

SECOND REGULAR SESSION

# HOUSE BILL NO. 2125

101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE TERRY.

4666H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal section 162.081, RSMo, and to enact in lieu thereof one new section relating to special administrative boards for unaccredited school districts.

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

Section A. Section 162.081, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 162.081, to read as follows:

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

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

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

2. If at the time any school district in this state shall be classified as unaccredited, the department of elementary and secondary education shall conduct at least two public hearings at a location in the unaccredited school district regarding the accreditation status of the school district. The hearings shall provide an opportunity to convene community resources that may be useful or necessary in supporting the school district as it attempts to return to accredited status, continues under revised governance, or plans for continuity of educational services and resources upon its attachment to a neighboring district. The department may request the attendance of stakeholders and district officials to review the district's plan to return to accredited status, if any; offer technical assistance; and facilitate and coordinate community

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 resources. Such hearings shall be conducted at least twice annually for every year in which  
19 the district remains unaccredited or provisionally accredited.

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

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

23 (2) Lapse the corporate organization of all or part of the unaccredited district and:

24 (a) Appoint a special administrative board for the operation of all or part of the  
25 district. If a special administrative board is appointed for the operation of a part of a school  
26 district, the state board of education shall determine an equitable apportionment of state and  
27 federal aid for the part of the district and the school district shall provide local revenue in  
28 proportion to the weighted average daily attendance of the part. The number of members of  
29 the special administrative board shall not be less than five, the majority of whom shall be  
30 residents of the district. The members of the special administrative board shall reflect the  
31 population characteristics of the district and shall collectively possess strong experience in  
32 school governance, management and finance, and leadership. The state board of education  
33 may appoint members of the district's elected school board to the special administrative  
34 board, but members of the elected school board shall not comprise more than forty-nine  
35 percent of the special administrative board's membership. Within fourteen days after the  
36 appointment by the state board of education, the special administrative board shall organize  
37 by the election of a president, vice president, secretary and a treasurer, with their duties and  
38 organization as enumerated in section 162.301. The special administrative board shall  
39 appoint a superintendent of schools to serve as the chief executive officer of the school  
40 district, or a subset of schools, and to have all powers and duties of any other general  
41 superintendent of schools in a seven-director school district. Any special administrative  
42 board appointed under this section shall be responsible for the operation of the district or part  
43 of the district until such time that the district is classified by the state board of education as  
44 provisionally accredited for at least two successive academic years, after which time the state  
45 board of education ~~may~~ **shall** provide for a transition pursuant to section 162.083; ~~or~~

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

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

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

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

55 d. Annual reports to the general assembly and the governor on the progress towards  
56 accreditation of any district that has been declared unaccredited and is placed under an  
57 alternative form of governance, including a review of the effectiveness of the alternative  
58 governance; ~~[or]~~

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

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

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

76 5. A special administrative board or any other form of governance appointed under  
77 this section shall retain the authority granted to a board of education for the operation of the  
78 lapsed school district under the laws of the state in effect at the time of the lapse and may  
79 enter into contracts with accredited school districts or other education service providers in  
80 order to deliver high-quality educational programs to the residents of the district. If a student  
81 graduates while attending a school building in the district that is operated under a contract  
82 with an accredited school district as specified under this subsection, the student shall receive  
83 ~~[his or her]~~ **the student's** diploma from the accredited school district. The authority of the  
84 special administrative board or any other form of governance appointed under this section  
85 shall expire at the end of the third full school year following its appointment, unless extended  
86 by the state board of education. If the lapsed district is reassigned, the governing board prior  
87 to lapse shall provide an accounting of all funds, assets and liabilities of the lapsed district and  
88 transfer such funds, assets, and liabilities of the lapsed district as determined by the state  
89 board of education. Neither the special administrative board nor any other form of  
90 governance appointed under this section nor its members or employees shall be deemed to be  
91 the state or a state agency for any purpose, including section 105.711~~[,]~~ et seq. The state of

92 Missouri, its agencies and employees shall be absolutely immune from liability for any and  
93 all acts or omissions relating to or in any way involving the lapsed district, a special  
94 administrative board, any other form of governance appointed under this section, or the  
95 members or employees of the lapsed district, a special administrative board, or any other form  
96 of governance appointed under this section. Such immunities, and immunity doctrines as  
97 exist or may hereafter exist benefitting boards of education, their members and their  
98 employees shall be available to the special administrative board or any other form of  
99 governance appointed under this section and the members and employees of the special  
100 administrative board or any other form of governance appointed under this section.

101         6. Neither the special administrative board nor any other form of governance  
102 appointed under this section nor any district or other entity assigned territory, assets or funds  
103 from a lapsed district shall be considered a successor entity for the purpose of employment  
104 contracts, unemployment compensation payment pursuant to section 288.110, or any other  
105 purpose.

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

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

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

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

118             (2) Lapse the corporate organization of the district and implement one of the options  
119 available under subdivision (2) of subsection 3 of this section.

120         10. The provisions of subsection 9 of this section shall not apply to any district solely  
121 on the basis of financial difficulty resulting from paying tuition and providing transportation  
122 for transfer students under sections 167.895 and 167.898.

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