

FIRST REGULAR SESSION

# SENATE BILL NO. 173

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR NASHEED.

Read 1st time January 17, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

1029S.011

## AN ACT

To repeal sections 162.621 and 162.1100, RSMo, and to enact in lieu thereof two new sections relating to the board of education of the metropolitan school district.

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

Section A. Sections 162.621 and 162.1100, RSMo, are repealed and two  
2 new sections enacted in lieu thereof, to be known as sections 162.621 and  
3 162.1100, to read as follows:

162.621. 1. The board of education shall have general and supervising  
2 control, government and management of the public schools and public school  
3 property of the district in the city and shall exercise generally all powers in the  
4 administration of the public school system therein. The board of education has  
5 all the powers of other school districts under the laws of this state except as  
6 herein provided and shall perform all duties required by general laws of school  
7 districts so far as they are applicable to the public school affairs of the city and  
8 are consistent with this law. It shall appoint the officers, agents and employees  
9 it deems necessary and proper and fix their compensation. The board of  
10 education may:

11 (1) Make, amend and repeal rules and bylaws for its meetings and  
12 proceedings, for the government, regulation and management of the public schools  
13 and school property in the city, for the transaction of its business, and the  
14 examination, qualification and employment of teachers, which rules and bylaws  
15 are binding on the board of education and all parties dealing with it until  
16 formally repealed;

17 (2) Fix the time of its meetings;

18 (3) Provide for special and standing committees;

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

- 19 (4) Levy taxes authorized by law for school purposes;  
20 (5) Invest the funds of the district;  
21 (6) Purchase and hold all property, real and personal, deemed by it  
22 necessary for the purposes of public education;  
23 (7) Build and construct improvements for such purposes, and sell the  
24 same;  
25 (8) Provide for the gratuitous transportation of pupils to and from schools  
26 in cases where by reason of special circumstances pupils are required to attend  
27 schools at unusual distances from their residences.

28 2. Except as otherwise provided in this subsection, the powers granted in  
29 subsection 1 of this section shall be vested, in the manner provided in section  
30 162.1100, in the special administrative board of the transitional school district  
31 containing the city not within a county if the school district loses its accreditation  
32 from the state board of education. Thereafter, such powers shall [immediately]  
33 revert to the board of directors of the school district [for any period of time for  
34 which no transitional school district containing the city not within a county is in  
35 existence] **on the next July first occurring after the school district has**  
36 **been classified for one year as provisionally accredited by the state**  
37 **board of education. During the period between the completion of one**  
38 **year of provisional accreditation and the July first on which such**  
39 **powers revert to the board of education of the school district, the**  
40 **special administrative board of the transitional school district and the**  
41 **board of education shall establish a transition committee consisting of**  
42 **members of both boards to ensure an effective change in governance of**  
43 **the district.** The board of directors of the school district shall, at all times,  
44 retain auditing and public reporting powers.

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.

6 Except as otherwise provided in this section and section 162.621, the transitional  
7 school district shall be subject to all laws pertaining to "seven-director districts",  
8 as defined in section 160.011. The transitional school district shall have the  
9 responsibility for educational programs and policies determined by a final  
10 judgment of a federal school desegregation case to be needed in providing for a

11 transition of the educational system of the city from control and jurisdiction of a  
12 federal court school desegregation order, decree or agreement and such other  
13 programs and policies as designated by the 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.

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