Except as provided in subdivision (2) of this subsection,
156 if a district described in subsection 1 or 2 of this section operates an
157 unaccredited school, the education authority for the county in which
158 the district is located shall designate at least one accredited district in
159 the same or an adjoining county to which the district operating the
160 unaccredited school shall provide transportation for transfer students.
161 If the designated district reaches full student capacity and is unable to
162 receive additional students, the education authority shall designate at
163 least one additional accredited district to which the district operating
164 an unaccredited school shall provide transportation for transfer
165 students.

166 (2) For the 2016-17 school year, and until such time as the
167 governor has appointed a number of members sufficient to constitute
168 a quorum to the education authority whose geographic coverage area
169 includes a district operating an unaccredited school, the department of
170 elementary and secondary education shall designate at least one
171 accredited district in the same or an adjoining county to which a
172 district operating an unaccredited school shall provide transportation
173 for transfer students. If the designated district reaches full student
174 capacity and is unable to receive additional students, the department
175 shall designate at least one additional accredited district to which a
176 district operating an unaccredited school shall provide transportation
177 for transfer students.

178 (3) During the 2016-17 school year, for any district in a county
179 with a charter form of government and with more than nine hundred
180 fifty thousand inhabitants that the state board of education classified
181 as unaccredited effective January 1, 2014, the costs of providing
182 transportation for transfer students to a designated accredited district
183 in the same or an adjoining county shall be paid from the student
184 transfer transportation fund. There is hereby created in the state
185 treasury the "Student Transfer Transportation Fund", which shall
186 consist of moneys appropriated to this fund. The state treasurer shall
187 be custodian of the fund. The commissioner of education shall

188 administer the fund. In accordance with sections 30.170 and 30.180, the
189 state treasurer may approve disbursements. The fund shall be a
190 dedicated fund, and moneys in the fund shall be used solely by the
191 department of elementary and secondary education for the purposes of
192 this subdivision. Notwithstanding the provisions of section 33.080 to
193 the contrary, any moneys remaining in the fund at the end of the
194 biennium shall not revert to the credit of the general revenue
195 fund. The state treasurer shall invest moneys in the fund in the same
196 manner as other funds are invested. Any interest and moneys earned
197 on such investments shall be credited to the fund.

198 16. Notwithstanding the provisions of subsection 13 of this
199 section to the contrary, if costs associated with the provision of special
200 education and related services to a student with a disability exceed the
201 tuition amount established under this section, the transfer student's
202 district of residence shall remain responsible to pay the excess cost to
203 the receiving district or receiving approved charter school. If the
204 receiving district is a component district of a special school district,
205 the transfer student's district of residence, including any metropolitan
206 school district, shall contract with the special school district for the
207 entirety of the costs to provide special education and related services,
208 excluding transportation pursuant to this section. The special school
209 district may contract with the transfer student's district of residence,
210 including any metropolitan district, for the provision of transportation
211 of a student with a disability, or the transfer student's district of
212 residence may provide transportation on its own.

213 17. A special school district shall continue to provide special
214 education and related services, with the exception of transportation
215 under this section, to a student with a disability transferring from an
216 unaccredited school within a component district to an accredited
217 school within the same or a different component district within the
218 special school district.

219 18. If any metropolitan school district operates an unaccredited
220 school, it shall remain responsible for the provision of special
221 education and related services, including transportation, to students
222 with disabilities. A special school district in an adjoining county to a
223 metropolitan school district may contract with the metropolitan school
224 district for the reimbursement of special education services pursuant

225 to sections 162.705 and 162.710 provided by the special school district
226 for transfer students who are residents of the district operating an
227 unaccredited school.

228 19. Regardless of whether transportation is identified as a
229 related service within a student's individualized education program, a
230 receiving district that is not part of a special school district shall not
231 be responsible for providing transportation to a student transferring
232 under this section. A district operating an unaccredited school may
233 contract with a receiving district that is not part of a special school
234 district pursuant to sections 162.705 and 162.710 for transportation of
235 students with disabilities.

236 20. If a seven-director district or urban school district as
237 described under subsection 1 or 2 of this section operates an
238 unaccredited school, it may contract with a receiving district that is
239 not part of a special school district in the same or an adjoining county
240 for the reimbursement of special education and related services
241 pursuant to sections 162.705 and 162.710 provided by the receiving
242 district for transfer students who are residents of the district operating
243 an unaccredited school.

167.827. 1. By August 1, 2016, and by January first annually,
2 each district eligible to receive transfer students under section 167.826
3 shall report to the education authority for the county in which the
4 district is located its number of available enrollment slots in accredited
5 schools by grade level. Each district described in subsection 1 or 2 of
6 section 167.826 operating an unaccredited school shall report to the
7 education authority the number of available enrollment slots in the
8 accredited schools of the district by August 1, 2016, and by January
9 first annually. Each approved charter school that is eligible to receive
10 transfer students under section 167.826 shall report the number of
11 available enrollment slots by August 1, 2016, and by January first
12 annually.

13 2. Any education authority whose geographic area includes a
14 district described in subsection 1 or 2 of section 167.826 operating an
15 unaccredited school shall make information and assistance available to
16 parents or guardians who intend to transfer their child from an
17 unaccredited school to an accredited school in another district in the
18 same or an adjoining county or an approved charter school in another

19 district in the same or an adjoining county.

20 3. The parent or guardian of a student who intends to transfer
21 his or her child from an unaccredited school to an accredited school in
22 another district in the same or an adjoining county or an approved
23 charter school in another district in the same or an adjoining county
24 shall send initial notification to the education authority for the county
25 in which he or she resides by March first for enrollment in the
26 subsequent school year.

27 4. The education authority whose geographic area includes a
28 district that operates an unaccredited school described in subsection
29 1 or 2 of section 167.826 shall assign those students who are unable to
30 transfer to an accredited school in their district of residence and seek
31 to transfer to an accredited school in another district in the same or an
32 adjoining county or an approved charter school in another district in
33 the same or an adjoining county. When assigning transfer students to
34 approved charter schools, an education authority shall coordinate with
35 each approved charter school and its admissions process if capacity is
36 insufficient to enroll all students who submit a timely application. An
37 approved charter school shall not be required to receive any transfer
38 students that would require it to institute a lottery procedure for
39 determining the admission of resident students. The authority shall
40 give first priority to students who live in the same household with any
41 family member within the first or second degree of consanguinity or
42 affinity who have already transferred and who apply to attend the same
43 school. If insufficient grade-appropriate enrollment slots are available
44 for a student to be able to transfer, that student shall receive first
45 priority the following school year. The authority shall only disrupt
46 student and parent choice for transfer if the available slots are
47 requested by more students than there are slots available. The
48 authority shall consider the following factors in assigning schools, with
49 the student's or parent's choice as the most important factor:

50 (1) The student's or parent's choice of the receiving school;

51 (2) The best interests of the student; and

52 (3) Distance and travel time to a receiving school.

53 The education authority shall not consider student academic
54 performance, free and reduced price lunch status, or athletic ability in
55 assigning a student to a school. When assigning transfer students to

56 approved charter schools, an education authority shall coordinate with
57 each approved charter school and its admissions process if capacity is
58 insufficient to enroll all students who submit a timely application.

59 5. An education authority may deny a transfer to a student who
60 in the most recent school year has been suspended from school two or
61 more times or who has been suspended for an act of school violence
62 under subsection 2 of section 160.261. A student whose transfer is
63 initially precluded under this subsection may be permitted to transfer
64 on a provisional basis as a probationary transfer student, subject to no
65 further disruptive behavior, upon a statement from the student's
66 current school that the student is not disruptive. A student who is
67 denied a transfer under this subsection has the right to an in-person
68 meeting with a representative of the authority. Each education
69 authority shall develop administrative guidelines to provide common
70 standards for determining disruptive behavior that shall include, but
71 not be limited to, criteria under the safe schools act.

72 6. Notwithstanding any other provision of law, the test scores of
73 transfer students attending schools in districts other than their district
74 of residence under section 167.826 shall be counted as follows:

75 (1) In the first year of attendance in a district or approved
76 charter school, a transfer student's score on a statewide assessment
77 shall not be included when calculating the status or progress scores on
78 the district's or charter school's annual performance report scores. The
79 growth score shall be weighted at one hundred percent;

80 (2) In the second year of attendance, a transfer student's score
81 on a statewide assessment shall be weighted at thirty percent when
82 calculating the district's or charter school's performance for purposes
83 of the district's or charter school's annual performance report status or
84 progress score, with the growth score weighted at one hundred percent;

85 (3) In the third year of attendance, a transfer student's score on
86 a statewide assessment shall be weighted at seventy percent when
87 calculating the district's or charter school's performance for purposes
88 of the district's or charter school's annual performance report status or
89 progress score, with the growth score weighted at one hundred percent;

90 (4) In the fourth year of attendance and any subsequent years of
91 attendance, a transfer student's score on a statewide assessment shall
92 be weighted at one hundred percent when calculating the district's or

93 charter school's performance for purposes of the district's or charter
94 school's annual performance report status or progress score, with the
95 growth score weighted at one hundred percent.

96 7. When performing the requirements of this section, section
97 167.132, or sections 167.830 to 167.845, if an education authority whose
98 geographic area includes a district that operates an unaccredited
99 school as described in subsection 1 or 2 of section 167.826 is not
100 coordinating transfers due to insufficient funding or because the
101 governor has not yet appointed a number of members sufficient to
102 constitute a quorum to the education authority, the department of
103 elementary and secondary education shall contract with or collaborate
104 with any organizations it chooses, subject to the exception described
105 in subsection 8 of this section, in order to coordinate transfers that
106 each education authority is required to coordinate under such
107 sections. The department of elementary and secondary education and
108 such organization or organizations it chooses shall fulfill all functions
109 of the education authorities, including the duty to perform the tuition
110 calculation as described in subsection 4 of section 167.132. Any
111 applications for transfers and any reports of available enrollment slots
112 that the education authorities would have received shall be submitted
113 to the department of elementary and secondary education or such
114 organization or organizations it chooses instead.

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. If any metropolitan school district, any district located in any
10 county with a charter form of government and with more than nine
11 hundred fifty thousand inhabitants, or any district located in an
12 adjoining county to them operates at least one unaccredited school, the
13 authority shall coordinate student transfers from unaccredited schools
14 to schools in accredited districts as set forth in section 167.826 and, if
15 applicable, to approved charter schools.

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

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

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

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

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

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

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

72 8. The authority shall have the following powers, together with
73 all powers incidental thereto or necessary for the performance thereof
74 to:

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

76 (2) Adopt bylaws for the regulation of its affairs and the conduct
77 of its business;

78 (3) Sue and be sued and prosecute and defend, at law or in
79 equity, in any court having jurisdiction of the subject matter and of the
80 parties;

81 (4) Establish and use a corporate seal and alter the same at
82 pleasure;

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

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

87 (7) Coordinate student transfers located in its jurisdiction, as
88 provided by law; and

89 (8) Coordinate and collaborate with local districts, approved

90 charter schools, and local governments for the transfer of students, as
91 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 appropriations, gifts, bequests, or public or private donations to such
4 fund. Any moneys in the fund shall be used to fund the operations of
5 the education 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 of public moneys in accordance with
8 distribution requirements and procedures developed by the department
9 of elementary and secondary education and shall make disbursement
10 of private funds according to the directions of the donor. If the donor
11 did not specify how the private funds were to be disbursed, the state
12 treasurer shall contact the donor to determine the manner of
13 disbursement. The fund shall be a dedicated fund and, upon
14 appropriation, moneys in the fund shall be used solely for the
15 administration of sections 167.830 and 167.833.

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

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

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

9 2. If any district located in any county with a charter form of
10 government and with more than six hundred thousand but fewer than
11 seven hundred thousand inhabitants or in an adjoining county operates
12 at least one unaccredited school, the authority shall coordinate student
13 transfers from unaccredited schools to schools in accredited districts
14 as set forth in section 167.826 and, if applicable, to approved charter

15 schools.

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

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

41 4. The term length of each initial appointee shall be designated
42 by the governor at the time of making the appointment. Upon the
43 expiration of the initial terms of office, successor members shall be
44 appointed for terms of six years and shall serve until their successors
45 have been appointed and have qualified. Any member shall be eligible
46 for reappointment. The governor shall fill any vacancy for the
47 remainder of any unexpired term within thirty days of notification of
48 the vacancy. Any member of the authority may be removed by the
49 governor for misfeasance, malfeasance, willful neglect of duty, or other
50 cause after notice and a public hearing unless the notice or hearing
51 shall be expressly waived in writing.

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

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

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

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

- 81 **(1) Have perpetual succession as a body politic and corporate;**
- 82 **(2) Adopt bylaws for the regulation of its affairs and the conduct**
83 **of its business;**
- 84 **(3) Sue and be sued and prosecute and defend, at law or in**
85 **equity, in any court having jurisdiction of the subject matter and of the**
86 **parties;**
- 87 **(4) Establish and use a corporate seal and alter the same at**
88 **pleasure;**

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

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

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

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

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

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

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

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

8 section 160.011. The jurisdiction of the statewide education authority
9 shall be all counties except for:

10 (1) Any city not within a county;

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

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

16 2. If any district located in the statewide education authority's
17 jurisdiction operates at least one unaccredited school, the authority
18 shall coordinate student transfers from unaccredited schools to schools
19 in accredited districts as set forth in section 167.826 and, if applicable,
20 to approved charter schools.

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

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

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

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

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

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

36 4. The term length of each initial appointee shall be designated
37 by the governor at the time of making the appointment. Upon the
38 expiration of the initial terms of office, successor members shall be
39 appointed for terms of six years and shall serve until their successors
40 have been appointed and have qualified. Any member shall be eligible
41 for reappointment. The governor shall fill any vacancy for the
42 remainder of any unexpired term within thirty days of notification of
43 the vacancy. Any member of the authority may be removed by the
44 governor for misfeasance, malfeasance, willful neglect of duty, or other

45 cause after notice and a public hearing unless the notice or hearing
46 shall be expressly waived in writing.

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

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

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

73 8. The authority shall have the following powers, together with
74 all powers incidental thereto or necessary for the performance thereof,
75 to:

- 76 (1) Have perpetual succession as a body politic and corporate;
77 (2) Adopt bylaws for the regulation of its affairs and the conduct
78 of its business;
79 (3) Sue and be sued and prosecute and defend, at law or in
80 equity, in any court having jurisdiction of the subject matter and of the
81 parties;

82 (4) Establish and use a corporate seal and alter the same at
83 pleasure;

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

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

88 (7) Coordinate student transfers located in its jurisdiction, as
89 provided by law; and

90 (8) Coordinate and collaborate with local districts, approved
91 charter schools, and local governments for the transfer of students, as
92 provided by law.

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

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

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

167.848. For purposes of sections 161.084, 161.087, 161.238,
2 162.1250, 162.1305, 162.1310, 162.1313, 167.642, 167.685, 167.688, and
3 167.825 to 167.848, the following terms mean:

4 (1) "Accredited district", a school district that is classified as
5 accredited or accredited with distinction by the state board of

6 education pursuant to the authority of the state board of education to
7 classify schools as established in sections 161.087 and 161.092;

8 (2) "Accredited school", an attendance center that is classified as
9 accredited or accredited with distinction by the state board of
10 education pursuant to the authority of the state board of education to
11 classify schools as established in sections 161.087, 161.092, and 161.238;

12 (3) "Approved charter school", a charter school that has existed
13 for less than three years or a charter school with a three-year average
14 score of seventy percent or higher on its annual performance report;

15 (4) "Attendance center", a public school building or buildings or
16 part of a school building that constitutes one unit for accountability
17 purposes under the Missouri school improvement program;

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

24 (6) "Education authority" or "authority", an education authority
25 established under sections 167.830 to 167.845;

26 (7) "Provisionally accredited district", a school district that is
27 classified as provisionally accredited by the state board of education
28 pursuant to the authority of the state board of education to classify
29 schools as established in sections 161.087 and 161.092;

30 (8) "Provisionally accredited school", an attendance center that
31 is classified as provisionally accredited by the state board of education
32 pursuant to the authority of the state board of education to classify
33 schools as established in sections 161.087, 161.092, and 161.238;

34 (9) "Unaccredited district", a school district classified as
35 unaccredited by the state board of education pursuant to the authority
36 of the state board of education to classify schools as established in
37 sections 161.087 and 161.092;

38 (10) "Unaccredited school", an attendance center that is classified
39 as unaccredited by the state board of education pursuant to the
40 authority of the state board of education to classify schools as
41 established in sections 161.087, 161.092, and 161.238;

42 (11) "Underperforming", a school district or an attendance center

43 that has been classified as unaccredited or provisionally accredited
44 pursuant to the authority of the state board of education to classify
45 schools or has a three-year average annual performance report score
46 consistent with a classification of provisionally accredited or
47 unaccredited.

167.890. 1. The department of elementary and secondary
2 education shall compile and maintain student performance data scores
3 of all transfer students enrolled in districts other than their resident
4 districts as provided in sections 167.825 and 167.826 and make such
5 data available on the Missouri comprehensive data system. No
6 personally identifiable data shall be accessible on the database.

7 2. The department of elementary and secondary education may
8 promulgate all necessary rules and regulations for the administration
9 of this section. Any rule or portion of a rule, as that term is defined in
10 section 536.010, that is created under the authority delegated in this
11 section shall become effective only if it complies with and is subject to
12 all of the provisions of chapter 536 and, if applicable, section
13 536.028. This section and chapter 536 are nonseverable, and if any of
14 the powers vested with the general assembly pursuant to chapter 536
15 to review, to delay the effective date, or to disapprove and annul a rule
16 are 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.

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

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

- 9 (1) Assistance with homework;
- 10 (2) Collaboration and study tools in math, science, social
11 sciences, English, language arts, and computer literacy;
- 12 (3) Access to comprehensive writing assistance productivity
13 software; and
- 14 (4) Test preparation tools.

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

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

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

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

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

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

29 **6. Any entity that offers online tutoring services under this**
30 **section shall maintain an archive of all communications between**
31 **students and tutors for two years.**

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

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

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

19 **appropriation, moneys in the fund shall be used solely for the**
20 **administration of this section.**

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

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

171.031. 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 any school that adopts a four-day school week**
39 **in accordance with section 171.029; and**

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

43 **8. The school board of any district in this state that has been**
44 **classified as unaccredited or provisionally accredited by the state**
45 **board of education or that is accredited but has a three-year average**
46 **annual performance report score consistent with a classification of**
47 **unaccredited or provisionally accredited may increase the length of the**
48 **school day upon adoption of a resolution by a majority vote to**
49 **authorize such action. Such a school district may also increase the**
50 **annual hours of instruction above the required number of hours in**
51 **subsection 1 of this section by the adoption of a resolution by a**
52 **majority vote to authorize such action.**

53 **9. (1) There is hereby created in the state treasury the "Extended**
54 **Learning Time Fund". The fund shall consist of any moneys that may**
55 **be appropriated by the general assembly from general revenue to such**
56 **fund, any moneys paid into the state treasury and required by law to**
57 **be credited to such fund, and any gifts, bequests, or public or private**
58 **donations to such fund.**

59 **(2) The state treasurer shall be custodian of the fund. In**
60 **accordance with sections 30.170 and 30.180, the state treasurer may**
61 **approve disbursements in accordance with distribution requirements**
62 **and procedures developed by the department of elementary and**
63 **secondary education. The fund shall be a dedicated fund and, upon**
64 **appropriation, moneys in the fund shall be used solely for the**
65 **administration of subsection 8 of this section.**

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

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

177.015. 1. Each district that owns a building that is not
2 **occupied shall, by March fifteenth annually, prepare a public document**
3 **listing the status of each district-owned building that is not**
4 **occupied. The document shall include the address of each building and**
5 **the amount of money the district spends annually on the building**
6 **including, but not limited to, a separate accounting for repairs,**
7 **maintenance, utilities, and insurance. The document shall include an**
8 **estimate of the fair market value of each building. The district shall**
9 **post this information on its internet website and make the document**
10 **available to each district taxpayer.**

11 **2. For purposes of this section, the term "occupied" means a**
12 **district-owned building used for the education of children between the**
13 **ages of four and twenty-one for at least three hours a day for a school**
14 **term.**

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

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

26 2. The board shall elect a chairman, vice chairman, treasurer, and such
27 other officers as it deems necessary for its membership. Before taking office, the
28 treasurer shall furnish a surety bond or comparable insurance coverage for theft,
29 misappropriation, mismanagement, or other acts, in an amount to be determined
30 and in a form to be approved by the board, for the faithful performance of his or
31 her duties and faithful accounting of all moneys that may come into his or her
32 hands. The treasurer shall enter into the surety bond or comparable insurance
33 coverage with a surety company or insurer authorized to do business in Missouri,
34 and the cost of such bond or comparable insurance coverage shall be paid by the
35 board of directors. The board shall administer and expend all funds generated
36 pursuant to section 210.860 or section 67.1775 in a manner consistent with this
37 section. The board shall not be mandated to expend funds by an act of state
38 legislation without a majority vote of the county or city not within a county,
39 excluding any county with a charter form of government and with more than nine
40 hundred fifty thousand inhabitants.

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

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

51 (1) Up to thirty days of temporary shelter for abused, neglected, runaway,
52 homeless or emotionally disturbed youth; respite care services; and services to

53 unwed mothers;

54 (2) Outpatient chemical dependency and psychiatric treatment programs;
55 counseling and related services as a part of transitional living programs;
56 home-based and community-based family intervention programs; unmarried
57 parent services; crisis intervention services, inclusive of telephone hotlines; and
58 prevention programs which promote healthy lifestyles among children and youth
59 and strengthen families;

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

62 5. Any county, excluding any county with a charter form of government
63 and with more than nine hundred fifty thousand inhabitants, or city not within
64 a county in which voters have approved the levy of a tax under section 67.1775
65 or section 210.860 shall not add services in addition to those which are set forth
66 in subsection 4 of this section at the time such levy is approved by the voters,
67 unless such services authorized by statute after the voters have approved the levy
68 are approved by the voters in the same manner as the original levy was approved.
69 A proposal to add services shall be approved as set forth in section 67.1775 or
70 section 210.860.

71 6. Revenues collected and deposited in the community children's services
72 fund may not be expended for inpatient medical, psychiatric, and chemical
73 dependency services, or for transportation services.

74 **7. (1) In fiscal years 2017 and 2018, in any county with a charter**
75 **form of government and with more than nine hundred fifty thousand**
76 **inhabitants that contains all or any portion of a school district that has**
77 **been designated as unaccredited or provisionally accredited by the**
78 **state board of education, up to five percent of the community children's**
79 **services fund's yearly revenues, based on the total dollar amount**
80 **needed to provide services as determined by a needs assessment, shall**
81 **be devoted to a grant program that delivers services directly to schools**
82 **in such districts according to the procedure in this subsection. The**
83 **president of the school board shall notify the board of directors within**
84 **five business days after such designation. The board shall, in its**
85 **budget process for the following fiscal year, ensure that the total**
86 **amount of funds needed to provide services based on the needs**
87 **assessment is allocated according to this subsection, not to exceed five**
88 **percent of the fund's yearly revenues. If the total amount of funds**

89 needed to provide such services exceeds five percent of the fund's
90 yearly revenues, the funds shall be distributed in an order based on the
91 greatest need for each district. Any moneys distributed from the fund
92 to a district shall be subject to an annual audit.

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

98 (3) The board shall appoint one of its members to a direct school
99 service coordinating committee, which is hereby created. The board
100 may appoint an additional one of its members to serve as an ex officio
101 member. The board shall appoint a social worker to the
102 committee. The school board of each affected district shall appoint two
103 parents with a child enrolled in a public school in the district based on
104 school district identification numbers from the department of
105 elementary and secondary education, rotating year to year from highest
106 number to lowest number. The school board of each affected district
107 shall appoint a school services staff member. The superintendent of
108 each affected district shall serve on the committee. An additional
109 member from each affected district may be appointed to serve as an ex
110 officio member.

111 (4) The direct school service coordinating committee shall
112 provide recommendations and oversight to the program of contracted
113 services under this subsection.

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

118 (6) The provisions of this subsection shall terminate on June 30,
119 2018.

633.420. 1. For the purposes of this section, the term "dyslexia"
2 means a disorder that is neurological in origin, characterized by
3 difficulties with accurate and fluent word recognition, and poor
4 spelling and decoding abilities that typically result from a deficit in the
5 phonological component of language, often unexpected in relation to
6 other cognitive abilities and the provision of effective classroom

7 instruction, and of which secondary consequences may include
8 problems in reading comprehension and reduced reading experience
9 that can impede growth of vocabulary and background
10 knowledge. Nothing in this section shall prohibit a district from
11 assessing students for dyslexia and offering students specialized
12 reading instruction if a determination is made that a student suffers
13 from dyslexia. Unless required by federal law, nothing in this
14 definition shall require a student with dyslexia to be automatically
15 determined eligible as a student with a disability.

16 2. There is hereby created the "Legislative Task Force on
17 Dyslexia". The joint committee on education shall provide technical
18 and administrative support as required by the task force to fulfill its
19 duties. The task force shall meet at least quarterly and may hold
20 meetings by telephone or video conference. The task force shall advise
21 and make recommendations to the governor, general assembly, and
22 relevant state agencies regarding matters concerning individuals with
23 dyslexia including education and other adult and adolescent services.

24 3. The task force shall be comprised of eighteen members
25 consisting of the following:

26 (1) Four members of the general assembly, with two members
27 from the senate to be appointed by the president pro tempore and two
28 members from the house of representatives to be appointed by the
29 speaker of the house of representatives;

30 (2) The commissioner of education, or his or her designee;

31 (3) One representative from an institution of higher education
32 located in this state with specialized expertise in dyslexia and reading
33 instruction;

34 (4) A representative from a state teachers association or the
35 Missouri National Education Association;

36 (5) A representative from the International Dyslexia Association
37 of Missouri;

38 (6) A representative from Decoding Dyslexia of Missouri;

39 (7) A representative from the Missouri Association of Elementary
40 School Principals;

41 (8) A representative from the Missouri Council of Administrators
42 of Special Education;

43 (9) A professional licensed in the state of Missouri with

44 **experience diagnosing dyslexia including, but not limited to, a licensed**
45 **psychologist, school psychologist, or neuropsychologist;**

46 **(10) A speech-language pathologist with training and experience**
47 **in early literacy development and effective research-based intervention**
48 **techniques for dyslexia, including an Orton-Gillingham remediation**
49 **program recommended by the Missouri Speech-Language Hearing**
50 **Association, or a certified academic language therapist recommended**
51 **by the Academic Language Therapists Association who is a resident of**
52 **this state;**

53 **(11) A representative from an independent private provider or**
54 **nonprofit organization serving individuals with dyslexia;**

55 **(12) An assistive technology specialist with expertise in**
56 **accessible print materials and assistive technology used by individuals**
57 **with dyslexia recommended by the Missouri assistive technology**
58 **council;**

59 **(13) One private citizen who has a child who has been diagnosed**
60 **with dyslexia;**

61 **(14) One private citizen who has been diagnosed with dyslexia;**
62 **and**

63 **(15) A representative of the Missouri State Council of the**
64 **International Reading Association.**

65 **4. The members of the task force, other than the members from**
66 **the general assembly and ex officio members, shall be appointed by the**
67 **president pro tempore of the senate or the speaker of the house of**
68 **representatives by September 1, 2016, by alternating appointments**
69 **beginning with the president pro tempore of the senate. A chairperson**
70 **shall be selected by the members of the task force. Any vacancy on the**
71 **task force shall be filled in the same manner as the original**
72 **appointment. Members shall serve on the task force without**
73 **compensation.**

74 **5. The task force shall make recommendations for a statewide**
75 **system for identification, intervention, and delivery of supports for**
76 **students with dyslexia including the development of resource materials**
77 **and professional development activities. These recommendations shall**
78 **be included in a report to the governor and legislature and shall**
79 **include findings and proposed legislation and shall be made available**
80 **no longer than twelve months from the task force's first meeting.**

81 **6. The recommendations and resource materials developed by**
82 **the task force shall:**

83 **(1) Identify valid and reliable screening and evaluation**
84 **assessments and protocols that can be used and the appropriate**
85 **personnel to administer such assessments in order to identify children**
86 **with dyslexia or the characteristics of dyslexia as part of an ongoing**
87 **reading progress monitoring system, multi-tiered system of supports,**
88 **and special education eligibility determinations in schools;**

89 **(2) Recommend an evidence-based reading instruction, with**
90 **consideration of the National Reading Panel Report and Orton-**
91 **Gillingham methodology principles for use in all Missouri schools, and**
92 **intervention system, including a list of effective dyslexia intervention**
93 **programs, to address dyslexia or characteristics of dyslexia for use by**
94 **schools in multi-tiered systems of support and for services as**
95 **appropriate for special education eligible students;**

96 **(3) Develop and implement preservice and inservice professional**
97 **development activities to address dyslexia identification and**
98 **intervention, including utilization of accessible print materials and**
99 **assistive technology, within degree programs such as education,**
100 **reading, special education, speech-language pathology, and psychology;**

101 **(4) Review teacher certification and professional development**
102 **requirements as they relate to the needs of students with dyslexia;**

103 **(5) Examine the barriers to accurate information on the**
104 **prevalence of students with dyslexia across the state and recommend**
105 **a process for accurate reporting of demographic data; and**

106 **(6) Study and evaluate current practices for diagnosing, treating,**
107 **and educating children in this state and examine how current laws and**
108 **regulations affect students with dyslexia in order to present**
109 **recommendations to the governor and general assembly.**

110 **7. The task force shall hire or contract for hire specialist**
111 **services to support the work of the task force as necessary with**
112 **appropriations made by the general assembly for that purpose or from**
113 **other available funding.**

114 **8. The task force authorized under this section shall**
115 **automatically sunset on August 31, 2018, unless reauthorized by an act**
116 **of the general assembly.**

Section 1. If any provision of this act, or the application thereof

2 **to anyone or to any circumstances is held invalid, the remainder of the**
3 **provisions of this act and the application of such provisions to others**
4 **or other circumstances shall not be affected thereby.**

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

Unofficial ✓

Bill

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