

SENATE BILL NO. 1104

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOSLEY.

4074S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 162.081 and 162.083, RSMo, and to enact in lieu thereof two new sections relating to special administrative boards.

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

Section A. Sections 162.081 and 162.083, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 162.081 and 162.083, to read as follows:

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

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

10 (2) Determine the date the district shall **[lapse]** **have**
11 **its governing or managing authority suspended** and determine,
12 **as provided in this section,** an alternative governing
13 structure for the district.

14 2. If at the time any school district in this state
15 shall be classified as unaccredited, the department of
16 elementary and secondary education shall conduct at least
17 two public hearings at a location in the unaccredited school
18 district regarding the accreditation status of the school

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

19 district. The hearings shall provide an opportunity to
20 convene community resources that may be useful or necessary
21 in supporting the school district as it attempts to return
22 to accredited status, continues under revised governance, or
23 plans for continuity of educational services and resources
24 upon its attachment to a neighboring district. The
25 department may request the attendance of stakeholders and
26 district officials to review the district's plan to return
27 to accredited status, if any; offer technical assistance;
28 and facilitate and coordinate community resources. Such
29 hearings shall be conducted at least twice annually for
30 every year in which the district remains unaccredited or
31 provisionally accredited.

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

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

37 (2) **[Lapse the corporate organization of all or part]**
38 **Suspend the governing or managing authority of the elected**
39 **school board members** of the unaccredited district and:

40 (a) Appoint a special administrative board for the
41 operation of **[all or part of]** the district. **[If a special**
42 **administrative board is appointed for the operation of a**
43 **part of a school district, the state board of education**
44 **shall determine an equitable apportionment of state and**
45 **federal aid for the part of the district and the school**
46 **district shall provide local revenue in proportion to the**
47 **weighted average daily attendance of the part.]** The number
48 of members of the special administrative board shall **[not]**
49 be **[less than five] seven, [the majority] four** of whom,
50 **provided that persons possessing the qualifications set**

51 **forth herein are residents of the district and ready,**
52 **willing, and able to serve,** shall be residents of the
53 district. The members of the special administrative board
54 shall reflect the population characteristics of the district
55 and shall collectively possess strong experience in school
56 governance, management and finance, and leadership. **One**
57 **member shall be a certified public school teacher from**
58 **outside the district or retired, one shall be a certified**
59 **public school principal from outside of the district or**
60 **retired, one shall be a certified public school**
61 **superintendent or deputy or associate superintendent from**
62 **outside of the district or retired, two shall be parents who**
63 **have been active with the parents-teachers association or**
64 **organization of the district, one shall be a college or**
65 **university professor of educational administration, and one**
66 **shall hold a degree and be experienced in accounting and or**
67 **finance. The special administrative board shall meet not**
68 **less than once per month. Each appointed member of the**
69 **special administrative board shall receive a salary of five**
70 **hundred dollars per month, and shall be reimbursed their**
71 **reasonable expenses in attending to their duties as a member**
72 **of the special administrative board payable from the**
73 **district's revenue. Each member of the special**
74 **administrative board shall be appointed to a term of three**
75 **years and shall serve until his or her successor is**
76 **appointed and qualified, unless sooner removed for good**
77 **cause shown by the state board of education. Notice of the**
78 **appointment of a person to the special administrative board**
79 **shall be immediately given to each member of the general**
80 **assembly whose district includes any part of the school**
81 **district. Within fifteen days after the vote to appoint a**
82 **member to the special administrative board, if a member of**

83 the Missouri house of representatives whose district
84 includes any part of the school district, in whole or in
85 part, submits a request to the president pro tempore of the
86 senate, the appointment shall be subject to the advice and
87 consent of the senate. If such request is made, the member
88 whose appointment is subject to the advice and consent
89 process shall abstain from all special administrative board
90 duties until his or her appointment is confirmed. The
91 [state board of education may appoint] members of the
92 district's elected school board [to] shall be ex-officio non-
93 voting members of the special administrative board, [but
94 members of the elected school board shall not comprise more
95 than forty-nine percent of the special administrative
96 board's membership] and thus may attend and participate in
97 the meetings and committees of the special administrative
98 board, but shall have no vote nor be counted to determine a
99 quorum, and to that extent the district shall continue to
100 elect members to its school board. Within fourteen days
101 after the appointment by the state board of education, the
102 appointed members of the special administrative board shall
103 organize by the election of a president, vice president,
104 secretary and a treasurer, with their qualifications,
105 duties, and organization as enumerated in section 162.301.
106 The special administrative board shall appoint a
107 superintendent of schools to serve at the will of the board
108 or for a term of not more than three years, to serve as the
109 chief executive officer of the school district[, or a subset
110 of schools,] and to have all powers and duties of any other
111 general superintendent of schools in a seven-director school
112 district. If the district has been classified as
113 provisionally or fully accredited after two successive
114 academic years, the superintendent's term may be renewed for

115 **an additional term of up to three years at the will of the**
116 **special administrative board.** Any special administrative
117 board appointed under this section shall be responsible for
118 the operation of the district [**or part of the district**]
119 until such time that the district is classified by the state
120 board of education as provisionally accredited for at least
121 two successive academic years, after which time the state
122 board of education [**may**] **shall** provide for a transition
123 pursuant to section 162.083; or

124 (b) **Upon failure of the district to be classified as**
125 **provisionally or fully accredited for at least two**
126 **successive academic years, the state board of education**
127 **shall require the special administrative board to establish**
128 **a specific plan and timeline for achieving accreditation,**
129 **and determine an alternative [**governing**] educational or**
130 **academic** structure for the district including, at a minimum:

131 a. [**A rationale for the decision to use an alternative**
132 **form of governance and**] In the absence of the district's
133 achievement of **provisional or** full accreditation, the state
134 board of education shall review and [**recertify the**
135 **alternative form of governance every three years**] **require**
136 **the special administrative board to appoint a new**
137 **superintendent of the school district for a term of not more**
138 **than three years unless sooner removed at the will of the**
139 **board;**

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

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

146 d. Annual reports to the general assembly and the
147 governor on the progress towards accreditation of any
148 district that has been declared unaccredited and is placed
149 under [an alternative form of] governance **of a special**
150 **administrative board**, including a review of the
151 effectiveness of the [alternative governance] **special**
152 **administrative board**; or

153 (c) Attach the territory of the [lapsed] **unaccredited**
154 district to another district or districts for school
155 purposes [; or

156 (d) Establish one or more school districts within the
157 territory of the lapsed district, with a governance
158 structure specified by the state board of education, with
159 the option of permitting a district to remain intact for the
160 purposes of assessing, collecting, and distributing property
161 taxes, to be distributed equitably on a weighted average
162 daily attendance basis, but to be divided for operational
163 purposes, which shall take effect sixty days after the
164 adjournment of the regular session of the general assembly
165 next following the state board's decision unless a statute
166 or concurrent resolution is enacted to nullify the state
167 board's decision prior to such effective date].

168 4. If a district remains under continued governance by
169 the **elected** school board under subdivision (1) of subsection
170 3 of this section and either has been unaccredited for three
171 consecutive school years and failed to attain accredited
172 status after the third school year or has been unaccredited
173 for two consecutive school years and the state board of
174 education determines its academic progress is not consistent
175 with attaining accredited status after the third school
176 year, then the state board of education shall proceed under

177 subdivision (2) of subsection 3 of this section in the
178 following school year.

179 5. A special administrative board [or any other form
180 of governance] appointed under this section shall retain the
181 authority granted to a board of education for the operation
182 of the [lapsed] school district under the laws of the state
183 in effect at the time of the [lapse] **suspension of the**
184 **governing or managing authority of the elected school board**
185 **members** and may enter into contracts with accredited school
186 districts or other education service providers in order to
187 deliver high-quality educational programs to the residents
188 of the district. If a student graduates while attending a
189 school building in the district that is operated under a
190 contract with an accredited school district as specified
191 under this subsection, the student shall receive his or her
192 diploma from the accredited school district. The authority
193 of the special administrative board [or any other form of
194 governance] appointed under this section shall expire at the
195 end of the third full school year following its appointment,
196 unless extended **for not more than three full school years** by
197 the state board of education. **No additional extensions**
198 **shall be granted. Governance of the school district shall**
199 **be returned to the elected board upon the expiration of the**
200 **authority of the special administrative board.** If the
201 [lapsed] district is reassigned, the governing board prior
202 to [lapse] **reassignment** shall provide an accounting of all
203 funds, assets and liabilities of the [lapsed] **reassigned**
204 district and transfer such funds, assets, and liabilities of
205 the [lapsed] **reassigned** district as determined by the state
206 board of education. Neither the special administrative
207 board nor any other form of governance [appointed under this
208 section] nor its members or employees shall be deemed to be

209 the state or a state agency for any purpose, including
210 section 105.711, et seq. The state of Missouri, its
211 agencies and employees shall be absolutely immune from
212 liability for any and all acts or omissions relating to or
213 in any way involving the **[lapsed] unaccredited** district, a
214 special administrative board, any other form of governance
215 **[appointed under this section]**, or the members or employees
216 of the **[lapsed] unaccredited** district, a special
217 administrative board, or any other form of governance
218 **[appointed under this section]**. Such immunities, and
219 immunity doctrines as exist or may hereafter exist
220 benefitting boards of education, their members and their
221 employees shall be available to the special administrative
222 board or any other form of governance **[appointed under this**
223 **section]** and the members and employees of the special
224 administrative board or any other form of governance
225 **[appointed under this section]**.

226 6. Neither the special administrative board nor any
227 other form of governance **[appointed under this section]** nor
228 any district or other entity assigned territory, assets or
229 funds from **[a lapsed] an unaccredited** district shall be
230 considered a successor entity for the purpose of employment
231 contracts, unemployment compensation payment pursuant to
232 section 288.110, or any other purpose.

233 7. If additional teachers are needed by a district as
234 a result of increased enrollment due to the annexation of
235 territory of **[a lapsed] an unaccredited** or dissolved
236 district, such district shall grant an employment interview
237 to any permanent teacher of the **[lapsed] unaccredited** or
238 dissolved district upon the request of such permanent
239 teacher.

240 8. In the event that a school district with an
241 enrollment in excess of five thousand pupils [lapses]
242 **becomes unaccredited**, no school district shall have all or
243 any part of such [lapsed] school district attached without
244 the approval of the board of the receiving school district.

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

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

253 (2) [Lapse the corporate organization] **Suspend the**
254 **governing or managing authority of the elected school board**
255 **members** of the district and implement one of the options
256 available under subdivision (2) of subsection 3 of this
257 section.

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

162.083. 1. [The state board of education may appoint
2 additional members to any special administrative board
3 appointed under section 162.081.

4 2. The state board of education may set a final term
5 of office for any member of a special administrative board,
6 after which a successor member shall be elected by the
7 voters of the district.

8 (1) All final terms of office for members of the
9 special administrative board established under this section
10 shall expire on June thirtieth.

11 (2) The election of a successor member shall occur on
12 the general municipal election day immediately prior to the
13 expiration of the final term of office.

14 (3) The election shall be conducted in a manner
15 consistent with the election laws applicable to the school
16 district.

17 **3.]** Nothing in **[this]** section **162.081** shall be
18 construed as barring an otherwise qualified member of the
19 special administrative board from standing for an elected
20 term on the board, **upon the dissolution of the special**
21 **administrative board or upon his or her resignation from the**
22 **special administrative board.**

23 **[4.] 2. Not later than six full school years following**
24 **appointment of the special administrative board,** on a date
25 set by the state board of education, any district operating
26 under the governance of a special administrative board shall
27 return to local governance, and continue operation as a
28 school district as otherwise authorized by law.

✓