

SECOND REGULAR SESSION

SENATE BILL NO. 1125

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CHAPPELLE-NADAL.

Read 1st time March 1, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6565S.011

AN ACT

To repeal sections 162.081, 162.083, and 162.1100, RSMo, and to enact in lieu thereof three new sections relating to governing boards for unaccredited school districts.

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

Section A. Sections 162.081, 162.083, and 162.1100, RSMo, are repealed
2 and three new sections enacted in lieu thereof, to be known as sections 162.081,
3 162.083, and 162.1100, to read as follows:

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

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

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

9 2. If at the time any school district in this state shall be classified as
10 unaccredited, the department of elementary and secondary education shall
11 conduct at least two public hearings at a location in the unaccredited school
12 district regarding the accreditation status of the school district. The hearings
13 shall provide an opportunity to convene community resources that may be useful
14 or necessary in supporting the school district as it attempts to return to
15 accredited status, continues under revised governance, or plans for continuity of
16 educational services and resources upon its attachment to a neighboring
17 district. The department may request the attendance of stakeholders and district

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

18 officials to review the district's plan to return to accredited status, if any; offer
19 technical assistance; and facilitate and coordinate community resources. Such
20 hearings shall be conducted at least twice annually for every year in which the
21 district remains unaccredited or provisionally accredited.

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

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

27 (2) Lapse the corporate organization of the unaccredited district and:

28 (a) Appoint a special administrative board for the operation of all or part
29 of the district. The number of members of the special administrative board shall
30 not be less than five, the majority of whom shall be residents of the district. The
31 members of the special administrative board shall reflect the population
32 characteristics of the district and shall collectively possess strong experience in
33 school governance, management and finance, and leadership. Within fourteen
34 days after the appointment by the state board of education, the special
35 administrative board shall organize by the election of a president, vice president,
36 secretary and a treasurer, with their duties and organization as enumerated in
37 section 162.301. The special administrative board shall appoint a superintendent
38 of schools to serve as the chief executive officer of the school district and to have
39 all powers and duties of any other general superintendent of schools in a
40 seven-director school district. Any special administrative board appointed under
41 this section shall be responsible for the operation of the district **for not more**
42 **than seven years after the appointment of said special administrative**
43 **board, or** until such time that the district is classified by the state board of
44 education as provisionally accredited for at least two successive academic years,
45 **whichever occurs first**, after which time the state board of education [may]
46 **shall** provide for a transition pursuant to section 162.083; or

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

49 a. A rationale for the decision to use an alternative form of governance
50 and in the absence of the district's achievement of full accreditation, the state
51 board of education shall review and recertify the alternative form of governance
52 every three years. **The state board of education shall not extend the**
53 **authority of such alternative governing structure beyond seven years,**

54 **after which time the state board of education shall provide for a**
55 **transition pursuant to section 162.083;**

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

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

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

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

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

75 4. If a district remains under continued governance by the school board
76 under subdivision (1) of subsection 3 of this section and either has been
77 unaccredited for three consecutive school years and failed to attain accredited
78 status after the third school year or has been unaccredited for two consecutive
79 school years and the state board of education determines its academic progress
80 is not consistent with attaining accredited status after the third school year, then
81 the state board of education shall proceed under subdivision (2) of subsection 3
82 of this section in the following school year.

83 5. A special administrative board appointed under this section shall retain
84 the authority granted to a board of education for the operation of the lapsed
85 school district under the laws of the state in effect at the time of the lapse and
86 may enter into contracts with accredited school districts or other education
87 service providers in order to deliver high-quality educational programs to the
88 residents of the district. If a student graduates while attending a school building
89 in the district that is operated under a contract with an accredited school district

90 as specified under this subsection, the student shall receive his or her diploma
91 from the accredited school district. The authority of the special administrative
92 board shall expire at the end of the third full school year following its
93 appointment, unless extended by the state board of education. **The state board**
94 **of education shall not extend the authority of the special**
95 **administrative board beyond seven years, after which time the state**
96 **board of education shall provide for a transition pursuant to section**
97 **162.083.** If the lapsed district is reassigned, the special administrative board
98 shall provide an accounting of all funds, assets and liabilities of the lapsed
99 district and transfer such funds, assets, and liabilities of the lapsed district as
100 determined by the state board of education. Neither the special administrative
101 board nor its members or employees shall be deemed to be the state or a state
102 agency for any purpose, including section 105.711, et seq. The state of Missouri,
103 its agencies and employees shall be absolutely immune from liability for any and
104 all acts or omissions relating to or in any way involving the lapsed district, the
105 special administrative board, its members or employees. Such immunities, and
106 immunity doctrines as exist or may hereafter exist benefitting boards of
107 education, their members and their employees shall be available to the special
108 administrative board, its members and employees.

109 6. Neither the special administrative board nor any district or other entity
110 assigned territory, assets or funds from a lapsed district shall be considered a
111 successor entity for the purpose of employment contracts, unemployment
112 compensation payment pursuant to section 288.110, or any other purpose.

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

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

121 **9. Any special administrative board or alternative governing**
122 **structure created pursuant to this section that is in operation as of**
123 **August 28, 2016, shall provide for a transition pursuant to section**
124 **162.083 by school year 2023-2024.**

162.083. 1. The state board of education may appoint additional members

2 to any special administrative board appointed under section 162.081.

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

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

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

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

13 3. Nothing in this section shall be construed as barring an otherwise
14 qualified member of the special administrative board from standing for an elected
15 term on the board.

16 4. [On a date set by the state board of education,] **At such time that** any
17 district operating under the governance of a special administrative board **or**
18 **alternative governing structure is classified by the state board of**
19 **education as provisionally accredited for at least two successive**
20 **academic years, or at the end of the seventh year following the**
21 **appointment of a special administrative board or alternative governing**
22 **structure, whichever occurs first, the state board of education shall set**
23 **a date upon which the district** shall return to local governance, and continue
24 operation as a school district as otherwise authorized by law.

25 **5. At such time that a district operating under the governance of**
26 **a special administrative board or alternative governing structure**
27 **returns to local governance, such district shall not be subject to the**
28 **provisions of sections 162.081 to 162.083 for a period of seven years**
29 **commencing on the date selected by the state board of education**
30 **pursuant to subsection 4 of this section.**

162.1100. 1. There is hereby established within each city not within a
2 county a school district to be known as the "Transitional School District of (name
3 of city)", which shall be a body corporate and politic and a subdivision of the
4 state. The transitional school district shall be coterminous with the boundaries
5 of the city in which the district is located. Except as otherwise provided in this
6 section and section 162.621, the transitional school district shall be subject to all
7 laws pertaining to "seven-director districts", as defined in section 160.011. The

8 transitional school district shall have the responsibility for educational programs
9 and policies determined by a final judgment of a federal school desegregation case
10 to be needed in providing for a transition of the educational system of the city
11 from control and jurisdiction of a federal court school desegregation order, decree
12 or agreement and such other programs and policies as designated by the
13 governing body of the school district.

14 2. (1) The governing board of the transitional school district shall consist
15 of three residents of the district: one shall be appointed by the governing body of
16 the district, one shall be appointed by the mayor of the city not within a county
17 and one shall be appointed by the president of the board of aldermen of the city
18 not within a county. The members of the governing board shall serve without
19 compensation for a term of three years, or until their successors have been
20 appointed, or until the transitional district is dissolved or terminated. Any tax
21 approved for the transitional district shall be assigned to the governing body of
22 the school district in a city not within a county after dissolution or termination
23 of the transitional district.

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

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

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

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

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

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

49 (4) Oversight of facility planning, construction, improvement, repair,
50 maintenance and rehabilitation;

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

54 (6) Authority to submit a proposal to district voters pursuant to section
55 162.666 regarding establishment of neighborhood schools.

56 5. (1) The provisions of a final judgment as to the state of Missouri and
57 its officials in a school desegregation case which subjects a district in which a
58 transitional district is located in this state to a federal court's jurisdiction may
59 authorize or require the governing body of a transitional school district
60 established under this section to establish the transitional district's operating
61 levy for school purposes, as defined pursuant to section 163.011, at a level not to
62 exceed eighty-five cents per one hundred dollars assessed valuation in the district
63 or a sales tax equivalent amount as determined by the department of elementary
64 and secondary education which may be substituted for all or part of such property
65 tax.

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

68 (a) Be subject to any certificate of tax abatement issued after August 28,
69 1998, pursuant to sections 99.700 to 99.715; and

70 (b) Effective January 1, 2002, be subject to any new or existing tax
71 increment financing adopted by a city not within a county pursuant to sections
72 99.800 to 99.865 except that any redevelopment plan and redevelopment project
73 concerning a convention headquarters hotel adopted by ordinance by a city not
74 within a county prior to August 28, 2003, shall be subject to such tax increment
75 financing.

76 (3) The transitional school district shall not be subject to the provisions
77 of section 162.081, sections 163.021 and 163.023 with respect to any requirements
78 to maintain a minimum value of operating levy or any consequences provided by
79 law for failure to levy at least such minimum rate. No operating levy or increase

80 in the operating levy or sales tax established pursuant to this section shall be
81 collected for a transitional school district unless prior approval is obtained from
82 a simple majority of the district's voters. The board of the transitional district
83 shall place the matter before the voters prior to March 15, 1999.

84 6. (1) The special administrative board established in this section shall
85 develop, implement, monitor and evaluate a comprehensive school improvement
86 plan, and such plan shall be subject to review and approval of the state board of
87 education. The plan shall ensure that all students meet or exceed grade-level
88 standards established by the state board of education pursuant to section
89 160.514;

90 (2) The special administrative board shall establish student performance
91 standards consistent with the standards established by the state board of
92 education pursuant to section 160.514 for preschool through grade twelve in all
93 skill and subject areas, subject to review and approval of the state board of
94 education for the purpose of determining whether the standards are consistent
95 with standards established by the state board of education pursuant to section
96 160.514;

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

101 (4) No student shall be promoted to a higher grade level unless that
102 student has a reading ability at or above one grade level below the student's
103 grade level; except that the provisions of this subsection shall not apply to
104 students receiving special education services pursuant to sections 162.670 to
105 162.999;

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

110 7. The school improvement plan established pursuant to this section shall
111 ensure open enrollment and program access to all students in the district, and,
112 consistent with the Missouri and United States Constitutions, shall give first
113 priority to residents of the city for admission to magnet schools. The school board
114 shall take all practicable and constitutionally permissible steps to ensure that all
115 magnet schools operate at full capacity. Students who change residence within

116 the district shall be allowed to continue to attend the school in which they were
117 initially enrolled for the remainder of their education at grade levels served by
118 that school, and transportation shall be provided by the district to allow such
119 students to continue to attend such school of initial enrollment.

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

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

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

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

130 12. The transitional school district in any city not within a county shall
131 be dissolved on July 1, 2008, unless the state board determines, prior to that
132 date, that it is necessary for the transitional district to continue to accomplish the
133 purposes for which it was created. The state board of education may cause the
134 termination of the transitional school district at any time upon a determination
135 that the transitional district has accomplished the purposes for which it was
136 established and is no longer needed. The state board of education may cause the
137 reestablishment of the transitional school district at any time upon a
138 determination that it is necessary for the transitional district to be reestablished
139 to accomplish the purposes established in this section. The state board of
140 education shall provide notice to the governor and general assembly of the
141 termination or reestablishment of the transitional school district and the
142 termination or reestablishment shall become effective thirty days following such
143 determination. Upon dissolution of a transitional school district pursuant to this
144 section, nothing in this section shall be construed to reduce or eliminate any
145 power or duty of any school district or districts containing the territory of the
146 dissolved transitional school district unless such transitional school district is
147 reestablished by the state board of education pursuant to this section.

148 **13. Notwithstanding any provision of this section to the contrary,**
149 **the governance of a transitional school district shall revert to the local**
150 **elected board upon a determination that the transitional district has**
151 **accomplished the purposes for which it was established, or not later**

152 than seven years following the establishment of the transitional school
153 district, whichever occurs first. Upon reversion to the local elected
154 board, no district shall be subject to the provisions of this section for
155 a period of seven years. The governance of any transitional school
156 district in operation as of August 28, 2016, shall revert to the local
157 elected board by school year 2023-2024.

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