

SECOND REGULAR SESSION

# HOUSE BILL NO. 1453

99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MAY.

5222H.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal section 162.1100, RSMo, and to enact in lieu thereof one new section relating to transitional school districts.

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

Section A. Section 162.1100, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 162.1100, to read as follows:

162.1100. 1. There is hereby established within each city not within a county a school district to be known as the "Transitional School District of (name of city)", which shall be a body corporate and politic and a subdivision of the state. The transitional school district shall be coterminous with the boundaries of the city in which the district is located. Except as otherwise provided in this section and section 162.621, the transitional school district shall be subject to all laws pertaining to "seven-director districts", as defined in section 160.011. The transitional school district shall have the responsibility for educational programs and policies determined by a final judgment of a federal school desegregation case to be needed in providing for a transition of the educational system of the city from control and jurisdiction of a federal court school desegregation order, decree or agreement and such other programs and policies as designated by the governing body of the school district.

2. (1) The governing board of the transitional school district shall consist of three residents of the district: one shall be appointed by the governing body of the district, one shall be appointed by the mayor of the city not within a county and one shall be appointed by the president of the board of aldermen of the city not within a county. The members of the governing board shall serve without compensation for a term of three years, or until their successors have been appointed, or until the transitional district is dissolved or terminated. Any

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 tax approved for the transitional district shall be assigned to the governing body of the school  
19 district in a city not within a county after dissolution or termination of the transitional district.

20 (2) In the event that the state board of education shall declare the school district of a city  
21 not within a county to be unaccredited, the member of the governing board of the transitional  
22 district appointed by the governing body of the district as provided in subdivision (1) of this  
23 subsection shall, within ninety days, be replaced by a chief executive officer nominated by the  
24 state board of education and appointed by the governor with the advice and consent of the senate.  
25 The chief executive officer need not be a resident of the district but shall be a person of  
26 recognized administrative ability, shall be paid in whole or in part with funds from the district,  
27 and shall have all other powers and duties of any other general superintendent of schools,  
28 including appointment of staff. The chief executive officer shall serve for a term of three years  
29 or until his **or her** successor is appointed or until the transitional district is dissolved or  
30 terminated. His **or her** salary shall be set by the state board of education.

31 3. In the event that the school district loses its accreditation, upon the appointment of a  
32 chief executive officer, any powers granted to any existing school board in a city not within a  
33 county on or before August 28, 1998, shall be vested with the special administrative board of the  
34 transitional school district containing such school district so long as the transitional school  
35 district exists, except as otherwise provided in section 162.621.

36 4. The special administrative board's powers and duties shall include:

37 (1) Creating an academic accountability plan, taking corrective action in  
38 underperforming schools, and seeking relief from state-mandated programs;

39 (2) Exploration of alternative forms of governance for the district;

40 (3) Authority to contract with nonprofit corporations to provide for the operation of  
41 schools;

42 (4) Oversight of facility planning, construction, improvement, repair, maintenance and  
43 rehabilitation;

44 (5) Authority to establish school site councils to facilitate site-based school management  
45 and to improve the responsiveness of the schools to the needs of the local geographic attendance  
46 region of the school;

47 (6) Authority to submit a proposal to district voters pursuant to section 162.666  
48 regarding establishment of neighborhood schools.

49 5. (1) The provisions of a final judgment as to the state of Missouri and its officials in  
50 a school desegregation case which subjects a district in which a transitional district is located in  
51 this state to a federal court's jurisdiction may authorize or require the governing body of a  
52 transitional school district established under this section to establish the transitional district's  
53 operating levy for school purposes, as defined pursuant to section 163.011, at a level not to

54 exceed eighty-five cents per one hundred dollars assessed valuation in the district or a sales tax  
55 equivalent amount as determined by the department of elementary and secondary education  
56 which may be substituted for all or part of such property tax.

57 (2) Any other statute to the contrary notwithstanding, no tax authorized pursuant to this  
58 subsection shall:

59 (a) Be subject to any certificate of tax abatement issued after August 28, 1998, pursuant  
60 to sections 99.700 to 99.715; and

61 (b) Effective January 1, 2002, be subject to any new or existing tax increment financing  
62 adopted by a city not within a county pursuant to sections 99.800 to 99.865 except that any  
63 redevelopment plan and redevelopment project concerning a convention headquarters hotel  
64 adopted by ordinance by a city not within a county prior to August 28, 2003, shall be subject to  
65 such tax increment financing.

66 (3) The transitional school district shall not be subject to the provisions of section  
67 162.081, sections 163.021 and 163.023 with respect to any requirements to maintain a minimum  
68 value of operating levy or any consequences provided by law for failure to levy at least such  
69 minimum rate. No operating levy or increase in the operating levy or sales tax established  
70 pursuant to this section shall be collected for a transitional school district unless prior approval  
71 is obtained from a simple majority of the district's voters. The board of the transitional district  
72 shall place the matter before the voters prior to March 15, 1999.

73 6. (1) The special administrative board established in this section shall develop,  
74 implement, monitor and evaluate a comprehensive school improvement plan, and such plan shall  
75 be subject to review and approval of the state board of education. The plan shall ensure that all  
76 students meet or exceed grade-level standards established by the state board of education  
77 pursuant to section 160.514;

78 (2) The special administrative board shall establish student performance standards  
79 consistent with the standards established by the state board of education pursuant to section  
80 160.514 for preschool through grade twelve in all skill and subject areas, subject to review and  
81 approval of the state board of education for the purpose of determining whether the standards are  
82 consistent with standards established by the state board of education pursuant to section 160.514;

83 (3) All students in the district who do not achieve grade-level standards shall be required  
84 to attend summer school; except that the provisions of this subsection shall not apply to students  
85 receiving special education services pursuant to sections 162.670 to 162.999;

86 (4) No student shall be promoted to a higher grade level unless that student has a reading  
87 ability at or above one grade level below the student's grade level; except that the provisions of  
88 this subsection shall not apply to students receiving special education services pursuant to  
89 sections 162.670 to 162.999;

90 (5) The special administrative board established in this section shall develop, implement  
91 and annually update a professional development plan for teachers and other support staff, subject  
92 to review and approval of the state board of education.

93 7. The school improvement plan established pursuant to this section shall ensure open  
94 enrollment and program access to all students in the district, and, consistent with the Missouri  
95 and United States Constitutions, shall give first priority to residents of the city for admission to  
96 magnet schools. The school board shall take all practicable and constitutionally permissible  
97 steps to ensure that all magnet schools operate at full capacity. Students who change residence  
98 within the district shall be allowed to continue to attend the school in which they were initially  
99 enrolled for the remainder of their education at grade levels served by that school, and  
100 transportation shall be provided by the district to allow such students to continue to attend such  
101 school of initial enrollment.

102 8. To the extent practicable, the special administrative board shall ensure that per pupil  
103 expenditures and pupil-teacher ratios shall be the same for all schools serving students at a given  
104 grade level.

105 9. The special administrative board shall ensure that early childhood education is  
106 available throughout the district.

107 10. The special administrative board shall ensure that vocational education instruction  
108 is provided within the district.

109 11. The special administrative board shall establish an accountability officer whose duty  
110 shall be to ensure that academically deficient schools within the district are raised to acceptable  
111 condition within two years.

112 12. The transitional school district in any city not within a county shall be dissolved on  
113 July 1, 2008, unless the state board determines, prior to that date, that it is necessary for the  
114 transitional district to continue to accomplish the purposes for which it was created. The state  
115 board of education may cause the termination of the transitional school district at any time upon  
116 a determination that the transitional district has accomplished the purposes for which it was  
117 established and is no longer needed. **If the transitional school district is classified as fully  
118 accredited, the state board of education shall terminate it and return governance to the  
119 elected board of the school district containing the territory of the dissolved transitional  
120 school district within thirty days. If the transitional school district is fully accredited  
121 before August 28, 2018, the state board of education shall terminate it at its first meeting  
122 to occur on or after August 28, 2018.** The state board of education may cause the  
123 reestablishment of the transitional school district at any time upon a determination that it is  
124 necessary for the transitional district to be reestablished to accomplish the purposes established  
125 in this section. The state board of education shall provide notice to the governor and general

126 assembly of the termination or reestablishment of the transitional school district and the  
127 termination or reestablishment shall become effective thirty days following such determination.  
128 Upon dissolution of a transitional school district pursuant to this section, nothing in this section  
129 shall be construed to reduce or eliminate any power or duty of any school district or districts  
130 containing the territory of the dissolved transitional school district unless such transitional school  
131 district is reestablished by the state board of education pursuant to this section.

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