

SECOND REGULAR SESSION

SENATE BILL NO. 760

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CHAPPELLE-NADAL.

Read 1st time January 22, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

5164S.011

AN ACT

To repeal sections 160.400, 160.518, 160.526, 161.092, 162.085, 163.023, 166.300, 167.131, 167.241, 168.700, and 171.171, RSMo, and to enact in lieu thereof fourteen new sections relating to school accreditation.

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

Section A. Sections 160.400, 160.518, 160.526, 161.092, 162.085, 163.023, 166.300, 167.131, 167.241, 168.700, and 171.171, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 160.400, 160.518, 160.526, 160.1100, 160.1105, 160.1110, 161.092, 162.085, 163.023, 166.300, 167.131, 167.241, 168.700, and 171.171, to read as follows:

- 160.400. 1. A charter school is an independent public school.
2. Except as further provided in subsection 4 of this section, charter schools may be operated only:
- (1) In a metropolitan school district;
 - (2) In an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants;
 - (3) In a school district that has been declared unaccredited;
 - (4) In a school district that has been classified as provisionally accredited by the [state board of education] **Missouri board of school accreditation** and has received scores on its annual performance report consistent with a classification of provisionally accredited or unaccredited for three consecutive school years beginning with the 2012-13 accreditation year under the following conditions:
 - (a) The eligibility for charter schools of any school district whose provisional accreditation is based in whole or in part on financial stress as

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

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

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

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

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

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

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

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

160 sections 105.483, 105.485, 105.487, and 105.489.

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

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

168 (2) The granting of a charter;

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

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

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

178 (6) Procedures to be implemented if a charter school should close,
179 consistent with the provisions of subdivision (15) of subsection 1 of section
180 160.405.

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

183 17. (1) A sponsor shall provide timely submission to the state board of
184 education of all data necessary to demonstrate that the sponsor is in material
185 compliance with all requirements of sections 160.400 to 160.425 and section
186 167.349. The state board of education shall ensure each sponsor is in compliance
187 with all requirements under sections 160.400 to 160.425 and 167.349 for each
188 charter school sponsored by any sponsor. The state board shall notify each
189 sponsor of the standards for sponsorship of charter schools, delineating both what
190 is mandated by statute and what best practices dictate. The state board shall
191 evaluate sponsors to determine compliance with these standards every three
192 years. The evaluation shall include a sponsor's policies and procedures in the
193 areas of charter application approval; required charter agreement terms and
194 content; sponsor performance evaluation and compliance monitoring; and charter
195 renewal, intervention, and revocation decisions. Nothing shall preclude the

196 department from undertaking an evaluation at any time for cause.

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

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

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

160.518. 1. Consistent with the provisions contained in section 160.526,
2 the [state board of education] **Missouri board of school accreditation** shall
3 develop a statewide assessment system that provides maximum flexibility for
4 local school districts to determine the degree to which students in the public
5 schools of the state are proficient in the knowledge, skills, and competencies
6 adopted by [such] **the state board of education** pursuant to subsection 1 of
7 section 160.514. The statewide assessment system shall assess problem solving,
8 analytical ability, evaluation, creativity, and application ability in the different
9 content areas and shall be performance-based to identify what students know, as
10 well as what they are able to do, and shall enable teachers to evaluate actual
11 academic performance. The assessment system shall neither promote nor prohibit
12 rote memorization and shall not include existing versions of tests approved for
13 use pursuant to the provisions of section 160.257, nor enhanced versions of such
14 tests. The statewide assessment shall measure, where appropriate by grade level,
15 a student's knowledge of academic subjects including, but not limited to, reading
16 skills, writing skills, mathematics skills, world and American history, forms of

17 government, geography and science.

18 2. The assessment system shall only permit the academic performance of
19 students in each school in the state to be tracked against prior academic
20 performance in the same school.

21 3. The [state board of education] **Missouri board of school**
22 **accreditation** shall suggest criteria for a school to demonstrate that its students
23 learn the knowledge, skills and competencies at exemplary levels worthy of
24 imitation by students in other schools in the state and nation. Exemplary levels
25 shall be measured by the assessment system developed pursuant to subsection 1
26 of this section, or until said assessment is available, by indicators approved for
27 such use by the state board of education. The provisions of other law to the
28 contrary notwithstanding, the commissioner of education may, upon request of
29 the school district, present a plan for the waiver of rules and regulations to any
30 such school, to be known as "Outstanding Schools Waivers", consistent with the
31 provisions of subsection 4 of this section.

32 4. For any school that meets the criteria established by the [state board
33 of education] **Missouri board of school accreditation** for three successive
34 school years pursuant to the provisions of subsection 3 of this section, by August
35 first following the third such school year, the commissioner of education shall
36 present a plan to the superintendent of the school district in which such school
37 is located for the waiver of rules and regulations to promote flexibility in the
38 operations of the school and to enhance and encourage efficiency in the delivery
39 of instructional services. The provisions of other law to the contrary
40 notwithstanding, the plan presented to the superintendent shall provide a
41 summary waiver, with no conditions, for the pupil testing requirements pursuant
42 to section 160.257, in the school. Further, the provisions of other law to the
43 contrary notwithstanding, the plan shall detail a means for the waiver of
44 requirements otherwise imposed on the school related to the authority of the state
45 board of education to classify school districts pursuant to subdivision (9) of
46 section 161.092 and such other rules and regulations as determined by the
47 commissioner of education, excepting such waivers shall be confined to the school
48 and not other schools in the district unless such other schools meet the criteria
49 established by the [state board of education] **Missouri board of school**
50 **accreditation** consistent with subsection 3 of this section and the waivers shall
51 not include the requirements contained in this section and section 160.514. Any
52 waiver provided to any school as outlined in this subsection shall be void on June

53 thirtieth of any school year in which the school fails to meet the criteria
54 established by the [state board of education] **Missouri board of school**
55 **accreditation** consistent with subsection 3 of this section.

56 5. The score on any assessment test developed pursuant to this section or
57 this chapter of any student for whom English is a second language shall not be
58 counted until such time as such student has been educated for three full school
59 years in a school in this state, or in any other state, in which English is the
60 primary language.

61 6. The [state board of education] **Missouri board of school**
62 **accreditation** shall identify or, if necessary, establish one or more
63 developmentally appropriate alternate assessments for students who receive
64 special educational services, as that term is defined pursuant to section 162.675.
65 In the development of such alternate assessments, the [state] board shall
66 establish an advisory panel consisting of a majority of active special education
67 teachers and other education professionals as appropriate to research available
68 assessment options. The advisory panel shall attempt to identify preexisting
69 developmentally appropriate alternate assessments but shall, if necessary,
70 develop alternate assessments and recommend one or more alternate assessments
71 for adoption by the [state] board. The [state] board shall consider the
72 recommendations of the advisory council in establishing such alternate
73 assessment or assessments. Any student who receives special educational
74 services, as that term is defined pursuant to section 162.675, shall be assessed
75 by an alternate assessment established pursuant to this subsection upon a
76 determination by the student's individualized education program team that such
77 alternate assessment is more appropriate to assess the student's knowledge, skills
78 and competencies than the assessment developed pursuant to subsection 1 of this
79 section. The alternate assessment shall evaluate the student's independent living
80 skills, which include how effectively the student addresses common life demands
81 and how well the student meets standards for personal independence expected for
82 someone in the student's age group, sociocultural background, and community
83 setting.

84 7. The [state board of education] **Missouri board of school**
85 **accreditation** shall also develop recommendations regarding alternate
86 assessments for any military dependent who relocates to Missouri after the
87 commencement of a school term, in order to accommodate such student while
88 ensuring that he or she is proficient in the knowledge, skills, and competencies

89 adopted under section 160.514.

90 8. Notwithstanding the provisions of subsections 1 to 7 of this section, no
91 later than June 30, 2006, the state board of education shall administer the
92 following adjustments to the statewide assessment system:

93 (1) Align the performance standards of the statewide assessment system
94 so that such indicators meet, but do not exceed, the performance standards of the
95 National Assessment of Education Progress (NAEP) exam;

96 (2) Institute yearly examination of students in the required subject areas
97 where compelled by existing federal standards, as of August 28, 2004; and

98 (3) Administer any other adjustments that the state board of education
99 deems necessary in order to aid the state in satisfying existing federal
100 requirements, as of August 28, 2004, including, but not limited to, the
101 requirements contained in the federal No Child Left Behind Act. Grade-level
102 expectations shall be considered when the state board of education establishes
103 performance standards.

104 9. By July 1, 2006, the state board of education shall examine its rules
105 and regulations and revise them to permit waivers of resource and process
106 standards based upon achievement of performance profiles consistent with
107 accreditation status.

160.526. 1. In establishing the academic standards authorized by
2 subsection 1 of section 160.514 and the statewide assessment system authorized
3 by subsection 1 of section 160.518, the state board of education **and the**
4 **Missouri board of school accreditation** shall consider the work that has been
5 done by other states, recognized regional and national experts, professional
6 education discipline-based associations and other professional education
7 associations. Further, in establishing the academic standards and statewide
8 assessment system, the state board of education **and the Missouri board of**
9 **school accreditation** shall adopt the work that has been done by consortia of
10 other states and, subject to appropriations, may contract with such consortia to
11 implement the provisions of sections 160.514 and 160.518.

12 2. The [state board of education] **Missouri board of school**
13 **accreditation** shall, by contract enlist the assistance of such national experts,
14 as approved by the commission established pursuant to section 160.510, to receive
15 reports, advice and counsel on a regular basis pertaining to the validity and
16 reliability of the statewide assessment system. The reports from such experts
17 shall be received by the commission, which shall make a final determination

18 concerning the reliability and validity of the statewide assessment
19 system. Within six months prior to implementation of the statewide assessment
20 system, the commissioner of education shall inform the president pro tempore of
21 the senate and the speaker of the house about the procedures to implement the
22 assessment system, including a report related to the reliability and validity of the
23 assessment instruments, and the general assembly may, within the next sixty
24 legislative days, veto such implementation by concurrent resolution adopted by
25 majority vote of both the senate and the house of representatives.

26 3. The commissioner of education shall establish a procedure for the state
27 board of education to regularly receive advice and counsel from professional
28 educators at all levels in the state, district boards of education, parents,
29 representatives from business and industry, and labor and community leaders
30 pertaining to the implementation of sections 160.514 and 160.518. The procedure
31 shall include, at a minimum, the appointment of ad hoc committees and shall be
32 in addition to the advice and counsel obtained from the commission pursuant to
33 section 160.510.

**160.1100. 1. There is hereby established the Missouri Board of
2 School Accreditation. The board shall be responsible for assigning
3 accreditation classifications to school districts and developing a
4 statewide assessment system for local school districts to determine the
5 degree to which students are proficient in the knowledge, skills, and
6 competencies necessary for students to successfully advance through
7 the public elementary and secondary education system in Missouri.**

8 **2. The board shall not have authority to supervise the
9 instruction in the public schools of the state or to address school
10 curriculum.**

11 **3. The board shall promulgate rules and regulations to classify
12 the public schools of the state, subject to limitations provided by law,
13 establish requirements for the schools of each class, and formulate
14 rules governing the inspection and accreditation of schools preparatory
15 to classification, with such requirements taking effect not less than two
16 years from the date of adoption of the proposed rule by the state board
17 of education, provided that this condition shall not apply to any
18 requirement for which a time line for adoption is mandated in either
19 federal or state law.**

20 **4. The board's rules and regulations shall provide that the**

21 appropriate scoring guides, instruments, and procedures used in
22 determining the accreditation status of a district shall be subject to a
23 public meeting upon notice in a newspaper of general circulation in
24 each of the three most populous cities in the state and also a newspaper
25 that is a certified minority business enterprise or woman-owned
26 business enterprise in each of the two most populous cities in the state,
27 and notice to each district board of education, each superintendent of
28 a school district, and to the speaker of the house of representatives, the
29 president pro tempore of the senate, and the members of the joint
30 committee on education, at least fourteen days in advance of the
31 meeting, which shall be conducted by the board not less than ninety
32 days prior to their application in accreditation.

33 5. Any rule or portion of a rule, as that term is defined in section
34 536.010 that is created under the authority delegated in this section
35 shall become effective only if it complies with and is subject to all of
36 the provisions of chapter 536, and, if applicable, section 536.028. This
37 section and chapter 536 are nonseverable and if any of the powers
38 vested with the general assembly pursuant to chapter 536, to review, to
39 delay the effective date, or to disapprove and annul a rule are
40 subsequently held unconstitutional, then the grant of rulemaking
41 authority and any rule proposed or adopted after August 28, 2014, shall
42 be invalid and void.

43 6. For purposes of this section, the word "board" shall mean the
44 Missouri board of school accreditation.

160.1105. 1. The Missouri board of school accreditation shall
2 consist of eight lay members, with at least one member, but no more
3 than two, from each congressional district. The governor shall appoint
4 all members with the advice and consent of the senate. The term of
5 office of each member shall be eight years, except for the initial
6 appointments as provided in subsection 3 of this section.

7 2. The members of the board shall be citizens of high moral
8 standards and recognized ability in their respective business or
9 profession, who have resided in the state for at least five years
10 immediately preceding their appointment. At no time shall more than
11 four of the members be of the same political party. Of the eight
12 members of the board, four of them shall be selected in the following
13 manner:

14 **(1) One member shall be selected by the governor from a slate of**
15 **three recommended by the president pro tempore of the senate;**

16 **(2) One member shall be selected by the governor from a slate of**
17 **three recommended by the speaker of the house of representatives;**

18 **(3) One member shall be selected by the governor from a slate of**
19 **three recommended by a statewide association of school boards;**

20 **(4) One member shall be selected by the governor from a slate of**
21 **three recommended by the teacher association groups.**

22 **3. The members of the board first appointed shall be appointed**
23 **as follows, and identified as such by the governor:**

24 **(1) One for a term of one year;**

25 **(2) One for a term of two years;**

26 **(3) One for a term of three years;**

27 **(4) One for a term of four years;**

28 **(5) One for a term of five years;**

29 **(6) One for a term of six years;**

30 **(7) One for a term of seven years; and**

31 **(8) One for a term of eight years.**

32 **4. Members shall serve until their successors shall have been**
33 **appointed and shall have qualified.**

34 **5. Any member shall be eligible for reappointment.**

35 **6. If a vacancy occurs on the board, the governor shall make an**
36 **appointment for the remainder of the term. If a vacancy on the board**
37 **occurs while the general assembly is not in session, the governor shall**
38 **make a temporary appointment until the next session of the general**
39 **assembly, at which time a person shall be appointed to complete the**
40 **remainder of the term.**

41 **7. Board members shall serve without compensation but may be**
42 **reimbursed for necessary and actual expenses incurred in the**
43 **performances of official duties.**

44 **8. The board may employ an executive director and additional**
45 **staff as needed to carry out its duties.**

160.1110. The state board of education shall have no authority to
2 **classify the public schools of the state or assign any accreditation**
3 **classification to any school district.**

 161.092. The state board of education shall:

2 **(1) Adopt rules governing its own proceedings and formulate policies for**

3 the guidance of the commissioner of education and the department of elementary
4 and secondary education;

5 (2) Carry out the educational policies of the state relating to public
6 schools that are provided by law and supervise instruction in the public schools;

7 (3) Direct the investment of all moneys received by the state to be applied
8 to the capital of any permanent fund established for the support of public
9 education within the jurisdiction of the department of elementary and secondary
10 education and see that the funds are applied to the branches of educational
11 interest of the state that by grant, gift, devise or law they were originally
12 intended, and if necessary institute suit for and collect the funds and return them
13 to their legitimate channels;

14 (4) Cause to be assembled information which will reflect continuously the
15 condition and management of the public schools of the state;

16 (5) Require of county clerks or treasurers, boards of education or other
17 school officers, recorders and treasurers of cities, towns and villages, copies of all
18 records required to be made by them and all other information in relation to the
19 funds and condition of schools and the management thereof that is deemed
20 necessary;

21 (6) Provide blanks suitable for use by officials in reporting the information
22 required by the board;

23 (7) When conditions demand, cause the laws relating to schools to be
24 published in a separate volume, with pertinent notes and comments, for the
25 guidance of those charged with the execution of the laws;

26 (8) Grant, without fee except as provided in section 168.021, certificates
27 of qualification and licenses to teach in any of the public schools of the state,
28 establish requirements therefor, formulate regulations governing the issuance
29 thereof, and cause the certificates to be revoked for the reasons and in the
30 manner provided in section 168.071;

31 (9) [Classify the public schools of the state, subject to limitations provided
32 by law and subdivision (14) of this section, establish requirements for the schools
33 of each class, and formulate rules governing the inspection and accreditation of
34 schools preparatory to classification, with such requirements taking effect not less
35 than two years from the date of adoption of the proposed rule by the state board
36 of education, provided that this condition shall not apply to any requirement for
37 which a time line for adoption is mandated in either federal or state law;

38 (10)] Make an annual report on or before the first Wednesday after the

39 first day of January to the general assembly or, when it is not in session, to the
40 governor for publication and transmission to the general assembly. The report
41 shall be for the last preceding school year, and shall include:

42 (a) A statement of the number of public schools in the state, the number
43 of pupils attending the schools, their sex, and the branches taught;

44 (b) A statement of the number of teachers employed, their sex, their
45 professional training, and their average salary;

46 (c) A statement of the receipts and disbursements of public school funds
47 of every description, their sources, and the purposes for which they were
48 disbursed;

49 (d) Suggestions for the improvement of public schools; and

50 (e) Any other information relative to the educational interests of the state
51 that the law requires or the board deems important;

52 [(11)] **(10)** Make an annual report to the general assembly and the
53 governor concerning coordination with other agencies and departments of
54 government that support family literacy programs and other services which
55 influence educational attainment of children of all ages;

56 [(12)] **(11)** Require from the chief officer of each division of the
57 department of elementary and secondary education, on or before the thirty-first
58 day of August of each year, reports containing information the board deems
59 important and desires for publication;

60 [(13)] **(12)** Cause fifty copies of its annual report to be reserved for the
61 use of each division of the state department of elementary and secondary
62 education, and ten copies for preservation in the state library;

63 [(14)] Promulgate rules under which the board shall classify the public
64 schools of the state; provided that the appropriate scoring guides, instruments,
65 and procedures used in determining the accreditation status of a district shall be
66 subject to a public meeting upon notice in a newspaper of general circulation in
67 each of the three most populous cities in the state and also a newspaper that is
68 a certified minority business enterprise or woman-owned business enterprise in
69 each of the two most populous cities in the state, and notice to each district board
70 of education, each superintendent of a school district, and to the speaker of the
71 house of representatives, the president pro tem of the senate, and the members
72 of the joint committee on education, at least fourteen days in advance of the
73 meeting, which shall be conducted by the department of elementary and
74 secondary education not less than ninety days prior to their application in

75 accreditation, with all comments received to be reported to the state board of
76 education;

77 (15)] (13) Have other powers and duties prescribed by law.

162.085. If a school district has been classified as unaccredited within the
2 previous five school years and the district is subsequently classified as
3 provisionally accredited, the district shall be subject to lapse on June thirtieth of
4 any school year in which the [state board of education] **Missouri board of**
5 **school accreditation** withdraws provisional accreditation or at a later date as
6 determined by the [state board of education] **Missouri board of school**
7 **accreditation**. The provisions of this section shall become effective January 1,
8 2010.

163.023. 1. Commencing September 1, 1997, a school district that has an
2 operating levy for school purposes as defined in section 163.011, of less than the
3 minimum value required by section 163.021, shall be classified as unaccredited
4 by the [state board of education] **Missouri board of school accreditation** and
5 shall be deemed to be an unclassified school district for all purposes under force
6 of law, pursuant to the authority of the state board of education to classify school
7 districts pursuant to section 161.092, except that no school district shall be
8 classified as unaccredited or deemed to be an unclassified school district pursuant
9 to this section if such district is ineligible to receive state aid under section
10 163.031, exclusive of categorical add-ons, because the district's local effort is
11 greater than its weighted average daily attendance multiplied by the state
12 adequacy target multiplied by the dollar value modifier. No school district,
13 except a district which is ineligible to receive state aid under section 163.031,
14 exclusive of categorical add-ons, because the district's local effort is greater than
15 its weighted average daily attendance multiplied by the state adequacy target
16 multiplied by the dollar value modifier, may be classified or reclassified as
17 accredited until such district has an operating levy for school purposes which is
18 equal to or greater than the minimum value required by section
19 163.021. Beginning July 1, 1998, the state board of education shall consider the
20 results for a school district from the statewide assessment system developed
21 pursuant to the provisions of section 160.518 when classifying a school district as
22 authorized by subdivision (9) of section 161.092. Further, the state board of
23 education shall consider the condition and adequacy of facilities of a school
24 district when determining such classification.

25 2. For any school district classified unaccredited for any school year, the

26 [state board of education] **Missouri board of school accreditation** shall
27 conduct procedures to classify said school district for the first school year
28 following.

166.300. 1. As used in this section, the following words and phrases shall
2 mean:

3 (1) "Capital improvement projects", expenditures for lands or existing
4 buildings, improvements of grounds, construction of buildings, additions to
5 buildings, remodeling of buildings and initial equipment purchases;

6 (2) "School facility", a structure dedicated primarily to housing teachers
7 and students in the instructional process, but shall not include buildings
8 dedicated primarily to administrative and support functions within the school.

9 2. There is hereby created a revolving fund to be known as the "School
10 Building Revolving Fund". All forfeitures of assets transferred pursuant to
11 section 166.131, all gifts and bequests to such fund, and such moneys as may be
12 appropriated to the fund shall be deposited into the school building revolving
13 fund; except that no more than four hundred forty million dollars, in the
14 aggregate, shall be transferred to the fund. After a fund balance has been
15 established by prior years' deposits and interest, school districts may submit
16 applications for lease purchases from the revolving fund for specific projects
17 consistent with rules and regulations of the state board of education and
18 subsection 3 of this section, except that no school district may be permitted to
19 enter into a lease purchase from the school building revolving fund without first
20 submitting a long-range capital improvements plan.

21 3. To be eligible for a lease purchase authorized by this section:

22 (1) A school district shall meet the minimum criteria for state aid and for
23 increases in state aid established pursuant to section 163.021;

24 (2) A school district shall provide a program which is accredited by the
25 [state board of education] **Missouri board of school accreditation** for grades
26 kindergarten through twelve or for grades kindergarten through eight; and

27 (3) A school district shall have an equalized, assessed valuation per
28 eligible pupil for the preceding year which is less than the statewide average
29 equalized, assessed valuation per eligible pupil for the preceding year; and

30 (4) A school district shall have a bonded indebtedness which is no less
31 than ninety percent of the constitutional limitation on indebtedness pursuant to
32 section 26(b) of article VI of the Constitution of Missouri.

33 4. Lease purchase applications shall be funded, as funds allow, first for

34 all applications pursuant to subdivision (1) of this subsection and then for
35 applications pursuant to subdivision (2) of this subsection and then for
36 applications pursuant to subdivision (3) of this subsection, and for funding of
37 applications pursuant to a particular subdivision, applications shall be funded in
38 the order that the applications are received by the department. If two or more
39 applications are received on the same day, the district with the lowest appraised
40 valuation per pupil shall be given priority. Ranking of the applications for
41 offering of lease purchases shall be done in the following order:

42 (1) Districts with capital replacement costs in excess of insurance proceeds
43 due to facility destruction caused by fire or natural disaster shall be ranked on
44 the basis of percentage of bonding capacity;

45 (2) Districts with a cumulative percentage growth in fall membership for
46 the third through the fifth preceding years in excess of twelve percent and which
47 have a bonded indebtedness which is no less than ninety percent of the
48 constitutional limitation on indebtedness pursuant to section 26(b) of article VI
49 of the Constitution of Missouri; and

50 (3) Districts with an equalized assessed valuation per pupil which is less
51 than the statewide average equalized assessed valuation per pupil and which
52 have a bonded indebtedness which is no less than ninety percent of the
53 constitutional limitation on indebtedness pursuant to section 26(b) of article VI
54 of the Constitution of Missouri.

55 5. When building replacement is caused by fire or natural disaster, the
56 requirement for a school district to have a long-range capital improvements plan
57 may be waived by the state board of education.

58 6. Each school district participating in a lease purchase from the school
59 building revolving fund shall repay such lease purchase in no more than ten
60 annual payments made on or before June thirtieth of each year. The first such
61 payment shall be due and payable on June thirtieth of the first full fiscal year
62 following receipt of lease purchase proceeds. Lease purchase repayments shall
63 be immediately deposited to the school building revolving fund by the
64 department. Interest charged to the school district shall not exceed three
65 percent.

66 7. Any school district which fails to obligate the full amount of a loan from
67 the school building revolving fund for the allowable lease purchase must return
68 the unobligated amount plus interest earned to the department no later than
69 June thirtieth of the second full fiscal year after receipt of loan proceeds.

70 8. If a school district fails to make an annual payment to the school
71 building revolving fund after notice of nonpayment by the department, members
72 of the board of education and the school district's superintendent shall have
73 violated section 162.091 and the attorney general of the state of Missouri shall
74 be notified by the state board of education to begin prosecution procedures.

75 9. All property purchased pursuant to a lease purchase from the school
76 building revolving fund shall remain the property of the state until such time as
77 the lease purchase has been fully repaid pursuant to this section. If a school
78 district does not make an annual payment to the school building revolving fund
79 after notice of nonpayment by the department, the state board of education may,
80 if the delinquency exceeds one hundred eighty days, take possession of the
81 property. As a part of the lease purchase agreement, the school district shall
82 agree to assume all costs, obligations and liabilities for or arising out of
83 establishment, operation and maintenance of the lease purchase property. Other
84 provisions of law to the contrary notwithstanding, neither the state nor any state
85 agency shall have any obligation for such costs, obligations or liabilities unless
86 and until the state board of education takes possession of the property pursuant
87 to this subsection upon a school district's failure to make annual payments as
88 required in the lease purchase agreement.

89 10. Any unobligated cash balance in the school building revolving fund as
90 of the effective date of this act, shall be transferred to aid the public schools of
91 this state pursuant to section 163.031. Any and all deposits made to the school
92 building revolving fund after August 28, 2003, shall be immediately transferred
93 to the state school moneys fund, pursuant to section 166.051.

167.131. 1. The board of education of each district in this state that does
2 not maintain an accredited school pursuant to the authority of the [state board
3 of education] **Missouri board of school accreditation** to classify schools as
4 established in section 161.092 shall pay the tuition of and provide transportation
5 consistent with the provisions of section 167.241 for each pupil resident therein
6 who attends an accredited school in another district of the same or an adjoining
7 county.

8 2. The rate of tuition to be charged by the district attended and paid by
9 the sending district is the per pupil cost of maintaining the district's grade level
10 grouping which includes the school attended. The cost of maintaining a grade
11 level grouping shall be determined by the board of education of the district but
12 in no case shall it exceed all amounts spent for teachers' wages, incidental

13 purposes, debt service, maintenance and replacements. The term "debt service",
14 as used in this section, means expenditures for the retirement of bonded
15 indebtedness and expenditures for interest on bonded indebtedness. Per pupil
16 cost of the grade level grouping shall be determined by dividing the cost of
17 maintaining the grade level grouping by the average daily pupil attendance. If
18 there is disagreement as to the amount of tuition to be paid, the facts shall be
19 submitted to the state board of education, and its decision in the matter shall be
20 final. Subject to the limitations of this section, each pupil shall be free to attend
21 the public school of his or her choice.

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

168.700. 1. This act shall be known, and may be cited, as the "Missouri
2 Teaching Fellows Program".

3 2. As used in this section, the following terms shall mean:

4 (1) "Department", the Missouri department of higher education;

5 (2) "Eligible applicant", a high school senior who:

6 (a) Is a United States citizen;

7 (b) Has a cumulative grade point average ranking in the top ten percentile
8 in their graduating class and scores in the top twenty percentile on either the
9 ACT or SAT assessment; or has a cumulative grade point average ranking in the
10 top twenty percentile in their graduating class and scores in the top ten
11 percentile of the ACT or SAT assessment;

12 (c) Upon graduation from high school, attends a Missouri higher education
13 institution and attains a teaching certificate and either a bachelors or graduate
14 degree with a cumulative grade point average of at least three-point zero on a
15 four-point scale or equivalent;

16 (d) Signs an agreement with the department in which the applicant agrees
17 to engage in qualified employment upon graduation from a higher education
18 institution for five years; and

19 (e) Upon graduation from the higher education institution, engages in
20 qualified employment;

21 (3) "Qualified employment", employment as a teacher in a school located
22 in a school district that is not classified as accredited by the [state board of
23 education] **Missouri board of school accreditation** at the time the eligible
24 applicant signs their first contract to teach in such district. Preference in
25 choosing schools to receive participating teachers shall be given to schools in such
26 school districts with a higher-than-the-state-average of students eligible to receive
27 a reduced lunch price under the National School Act, 42 U.S.C. Section 1751, et
28 seq., as amended;

29 (4) "Teacher", any employee of a school district, regularly required to be
30 certified under laws relating to the certification of teachers, except
31 superintendents and assistant superintendents but including certified teachers
32 who teach at the prekindergarten level within a prekindergarten program in
33 which no fees are charged to parents or guardians.

34 3. Within the limits of amounts appropriated therefor, the department
35 shall, upon proper verification to the department by an eligible applicant and the
36 school district in which the applicant is engaged in qualified employment, enter
37 into a one-year contract with eligible applicants to repay the interest and
38 principal on the educational loans of the applicants or provide a stipend to the
39 applicant as provided in subsection 4 of this section. The department may enter
40 into subsequent one-year contracts with eligible applicants, not to total more than
41 five such contracts. The fifth one-year contract shall provide for a stipend to such
42 applicants as provided in subsection 4 of this section. If the school district
43 becomes accredited at any time during which the eligible applicant is teaching at
44 a school under a contract entered into pursuant to this section, nothing in this
45 section shall preclude the department and the eligible applicant from entering
46 into subsequent contracts to teach within the school district. An eligible
47 applicant who does not enter into a contract with the department under the
48 provisions of this subsection shall not be eligible for repayment of educational
49 loans or a stipend under the provisions of subsection 4 of this section.

50 4. At the conclusion of each of the first four academic years that an
51 eligible applicant engages in qualified employment, up to one-fourth of the
52 eligible applicant's educational loans, not to exceed five thousand dollars per
53 year, shall be repaid under terms provided in the contract. For applicants
54 without any educational loans, the applicant may receive a stipend of up to five

55 thousand dollars at the conclusion of each of the first four academic years that
56 the eligible applicant engages in qualified employment. At the conclusion of the
57 fifth academic year that an eligible applicant engages in qualified employment,
58 a stipend in an amount equal to one thousand dollars shall be granted to the
59 eligible applicant. The maximum of five thousand dollars per year and the
60 stipend of one thousand dollars shall be adjusted annually by the same
61 percentage as the increase in the general price level as measured by the
62 Consumer Price Index for All Urban Consumers for the United States, or its
63 successor index, as defined and officially recorded by the United States
64 Department of Labor or its successor agency. The amount of any repayment of
65 educational loans or the issuance of a stipend under this subsection shall not
66 exceed the actual cost of tuition, required fees, and room and board for the
67 eligible applicant at the institution of higher education from which the eligible
68 applicant graduated.

69 5. The department shall maintain a Missouri teaching fellows program
70 coordinator position, the main responsibility of which shall be the identification,
71 recruitment, and selection of potential students meeting the requirements of
72 paragraph (b) of subdivision (2) of subsection 2 of this section. In selecting
73 potential students, the coordinator shall give preference to applicants that
74 represent a variety of racial backgrounds in order to ensure a diverse group of
75 eligible applicants.

76 6. The department shall promulgate rules to enforce the provisions of this
77 section, including, but not limited to, applicant eligibility, selection criteria, and
78 the content of loan repayment contracts. If the number of applicants exceeds the
79 revenues available for loan repayment or stipends, priority shall be to those
80 applicants with the highest high school grade-point average and highest scores
81 on the ACT or SAT assessments.

82 7. Any rule or portion of a rule, as that term is defined in section 536.010,
83 that is created under the authority delegated in this section shall become effective
84 only if it complies with and is subject to all of the provisions of chapter 536 and,
85 if applicable, section 536.028. This section and chapter 536 are nonseverable and
86 if any of the powers vested with the general assembly pursuant to chapter 536 to
87 review, to delay the effective date, or to disapprove and annul a rule are
88 subsequently held unconstitutional, then the grant of rulemaking authority and
89 any rule proposed or adopted after August 28, 2007, shall be invalid and void.

90 8. There is hereby created in the state treasury the "Missouri Teaching

91 Fellows Program Fund". The state treasurer shall be custodian of the fund and
92 may approve disbursements from the fund in accordance with sections 30.170 and
93 30.180. Private donations, federal grants, and other funds provided for the
94 implementation of this section shall be placed in the Missouri teaching fellows
95 program fund. Upon appropriation, money in the fund shall be used solely for the
96 repayment of loans and the payment of stipends under the provisions of this
97 section. Notwithstanding the provisions of section 33.080 to the contrary, any
98 moneys remaining in the fund at the end of the biennium shall not revert to the
99 credit of the general revenue fund. The state treasurer shall invest moneys in the
100 fund in the same manner as other funds are invested. Any interest and moneys
101 earned on such investments shall be credited to the fund.

102 9. Subject to appropriations, the general assembly shall include an
103 amount necessary to properly fund this section, not to exceed one million dollars
104 in any fiscal year. The maximum of one million dollars in any fiscal year shall
105 be adjusted annually by the same percentage as the increase in the general price
106 level as measured by the Consumer Price Index for All Urban Consumers for the
107 United States, or its successor index, as defined and officially recorded by the
108 United States Department of Labor or its successor agency.

171.171. Work completed in schools accredited by the [state board of
2 education] **Missouri board of school accreditation** shall be given full credit
3 in requirements for entrance to and classification in any educational institution
4 supported in whole or in part by state appropriation.

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