

FIRST REGULAR SESSION

SENATE BILL NO. 23

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CHAPPELLE-NADAL.

Pre-filed December 1, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0492S.02I

AN ACT

To repeal sections 160.410, 160.415, 162.081, 163.021, 163.036, 167.121, 167.131, 171.031, and 210.861, RSMo, and to enact in lieu thereof thirty-six new sections relating to elementary and secondary education, with an emergency clause.

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

Section A. Sections 160.410, 160.415, 162.081, 163.021, 163.036, 167.121, 167.131, 171.031, and 210.861, RSMo, are repealed and thirty-six new sections enacted in lieu thereof, to be known as sections 160.410, 160.415, 161.087, 161.238, 161.1000, 162.081, 162.1303, 162.1305, 162.1310, 162.1313, 163.021, 163.036, 167.121, 167.127, 167.131, 167.642, 167.685, 167.688, 167.730, 167.825, 167.826, 167.827, 167.828, 167.829, 167.830, 167.833, 167.836, 167.839, 167.842, 167.845, 167.848, 167.890, 170.320, 171.031, 210.861, and 1, to read as follows:

160.410. 1. A charter school shall enroll:

- (1) All pupils resident in the district in which it operates;
- (2) Nonresident pupils eligible to attend a district's school under an urban voluntary transfer program;
- (3) Nonresident pupils who transfer from an unaccredited [district] school under [section 167.131] **sections 167.825 to 167.827**, provided that the charter school is an approved charter school, as defined in section [167.131] **167.848**, and subject to all other provisions of [section 167.131] **sections 167.825 to 167.827**;
- (4) In the case of a charter school whose mission includes student drop-out prevention or recovery, any nonresident pupil from the same or an adjacent county who resides in a residential care facility, a transitional living group home,

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

13 or an independent living program whose last school of enrollment is in the school
14 district where the charter school is established, who submits a timely application;
15 and

16 (5) In the case of a workplace charter school, any student eligible to
17 attend under subdivision (1) or (2) of this subsection whose parent is employed
18 in the business district, who submits a timely application, unless the number of
19 applications exceeds the capacity of a program, class, grade level or building. The
20 configuration of a business district shall be set forth in the charter and shall not
21 be construed to create an undue advantage for a single employer or small number
22 of employers.

23 2. If capacity is insufficient to enroll all pupils who submit a timely
24 application, the charter school shall have an admissions process that assures all
25 applicants of an equal chance of gaining admission and does not discriminate
26 based on parents' ability to pay fees or tuition except that:

27 (1) A charter school may establish a geographical area around the school
28 whose residents will receive a preference for enrolling in the school, provided that
29 such preferences do not result in the establishment of racially or
30 socioeconomically isolated schools and provided such preferences conform to
31 policies and guidelines established by the state board of education;

32 (2) A charter school may also give a preference for admission of children
33 whose siblings attend the school or whose parents are employed at the school or
34 in the case of a workplace charter school, a child whose parent is employed in the
35 business district or at the business site of such school; and

36 (3) Charter alternative and special purpose schools may also give a
37 preference for admission to high-risk students, as defined in subdivision (5) of
38 subsection 2 of section 160.405, when the school targets these students through
39 its proposed mission, curriculum, teaching methods, and services.

40 3. A charter school shall not limit admission based on race, ethnicity,
41 national origin, disability, income level, proficiency in the English language or
42 athletic ability, but may limit admission to pupils within a given age group or
43 grade level. Charter schools may limit admission based on gender only when the
44 school is a single-gender school. Students of a charter school who have been
45 enrolled for a full academic year shall be counted in the performance of the
46 charter school on the statewide assessments in that calendar year, unless
47 otherwise exempted as English language learners. For purposes of this
48 subsection, "full academic year" means the last Wednesday in September through

49 the administration of the Missouri assessment program test without transferring
50 out of the school and re-enrolling.

51 4. A charter school shall make available for public inspection, and provide
52 upon request, to the parent, guardian, or other custodian of any school-age pupil
53 resident in the district in which the school is located the following information:

54 (1) The school's charter;

55 (2) The school's most recent annual report card published according to
56 section 160.522;

57 (3) The results of background checks on the charter school's board
58 members; and

59 (4) If a charter school is operated by a management company, a copy of
60 the written contract between the governing board of the charter school and the
61 educational management organization or the charter management organization
62 for services. The charter school may charge reasonable fees, not to exceed the
63 rate specified in section 610.026 for furnishing copies of documents under this
64 subsection.

65 5. When a student attending a charter school who is a resident of the
66 school district in which the charter school is located moves out of the boundaries
67 of such school district, the student may complete the current semester and shall
68 be considered a resident student. The student's parent or legal guardian shall
69 be responsible for the student's transportation to and from the charter school.

70 6. If a change in school district boundary lines occurs under section
71 162.223, 162.431, 162.441, or 162.451, or by action of the state board of education
72 under section 162.081, including attachment of a school district's territory to
73 another district or dissolution, such that a student attending a charter school
74 prior to such change no longer resides in a school district in which the charter
75 school is located, then the student may complete the current academic year at the
76 charter school. The student shall be considered a resident student. The student's
77 parent or legal guardian shall be responsible for the student's transportation to
78 and from the charter school.

79 7. The provisions of sections 167.018 and 167.019 concerning foster
80 children's educational rights are applicable to charter schools.

160.415. 1. For the purposes of calculation and distribution of state
2 school aid under section 163.031, pupils enrolled in a charter school shall be
3 included in the pupil enrollment of the school district within which each pupil
4 resides. Each charter school shall report the names, addresses, and eligibility for

5 free and reduced price lunch, special education, or limited English proficiency
6 status, as well as eligibility for categorical aid, of pupils resident in a school
7 district who are enrolled in the charter school to the school district in which those
8 pupils reside. The charter school shall report the average daily attendance data,
9 free and reduced price lunch count, special education pupil count, and limited
10 English proficiency pupil count to the state department of elementary and
11 secondary education. Each charter school shall promptly notify the state
12 department of elementary and secondary education and the pupil's school district
13 when a student discontinues enrollment at a charter school.

14 2. Except as provided in subsections 3 and 4 of this section, the aid
15 payments for charter schools shall be as described in this subsection.

16 (1) A school district having one or more resident pupils attending a
17 charter school shall pay to the charter school an annual amount equal to the
18 product of the charter school's weighted average daily attendance and the state
19 adequacy target, multiplied by the dollar value modifier for the district, plus local
20 tax revenues per weighted average daily attendance from the incidental and
21 teachers' funds in excess of the performance levy as defined in section 163.011
22 plus all other state aid attributable to such pupils.

23 (2) The district of residence of a pupil attending a charter school shall also
24 pay to the charter school any other federal or state aid that the district receives
25 on account of such child.

26 (3) If the department overpays or underpays the amount due to the
27 charter school, such overpayment or underpayment shall be repaid by the public
28 charter school or credited to the public charter school in twelve equal payments
29 in the next fiscal year.

30 (4) The amounts provided pursuant to this subsection shall be prorated
31 for partial year enrollment for a pupil.

32 (5) A school district shall pay the amounts due pursuant to this subsection
33 as the disbursal agent and no later than twenty days following the receipt of any
34 such funds. The department of elementary and secondary education shall pay the
35 amounts due when it acts as the disbursal agent within five days of the required
36 due date.

37 3. A workplace charter school shall receive payment for each eligible pupil
38 as provided under subsection 2 of this section, except that if the student is not a
39 resident of the district and is participating in a voluntary interdistrict transfer
40 program, the payment for such pupils shall be the same as provided under section

41 162.1060.

42 4. A charter school that has declared itself as a local educational agency
43 shall receive from the department of elementary and secondary education an
44 annual amount equal to the product of the charter school's weighted average daily
45 attendance and the state adequacy target, multiplied by the dollar value modifier
46 for the district, plus local tax revenues per weighted average daily attendance
47 from the incidental and teachers funds in excess of the performance levy as
48 defined in section 163.011 plus all other state aid attributable to such pupils. If
49 a charter school declares itself as a local educational agency, the department of
50 elementary and secondary education shall, upon notice of the declaration, reduce
51 the payment made to the school district by the amount specified in this
52 subsection and pay directly to the charter school the annual amount reduced from
53 the school district's payment.

54 5. If a school district fails to make timely payments of any amount for
55 which it is the disbursal agent, the state department of elementary and secondary
56 education shall authorize payment to the charter school of the amount due
57 pursuant to subsection 2 of this section and shall deduct the same amount from
58 the next state school aid apportionment to the owing school district. If a charter
59 school is paid more or less than the amounts due pursuant to this section, the
60 amount of overpayment or underpayment shall be adjusted equally in the next
61 twelve payments by the school district or the department of elementary and
62 secondary education, as appropriate. Any dispute between the school district and
63 a charter school as to the amount owing to the charter school shall be resolved by
64 the department of elementary and secondary education, and the department's
65 decision shall be the final administrative action for the purposes of review
66 pursuant to chapter 536. During the period of dispute, the department of
67 elementary and secondary education shall make every administrative and
68 statutory effort to allow the continued education of children in their current
69 public charter school setting.

70 6. The charter school and a local school board may agree by contract for
71 services to be provided by the school district to the charter school. The charter
72 school may contract with any other entity for services. Such services may include
73 but are not limited to food service, custodial service, maintenance, management
74 assistance, curriculum assistance, media services and libraries and shall be
75 subject to negotiation between the charter school and the local school board or
76 other entity. Documented actual costs of such services shall be paid for by the

77 charter school.

78 7. In the case of a proposed charter school that intends to contract with
79 an education service provider for substantial educational services or management
80 services, the request for proposals shall additionally require the charter school
81 applicant to:

82 (1) Provide evidence of the education service provider's success in serving
83 student populations similar to the targeted population, including demonstrated
84 academic achievement as well as successful management of nonacademic school
85 functions, if applicable;

86 (2) Provide a term sheet setting forth the proposed duration of the service
87 contract; roles and responsibilities of the governing board, the school staff, and
88 the service provider; scope of services and resources to be provided by the service
89 provider; performance evaluation measures and time lines; compensation
90 structure, including clear identification of all fees to be paid to the service
91 provider; methods of contract oversight and enforcement; investment disclosure;
92 and conditions for renewal and termination of the contract;

93 (3) Disclose any known conflicts of interest between the school governing
94 board and proposed service provider or any affiliated business entities;

95 (4) Disclose and explain any termination or nonrenewal of contracts for
96 equivalent services for any other charter school in the United States within the
97 past five years;

98 (5) Ensure that the legal counsel for the charter school shall report
99 directly to the charter school's governing board; and

100 (6) Provide a process to ensure that the expenditures that the education
101 service provider intends to bill to the charter school shall receive prior approval
102 of the governing board or its designee.

103 8. A charter school may enter into contracts with community partnerships
104 and state agencies acting in collaboration with such partnerships that provide
105 services to children and their families linked to the school.

106 9. A charter school shall be eligible for transportation state aid pursuant
107 to section 163.161 and shall be free to contract with the local district, or any
108 other entity, for the provision of transportation to the students of the charter
109 school.

110 10. (1) The proportionate share of state and federal resources generated
111 by students with disabilities or staff serving them shall be paid in full to charter
112 schools enrolling those students by their school district where such enrollment is

113 through a contract for services described in this section. The proportionate share
114 of money generated under other federal or state categorical aid programs shall
115 be directed to charter schools serving such students eligible for that aid.

116 (2) A charter school shall provide the special services provided pursuant
117 to section 162.705 and may provide the special services pursuant to a contract
118 with a school district or any provider of such services.

119 11. A charter school may not charge tuition or impose fees that a school
120 district is prohibited from charging or imposing, except that a charter school may
121 receive tuition payments from districts [in the same or an adjoining county] for
122 nonresident students who transfer to an approved charter school, as defined in
123 section [167.131] **167.848**, from an unaccredited [district] **school**.

124 12. A charter school is authorized to incur debt in anticipation of receipt
125 of funds. A charter school may also borrow to finance facilities and other capital
126 items. A school district may incur bonded indebtedness or take other measures
127 to provide for physical facilities and other capital items for charter schools that
128 it sponsors or contracts with. Except as otherwise specifically provided in
129 sections 160.400 to 160.425, upon the dissolution of a charter school, any
130 liabilities of the corporation will be satisfied through the procedures of chapter
131 355. A charter school shall satisfy all its financial obligations within twelve
132 months of notice from the sponsor of the charter school's closure under subsection
133 8 of section 160.405. After satisfaction of all its financial obligations, a charter
134 school shall return any remaining state and federal funds to the department of
135 elementary and secondary education for disposition as stated in subdivision (17)
136 of subsection 1 of section 160.405. The department of elementary and secondary
137 education may withhold funding at a level the department determines to be
138 adequate during a school's last year of operation until the department determines
139 that school records, liabilities, and reporting requirements, including a full audit,
140 are satisfied.

141 13. Charter schools shall not have the power to acquire property by
142 eminent domain.

143 14. The governing body of a charter school is authorized to accept grants,
144 gifts or donations of any kind and to expend or use such grants, gifts or
145 donations. A grant, gift or donation may not be accepted by the governing body
146 if it is subject to any condition contrary to law applicable to the charter school or
147 other public schools, or contrary to the terms of the charter.

161.087. 1. When assigning classification designations to school

2 districts pursuant to its authority to classify the public schools of the
3 state under section 161.092, the state board of education shall use only
4 the following classification designations:

- 5 (1) Unaccredited;
- 6 (2) Provisionally accredited;
- 7 (3) Accredited; and
- 8 (4) Accredited with distinction.

9 2. The state board of education shall develop and implement a
10 process to provide assistance teams to borderline districts, as defined
11 in section 167.848, as determined by the department of elementary and
12 secondary education and to underperforming districts, as defined in
13 section 167.848, upon assignment of a classification designation of
14 unaccredited or provisionally accredited or upon a determination made
15 by the state board of education. The composition and size of the team
16 may vary, based on academic, demographic, and financial
17 circumstances of the district, but in no case will the team have fewer
18 than ten members, two of whom shall be active classroom teachers in
19 the district, two of whom shall be principals, and one of whom shall be
20 a parent of a student in the district. The department staff member
21 assigned to the region in which the district is located may be included
22 in the assistance team's activities but shall not be formally assigned to
23 the team. The team shall provide recommendations for improvement
24 based on the needs of the community and the district and analysis of,
25 at a minimum, the assessment data, classroom practices, and
26 communication processes within attendance centers, within the
27 district, and with the larger community. Separate teams may be used
28 to provide analysis and recommendations at the discretion of the state
29 board. Beginning with school year 2017-18, the team shall provide its
30 recommendations no later than June 30, 2018, for underperforming
31 districts and borderline districts. The state board shall prioritize the
32 assignment of teams so that the districts with the lower annual
33 performance report scores are addressed first. The assistance team's
34 suggestions for improvement shall be mandatory for underperforming
35 districts but shall not be mandatory for borderline districts. If an
36 underperforming district disagrees with any suggestion of the
37 assistance team, the district shall propose a different method of
38 accomplishing the goal of the assistance team's suggestion and the state

39 board of education shall be the final arbiter of the matter.

161.238. 1. Notwithstanding any provision of chapter 536 and
2 subdivisions (9) and (14) of section 161.092 to the contrary, the state
3 board of education shall adopt a policy to classify individual
4 attendance centers. Attendance centers that do not offer classes above
5 the second grade level are exempt from classification under this
6 subsection. The policy shall require that an attendance center's
7 classification be based solely on a three-year average of the attendance
8 center's annual performance report scores using the three most recent
9 years. The state board shall assign a classification consistent with such
10 three-year average score. The state board shall implement such policy
11 and:

12 (1) Within forty-five days of the effective date of this section, for
13 each district that is classified as unaccredited by the state board of
14 education at that time, classify each of the unaccredited district's
15 attendance centers separately from the district as a whole using the
16 classification designations provided in section 161.087;

17 (2) Within ninety days of the effective date of this section, for
18 each district that is classified as provisionally accredited by the state
19 board of education at that time, classify each of the provisionally
20 accredited district's attendance centers separately from the district as
21 a whole using the classification designations provided in section
22 161.087; and

23 (3) By January 1, 2018, for each urban school district, each
24 metropolitan school district, each school district that has most or all of
25 its land area located in a county with a charter form of government and
26 with more than six hundred thousand but fewer than seven hundred
27 thousand inhabitants, and each district that has most or all of its land
28 area located in a county with a charter form of government and with
29 more than nine hundred fifty thousand inhabitants, classify each of the
30 district's attendance centers separately from the district as a whole
31 using the classification designations provided in section 161.087.

32 2. The classifications assigned by the state board under
33 subsection 1 of this section shall become effective immediately and
34 shall remain in effect until the state board develops, adopts, and
35 implements the system of classification described in subsection 3 of this
36 section. At such time, the state board shall classify attendance centers

37 based on the system of classification described in subsection 3 of this
38 section.

39 3. By January 1, 2018, the state board of education shall, through
40 administrative rule, develop a system of classification that accredits
41 attendance centers within a district separately from the district as a
42 whole using the classification designations provided in section
43 161.087. The state board of education's system shall not assign
44 classification designations to attendance centers that do not offer
45 classes above the second grade level. When the state board adopts its
46 system, it shall assign a classification designation to each attendance
47 center, except for those attendance centers that do not offer classes
48 above the second grade level. The state board of education may assign
49 classification numbers outside the range of numbers assigned to high
50 schools, middle schools, junior high schools, or elementary schools as
51 classification designations for attendance centers that are exempt from
52 the accreditation classification system. Public separate special
53 education schools within a special school district and within a school
54 district are exempted from the accreditation requirements of this
55 section and section 161.087. While not applicable for the purpose of
56 accreditation, a special school district shall continue to report all
57 scores on its annual performance report to the department of
58 elementary and secondary education for all its schools. Juvenile
59 detention centers within a special school district are also exempted
60 from the accreditation standards of this section and section 161.087.

61 4. Upon adoption of the classification system described in
62 subsection 3 of this section, the state board may change any
63 classification it has assigned to an attendance center under subsection
64 1 of this section.

65 5. An attendance center that does not offer classes above the
66 second grade level shall be exempt from any requirements related to
67 statewide assessments.

68 6. Notwithstanding the provisions of subdivision (9) of section
69 161.092, the rules and regulations promulgated under this section shall
70 be effective thirty days after publication in the code of state
71 regulations as provided in section 536.021 and shall not be subject to
72 the two-year delay contained in subdivision (9) of section 161.092.

73 7. Any rule or portion of a rule, as that term is defined in section

74 536.010, that is created under the authority delegated in this section
75 shall become effective only if it complies with and is subject to all of
76 the provisions of chapter 536 and, if applicable, section 536.028. This
77 section and chapter 536 are nonseverable, and if any of the powers
78 vested with the general assembly pursuant to chapter 536 to review, to
79 delay the effective date, or to disapprove and annul a rule are
80 subsequently held unconstitutional, then the grant of rulemaking
81 authority and any rule proposed or adopted after the effective date of
82 this section shall be invalid and void.

161.1000. 1. There is hereby established within the department
2 of elementary and secondary education a task force, to be known as the
3 "School Transfer and Improvement Task Force", which shall be
4 composed of eleven members.

5 2. The task force is hereby created to study the following:

6 (1) Means to address failing schools including, but not limited to,
7 the creation of a school improvement district;

8 (2) Options for school transfer finance formulas;

9 (3) Best practices for how to design and finance public virtual
10 and blended schools;

11 (4) Best practices and possible pilot projects to assist transient
12 students;

13 (5) Options for comprehensive school quality indicators leading
14 to student success;

15 (6) Options for school quality review models based on successful
16 review models currently in use;

17 (7) Options for locally created assessment and accountability
18 systems; and

19 (8) Best practices in parent and community engagement.

20 3. The task force shall consist of the following members:

21 (1) Three members of the senate, appointed by the president pro
22 tempore of the senate, of whom not more than two shall be of the same
23 party;

24 (2) One member from an education policy research organization
25 in Missouri, appointed by the president pro tempore of the senate;

26 (3) Three members of the house of representatives, appointed by
27 the speaker, of whom not more than two shall be of the same party;

28 (4) One member from a statewide business association, appointed

29 **by the speaker of the house of representatives;**

30 **(5) The commissioner of education or his or her designee;**

31 **(6) One member from an education organization consisting**
32 **exclusively of elected officials, appointed by the commissioner of**
33 **education; and**

34 **(7) The lieutenant governor or his or her designee.**

35 **4. The first meeting of the task force shall be called by the**
36 **president pro tempore of the senate. The task force shall elect a**
37 **presiding officer by a majority vote of the membership of the task**
38 **force. Subsequent meetings of the task force shall be at the call of the**
39 **presiding officer.**

40 **5. The task force shall make recommendations regarding the**
41 **provisions of subsection 2 of this section. In making those**
42 **recommendations, the task force shall receive reports and testimony**
43 **from individuals, state and local agencies, experts, and other public**
44 **and private organizations.**

45 **6. The task force's recommendations may include proposals for**
46 **specific statutory changes.**

47 **7. The members shall receive no compensation for their services**
48 **on the task force but shall be reimbursed for ordinary and necessary**
49 **expenses incurred in the performance of their duties.**

50 **8. By February 1, 2018, the task force shall report its findings**
51 **and recommendations to the general assembly.**

52 **9. The provisions of this section shall expire on April 30, 2018.**

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
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 **all or part of** the unaccredited
28 district and:

29 (a) Appoint a special administrative board for the operation of all or part
30 of the district. **If a special administrative board is appointed for the**
31 **operation of a part of a school district, the state board of education**
32 **shall determine an equitable apportionment of state and federal aid for**
33 **the part of the district, and the school district shall provide local**
34 **revenue in proportion to the weighted average daily attendance of the**
35 **part.** The number of members of the special administrative board shall not be
36 less than five, the majority of whom shall be residents of the district. The
37 members of the special administrative board shall reflect the population
38 characteristics of the district and shall collectively possess strong experience in
39 school governance, management and finance, and leadership. **The state board**
40 **of education may appoint members of the district's elected school board**
41 **to the special administrative board, but members of the elected school**
42 **board shall not comprise more than forty-nine percent of the special**
43 **administrative board's membership.** Within fourteen days after the
44 appointment by the state board of education, the special administrative board
45 shall organize by the election of a president, vice president, secretary and a
46 treasurer, with their duties and organization as enumerated in section
47 162.301. The special administrative board shall appoint a superintendent of
48 schools to serve as the chief executive officer of the school district, **or a subset**
49 **of schools,** and to have all powers and duties of any other general

50 superintendent of schools in a seven-director school district. **Nothing in this**
51 **section shall be construed to permit either the state board of education**
52 **or a special administrative board to raise, in any way not specifically**
53 **allowed by law, the tax levy of the district or any part of the district**
54 **without a vote of the people.** Any special administrative board appointed
55 under this section shall be responsible for the operation of the district **or part**
56 **of the district** until such time that the district is classified by the state board
57 of education as provisionally accredited for at least two successive academic
58 years, after which time the state board of education may provide for a transition
59 pursuant to section 162.083; or

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

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

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

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

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

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

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

85 4. If a district remains under continued governance by the school board

86 under subdivision (1) of subsection 3 of this section and either has been
87 unaccredited for three consecutive school years and failed to attain accredited
88 status after the third school year or has been unaccredited for two consecutive
89 school years and the state board of education determines its academic progress
90 is not consistent with attaining accredited status after the third school year, then
91 the state board of education shall proceed under subdivision (2) of subsection 3
92 of this section in the following school year.

93 5. A special administrative board **or any other form of governance**
94 appointed under this section shall retain the authority granted to a board of
95 education for the operation of the lapsed school district under the laws of the
96 state in effect at the time of the lapse and may enter into contracts with
97 accredited school districts or other education service providers in order to deliver
98 high-quality educational programs to the residents of the district. If a student
99 graduates while attending a school building in the district that is operated under
100 a contract with an accredited school district as specified under this subsection,
101 the student shall receive his or her diploma from the accredited school
102 district. The authority of the special administrative board **or any other form**
103 **of governance appointed under this section** shall expire at the end of the
104 third full school year following its appointment, unless extended by the state
105 board of education. If the lapsed district is reassigned, the [special
106 administrative board] **governing board prior to lapse** shall provide an
107 accounting of all funds, assets and liabilities of the lapsed district and transfer
108 such funds, assets, and liabilities of the lapsed district as determined by the state
109 board of education. Neither the special administrative board **nor any other**
110 **form of governance appointed under this section** nor its members or
111 employees shall be deemed to be the state or a state agency for any purpose,
112 including section 105.711, et seq. The state of Missouri, its agencies and
113 employees shall be absolutely immune from liability for any and all acts or
114 omissions relating to or in any way involving the lapsed district, [the] a special
115 administrative board, **any other form of governance appointed under this**
116 **section, [its] or the members or employees of the lapsed district, a special**
117 **administrative board, or any other form of governance appointed under**
118 **this section.** Such immunities, and immunity doctrines as exist or may
119 hereafter exist benefitting boards of education, their members and their
120 employees, shall be available to the special administrative board, [its] **any other**
121 **form of governance appointed under this section, and the** members and

122 employees of the special administrative board or any other form of
123 governance appointed under this section.

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

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

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

162.1303. 1. For purposes of this section and section 162.1305,
2 "transient student" means any student who withdraws from one
3 attendance center and enrolls in any other attendance center, including
4 withdrawing and re-enrolling in the same attendance center, two or
5 more times within two school years.

6 2. The department of elementary and secondary education shall
7 annually calculate a transient student ratio for each attendance center,
8 each charter school, and each local educational agency. The
9 department shall annually calculate a transient student ratio for each
10 school district based on the transient student ratios of all the
11 attendance centers in such district. The department shall publish the
12 transient student ratio of each district, each attendance center, each
13 charter school, and each local educational agency on its website.

14 3. The department shall include, or cause to be included, in each
15 district's school accountability report card the transient student ratio
16 of the district and of each attendance center operated by the district.

17 4. The department shall include the transient student ratios of
18 attendance centers, charter schools, and local educational agencies in
19 their respective school accountability report cards.

20 5. The department shall publish the state's aggregate transient
21 student ratio on its website.

22 **6. A transient student ratio shall be calculated as the quotient of**
23 **the number of transient students enrolled in the district on the last**
24 **Wednesday in September and the total number of students who are**
25 **enrolled in the district on the last Wednesday in September.**

26 **7. Each school district, charter school, and local educational**
27 **agency shall annually report to the department, by a date established**
28 **by the department, any information and data required to comply with**
29 **and perform the calculation required by the provisions of this section.**

162.1305. 1. In the first year of attendance in a district or
2 **charter school, a transient student's score on a statewide assessment**
3 **shall not be included when calculating the status or progress scores on**
4 **the district's or charter school's annual performance report scores. A**
5 **transient student's growth score shall be weighted at one hundred**
6 **percent.**

7 **2. In the second year of attendance, a transient student's score**
8 **on a statewide assessment shall be weighted at thirty percent when**
9 **calculating the district's or charter school's performance for purposes**
10 **of the district's or charter school's annual performance report status or**
11 **progress score, with the transient student's growth score weighted at**
12 **one hundred percent.**

13 **3. In the third year of attendance, a transient student's score on**
14 **a statewide assessment shall be weighted at seventy percent when**
15 **calculating the district's or charter school's performance for purposes**
16 **of the district's or charter school's annual performance report status or**
17 **progress score, with the transient student's growth score weighted at**
18 **one hundred percent.**

19 **4. In the fourth year of attendance and any subsequent years of**
20 **attendance, a transient student's score on a statewide assessment shall**
21 **be weighted at one hundred percent when calculating the district's or**
22 **charter school's performance for purposes of the district's or charter**
23 **school's annual performance report status or progress score, with the**
24 **transient student's growth score weighted at one hundred percent.**

162.1310. If the state board of education classifies any district or
2 **attendance center as unaccredited, the district shall notify the parent**
3 **or guardian of any student enrolled in the unaccredited district or**
4 **unaccredited attendance center of the loss of accreditation within**
5 **seven business days. The district shall also notify district taxpayers of**

6 the loss of accreditation within seven business days. The district's
7 notice shall include an explanation of which students may be eligible
8 to transfer, the transfer process under sections 167.825 to 167.827, and
9 any services students may be entitled to receive as a result of the
10 district or attendance center being classified as unaccredited. The
11 district's notice shall be written in a clear, concise, and easy-to-
12 understand manner. The district shall post the notice in a conspicuous
13 and accessible place in each district attendance center. The district
14 shall also send the notice to each municipality located within the
15 boundaries of the district.

162.1313. The school board of any district that operates an
2 underperforming school, as defined in section 167.848, shall adopt a
3 policy regarding the availability of home visits by school
4 personnel. Pursuant to such policy, the school may offer the parent or
5 guardian of a student enrolled in any such school the opportunity to
6 have one or more annual home visits. If the school decides to offer one
7 or more annual home visits, the school shall offer an opportunity for
8 each visit to occur at the attendance center or at a mutually agreeable
9 site.

163.021. 1. A school district shall receive state aid for its education
2 program only if it:

3 (1) Provides for a minimum of one hundred seventy-four days and one
4 thousand forty-four hours of actual pupil attendance in a term scheduled by the
5 board pursuant to section 160.041 for each pupil or group of pupils, except that
6 the board shall provide a minimum of one hundred seventy-four days and five
7 hundred twenty-two hours of actual pupil attendance in a term for kindergarten
8 pupils. If any school is dismissed because of inclement weather after school has
9 been in session for three hours, that day shall count as a school day including
10 afternoon session kindergarten students. When the aggregate hours lost in a
11 term due to inclement weather decreases the total hours of the school term below
12 the required minimum number of hours by more than twelve hours for all-day
13 students or six hours for one-half-day kindergarten students, all such hours below
14 the minimum must be made up in one-half day or full day additions to the term,
15 except as provided in section 171.033;

16 (2) Maintains adequate and accurate records of attendance, personnel and
17 finances, as required by the state board of education, which shall include the

18 preparation of a financial statement which shall be submitted to the state board
19 of education the same as required by the provisions of section 165.111 for
20 districts;

21 (3) Levies an operating levy for school purposes of not less than one dollar
22 and twenty-five cents after all adjustments and reductions on each one hundred
23 dollars assessed valuation of the district;

24 (4) Computes average daily attendance as defined in subdivision (2) of
25 section 163.011 as modified by section 171.031. Whenever there has existed
26 within the district an infectious disease, contagion, epidemic, plague or similar
27 condition whereby the school attendance is substantially reduced for an extended
28 period in any school year, the apportionment of school funds and all other
29 distribution of school moneys shall be made on the basis of the school year next
30 preceding the year in which such condition existed;

31 **(5) If required to remit tuition under section 167.829, uses funds**
32 **derived from the operating levy for school purposes for tuition**
33 **remission for students who attend a nonsectarian private school under**
34 **said section.**

35 2. For the 2006-07 school year and thereafter, no school district shall
36 receive more state aid, as calculated under subsections 1 and 2 of section 163.031,
37 for its education program, exclusive of categorical add-ons, than it received per
38 weighted average daily attendance for the school year 2005-06 from the
39 foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair
40 share, and free textbook payment amounts, unless it has an operating levy for
41 school purposes, as determined pursuant to section 163.011, of not less than two
42 dollars and seventy-five cents after all adjustments and reductions. Any district
43 which is required, pursuant to Article X, Section 22 of the Missouri Constitution,
44 to reduce its operating levy below the minimum tax rate otherwise required under
45 this subsection shall not be construed to be in violation of this subsection for
46 making such tax rate reduction. Pursuant to Section 10(c) of Article X of the
47 state constitution, a school district may levy the operating levy for school
48 purposes required by this subsection less all adjustments required pursuant to
49 Article X, Section 22 of the Missouri Constitution if such rate does not exceed the
50 highest tax rate in effect subsequent to the 1980 tax year. Nothing in this section
51 shall be construed to mean that a school district is guaranteed to receive an
52 amount not less than the amount the school district received per eligible pupil for
53 the school year 1990-91. The provisions of this subsection shall not apply to any

54 school district located in a county of the second classification which has a nuclear
55 power plant located in such district or to any school district located in a county
56 of the third classification which has an electric power generation unit with a
57 rated generating capacity of more than one hundred fifty megawatts which is
58 owned or operated or both by a rural electric cooperative except that such school
59 districts may levy for current school purposes and capital projects an operating
60 levy not to exceed two dollars and seventy-five cents less all adjustments required
61 pursuant to Article X, Section 22 of the Missouri Constitution.

62 3. No school district shall receive more state aid, as calculated in section
63 163.031, for its education program, exclusive of categorical add-ons, than it
64 received per eligible pupil for the school year 1993-94, if the state board of
65 education determines that the district was not in compliance in the preceding
66 school year with the requirements of section 163.172, until such time as the board
67 determines that the district is again in compliance with the requirements of
68 section 163.172.

69 4. No school district shall receive state aid, pursuant to section 163.031,
70 if such district was not in compliance, during the preceding school year, with the
71 requirement, established pursuant to section 160.530 to allocate revenue to the
72 professional development committee of the district.

73 5. No school district shall receive more state aid, as calculated in
74 subsections 1 and 2 of section 163.031, for its education program, exclusive of
75 categorical add-ons, than it received per weighted average daily attendance for
76 the school year 2005-06 from the foundation formula, line 14, gifted, remedial
77 reading, exceptional pupil aid, fair share, and free textbook payment amounts, if
78 the district did not comply in the preceding school year with the requirements of
79 subsection 5 of section 163.031.

80 6. Any school district that levies an operating levy for school purposes
81 that is less than the performance levy, as such term is defined in section 163.011,
82 shall provide written notice to the department of elementary and secondary
83 education asserting that the district is providing an adequate education to the
84 students of such district. If a school district asserts that it is not providing an
85 adequate education to its students, such inadequacy shall be deemed to be a
86 result of insufficient local effort. The provisions of this subsection shall not apply
87 to any special district established under sections 162.815 to 162.940.

163.036. 1. In computing the amount of state aid a school district is
2 entitled to receive for the minimum school term only under section 163.031, a

3 school district may use an estimate of the weighted average daily attendance for
4 the current year, or the weighted average daily attendance for the immediately
5 preceding year or the weighted average daily attendance for the second preceding
6 school year, whichever is greater. Beginning with the 2006-07 school year, the
7 summer school attendance included in the average daily attendance as defined
8 in subdivision (2) of section 163.011 shall include only the attendance hours of
9 pupils that attend summer school in the current year. Beginning with the
10 2004-05 school year, when a district's official calendar for the current year
11 contributes to a more than ten percent reduction in the average daily attendance
12 for kindergarten compared to the immediately preceding year, the payment
13 attributable to kindergarten shall include only the current year kindergarten
14 average daily attendance. Any error made in the apportionment of state aid
15 because of a difference between the actual weighted average daily attendance and
16 the estimated weighted average daily attendance shall be corrected as provided
17 in section 163.091, except that if the amount paid to a district estimating
18 weighted average daily attendance exceeds the amount to which the district was
19 actually entitled by more than five percent, interest at the rate of six percent
20 shall be charged on the excess and shall be added to the amount to be deducted
21 from the district's apportionment the next succeeding year.

22 2. Notwithstanding the provisions of subsection 1 of this section or any
23 other provision of law, the state board of education shall make an adjustment for
24 the immediately preceding year for any increase in the actual weighted average
25 daily attendance above the number on which the state aid in section 163.031 was
26 calculated. Said adjustment shall be made in the manner providing for correction
27 of errors under subsection 1 of this section.

28 3. Any error made in the apportionment of state aid because of a
29 difference between the actual equalized assessed valuation for the current year
30 and the estimated equalized assessed valuation for the current year shall be
31 corrected as provided in section 163.091, except that if the amount paid to a
32 district estimating current equalized assessed valuation exceeds the amount to
33 which the district was actually entitled, interest at the rate of six percent shall
34 be charged on the excess and shall be added to the amount to be deducted from
35 the district's apportionment the next succeeding year.

36 4. For the purposes of distribution of state school aid pursuant to section
37 163.031, a school district with ten percent or more of its assessed valuation that
38 is owned by one person or corporation as commercial or personal property who is

39 delinquent in a property tax payment may elect, after receiving notice from the
40 county clerk on or before March fifteenth that more than ten percent of its
41 current taxes due the preceding December thirty-first by a single property owner
42 are delinquent, to use in the local effort calculation of the state aid formula the
43 district's equalized assessed valuation for the preceding year or the actual
44 assessed valuation of the year for which the taxes are delinquent less the
45 assessed valuation of property for which the current year's property tax is
46 delinquent. To qualify for use of the actual assessed valuation of the year for
47 which the taxes are delinquent less the assessed valuation of property for which
48 the current year's property tax is delinquent, a district must notify the
49 department of elementary and secondary education on or before April first, except
50 in the year enacted, of the current year amount of delinquent taxes, the assessed
51 valuation of such property for which delinquent taxes are owed and the total
52 assessed valuation of the district for the year in which the taxes were due but not
53 paid. Any district giving such notice to the department of elementary and
54 secondary education shall present verification of the accuracy of such notice
55 obtained from the clerk of the county levying delinquent taxes. When any of the
56 delinquent taxes identified by such notice are paid during a four-year period
57 following the due date, the county clerk shall give notice to the district and the
58 department of elementary and secondary education, and state aid paid to the
59 district shall be reduced by an amount equal to the delinquent taxes received plus
60 interest. The reduction in state aid shall occur over a period not to exceed five
61 years and the interest rate on excess state aid not refunded shall be six percent
62 annually.

63 5. If a district receives state aid based on equalized assessed valuation as
64 determined by subsection 4 of this section and if prior to such notice the district
65 was paid state aid pursuant to section 163.031, the amount of state aid paid
66 during the year of such notice and the first year following shall equal the sum of
67 state aid paid pursuant to section 163.031 plus the difference between the state
68 aid amount being paid after such notice minus the amount of state aid the district
69 would have received pursuant to section 163.031 before such notice. To be
70 eligible to receive state aid based on this provision the district must levy during
71 the first year following such notice at least the maximum levy permitted school
72 districts by Article X, Section 11(b) of the Missouri Constitution and have a
73 voluntary rollback of its tax rate which is no greater than one cent per one
74 hundred dollars assessed valuation.

75 **6. Notwithstanding the provisions of subsection 1 of this section,**
76 **any district in which the local school board sponsors a charter school**
77 **as provided in section 160.400 shall use only an estimate of the**
78 **district's weighted average daily attendance for the current year and**
79 **shall not use a weighted average daily attendance count from any**
80 **preceding year for purposes of determining the amount of state aid to**
81 **which the district is entitled.**

167.121. 1. If the residence of a pupil is so located that attendance in the
2 district of residence constitutes an unusual or unreasonable transportation
3 hardship because of natural barriers, travel time, or distance, the commissioner
4 of education or his **or her** designee may assign the pupil to another
5 district. Subject to the provisions of this section, all existing assignments shall
6 be reviewed prior to July 1, 1984, and from time to time thereafter, and may be
7 continued or rescinded. The board of education of the district in which the pupil
8 lives shall pay the tuition of the pupil assigned. The tuition shall not exceed the
9 pro rata cost of instruction.

10 2. (1) For the school year beginning July 1, 2008, and each succeeding
11 school year, a parent or guardian residing in a lapsed public school district or a
12 **parent or guardian residing in** a district that has [scored] **received an**
13 **annual performance report score consistent with a state board of**
14 **education classification of** either unaccredited or provisionally accredited[, or
15 a combination thereof, on two consecutive annual performance reports] may enroll
16 the parent's or guardian's child in the Missouri virtual school created in section
17 161.670 provided the pupil first enrolls in the school district of residence. The
18 school district of residence shall include the pupil's enrollment in the virtual
19 school created in section 161.670 in determining the district's average daily
20 attendance. Full-time enrollment in the virtual school shall constitute one
21 average daily attendance equivalent in the school district of residence. Average
22 daily attendance for part-time enrollment in the virtual school shall be calculated
23 as a percentage of the total number of virtual courses enrolled in divided by the
24 number of courses required for full-time attendance in the school district of
25 residence.

26 (2) A pupil's residence, for purposes of this section, means residency
27 established under section 167.020. Except for students residing in a K-8 district
28 attending high school in a district under section 167.131, the board of the home
29 district shall pay to the virtual school the amount required under section 161.670.

30 (3) Nothing in this section shall require any school district or the state to
31 provide computers, equipment, internet or other access, supplies, materials or
32 funding, except as provided in this section, as may be deemed necessary for a
33 pupil to participate in the virtual school created in section 161.670.

34 (4) Any rule or portion of a rule, as that term is defined in section
35 536.010, that is created under the authority delegated in this section shall
36 become effective only if it complies with and is subject to all of the provisions of
37 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
38 nonseverable and if any of the powers vested with the general assembly pursuant
39 to chapter 536 to review, to delay the effective date, or to disapprove and annul
40 a rule are subsequently held unconstitutional, then the grant of rulemaking
41 authority and any rule proposed or adopted after August 28, 2007, shall be
42 invalid and void.

**167.127. If a school district contains a facility that serves
2 neglected or delinquent children residing in a court-ordered group
3 home, an institution for neglected children, or an institution for
4 delinquent children, the department of elementary and secondary
5 education shall be prohibited from creating any report or publication
6 related to the Missouri school improvement program, or any successor
7 program, in which data from the district's regularly enrolled pupils is
8 aggregated with data from the children residing in such facilities.**

167.131. 1. The board of education of each district in this state that does
2 not maintain [an accredited] **a high school** [pursuant to the authority of the
3 state board of education to classify schools as established in section 161.092]
4 **offering work through the twelfth grade** shall pay [the] tuition [of] as
5 **calculated by the receiving district under subsection 2 of this section**
6 and provide transportation consistent with the provisions of section 167.241 for
7 each pupil resident therein **who has completed the work of the highest**
8 **grade offered in the schools of the district and** who attends an accredited
9 **public high school** in another district of the same or an adjoining county.

10 2. The rate of tuition to be charged by the district attended and paid by
11 the sending district is the per pupil cost of maintaining the district's grade level
12 grouping which includes the school attended. The cost of maintaining a grade
13 level grouping shall be determined by the board of education of the district but
14 in no case shall it exceed all amounts spent for teachers' wages, incidental
15 purposes, debt service, maintenance and replacements. The term "debt service",

16 as used in this section, means expenditures for the retirement of bonded
17 indebtedness and expenditures for interest on bonded indebtedness. Per pupil
18 cost of the grade level grouping shall be determined by dividing the cost of
19 maintaining the grade level grouping by the average daily pupil attendance. If
20 there is disagreement as to the amount of tuition to be paid, the facts shall be
21 submitted to the state board of education, and its decision in the matter shall be
22 final. Subject to the limitations of this section, each pupil shall be free to attend
23 the public school of his or her choice.

**167.642. 1. No underperforming district, as defined in section
2 167.848, located in a county with a charter form of government and
3 with more than nine hundred fifty thousand inhabitants shall promote
4 a student from the fifth grade to the sixth grade or from the eighth
5 grade to the ninth grade who is two years or more below grade level as
6 measured by quantifiable student performance data designated by the
7 local district to satisfy the requirements of this section. The term
8 "quantifiable student performance data" shall be as defined in
9 subsection 2 of section 161.096.**

10 **2. Notwithstanding subsection 1 of this section, the provisions of
11 this section shall not apply to any student with an individualized
12 education program or any student receiving services through a plan
13 prepared under Section 504 of the Rehabilitation Act of 1973.**

**167.685. 1. Each unaccredited school shall offer free tutoring and
2 supplemental education services to students who are performing below
3 grade level or identified by the school as struggling, using funds from
4 the school improvement fund to the extent that such funds are
5 available.**

6 **2. There is hereby created in the state treasury the "School
7 Improvement Fund". The fund shall consist of any moneys
8 appropriated annually by the general assembly, gifts, bequests, or
9 public or private donations to such fund. Any person or entity that
10 makes a gift, bequest, or donation to the fund may specify the district
11 that shall be the recipient of such gift, bequest, or donation.**

12 **3. The state treasurer shall be custodian of the fund. In
13 accordance with sections 30.170 and 30.180, the state treasurer may
14 approve disbursements of public moneys in accordance with
15 distribution requirements and procedures developed by the department
16 of elementary and secondary education and shall make disbursement**

17 of private funds according to the directions of the donor. If the donor
18 did not specify how the private funds were to be disbursed, the state
19 treasurer shall contact the donor to determine the manner of
20 disbursement. The fund shall be a dedicated fund and, upon
21 appropriation, moneys in the fund shall be used solely for the
22 administration of this section.

23 4. Notwithstanding the provisions of section 33.080 to the
24 contrary, any moneys remaining in the fund at the end of the biennium
25 shall not revert to the credit of the general revenue fund.

26 5. The state treasurer shall invest moneys in the fund in the
27 same manner as other funds are invested. Any interest and moneys
28 earned on such investments shall be credited to the fund.

167.688. 1. Any underperforming district, as defined in section
2 167.848, may perform any or all of the following actions including, but
3 not limited to:

4 (1) Implement a new curriculum, including appropriate
5 professional development, based on scientifically based research that
6 offers substantial promise of improving educational achievement of
7 low-achieving students;

8 (2) Retain an outside expert to advise the district or school on
9 its progress toward regaining accreditation;

10 (3) Enter into a contract with an education management
11 company or education services provider that has a demonstrated
12 record of effectiveness operating a school or schools;

13 (4) For any unaccredited school, enter into a collaborative
14 relationship and agreement with an accredited district in which
15 teachers from the unaccredited school may exchange positions with
16 teachers from an accredited school in an accredited district for a
17 period of two school weeks; or

18 (5) Implement any other change that is suggested by the state
19 board of education, an expert or contractor approved under this
20 section, or an assistance team under section 161.087, in accordance with
21 state law, that the school board has reason to believe will result in
22 improved performance for accreditation purposes.

23 2. Any underperforming district that offers an attendance
24 recovery program designed exclusively to allow students to recapture
25 attendance hours lost due to absences shall be allowed to include such

26 attendance recovery hours in the district's attendance rate for purposes
27 of the Missouri school improvement program accreditation
28 scoring. Districts may offer attendance recovery programs on
29 Saturdays or at any time before or after the school's regularly
30 scheduled school hours. Extended hour and day programs designed for
31 remediation or enrichment purposes shall not fulfill the criteria of
32 attendance recovery programs as provided in this subsection.

167.730. 1. Beginning July 1, 2018, and continuing thereafter,
2 every public school, including every charter school, in the metropolitan
3 school district or in any urban school district containing most or all of
4 a home rule city with more than four hundred thousand inhabitants
5 and located in more than one county shall incorporate a response-to-
6 intervention tiered approach to reading instruction to focus resources
7 on students who are determined by their school to need additional or
8 changed instruction to make progress as readers. At a minimum, the
9 reading levels of students in kindergarten through tenth grade shall be
10 assessed at the beginning and middle of the school year, and students
11 who score below district benchmarks shall be provided with intensive
12 and systematic reading instruction.

13 2. Beginning January 1, 2018, and every January first thereafter,
14 every public school, including every charter school, in the metropolitan
15 school district or in any urban school district containing most or all of
16 a home rule city with more than four hundred thousand inhabitants
17 and located in more than one county shall prepare a personalized
18 learning plan for any kindergarten or first grade student whose most
19 recent school-wide reading assessment result shows the student is
20 working below grade level unless the student has been determined by
21 other means in the current school year to be working at grade level or
22 above. The provisions of this section shall not apply to students
23 otherwise served under an individualized education program, to
24 students receiving services through a plan prepared under Section 504
25 of the Rehabilitation Act of 1973 that includes an element addressing
26 reading below grade level, or to students determined to have limited
27 English proficiency.

28 3. For any student who is required by this section to have a
29 personalized learning plan, the student's main teacher shall consult
30 with the student's parent or guardian during the preparation of the

31 plan and shall consult, as appropriate, any district personnel or
32 department of elementary and secondary education personnel with
33 necessary expertise to develop such a plan. The school shall require
34 the written consent of the parent or guardian to implement the plan;
35 however, if the school is unsuccessful in contacting the parent or
36 guardian by January fifteenth, the school may send a letter by certified
37 mail to the student's last known address stating its intention to
38 implement the plan by February first.

39 4. After implementing the personalized learning plan through the
40 end of the student's first grade year, the school shall refer any student
41 who still performs below grade level for assessment to determine if an
42 individualized education program is necessary for the student. A
43 student who is assessed as not needing an individualized education
44 program but who is reading below grade level at the end of the first
45 grade shall continue to be required to have a personalized learning
46 plan until the student is reading at grade level.

47 5. Notwithstanding any provision of law to the contrary, any
48 student in a metropolitan school district, in any urban school district
49 containing most or all of a home rule city with more than four hundred
50 thousand inhabitants and located in more than one county, or in any
51 charter school located in any such district who is not reading at
52 second-grade level by the end of second grade may be promoted to the
53 third grade only under one of the following circumstances:

54 (1) The school provides additional reading instruction during the
55 summer and demonstrates the student is ready for third grade at the
56 end of the summer school;

57 (2) The school provides a combined classroom in which the
58 student continues with the same teacher, sometimes referred to as
59 "looping". If the student in such a classroom is not reading at third-
60 grade level by the end of third grade, the student shall be retained in
61 third grade; or

62 (3) The student's parents or guardians have signed a notice that
63 they prefer to have their student promoted although the student is
64 reading below grade level. The school shall have the final
65 determination on the issue of retention.

66 6. The metropolitan school district, any urban school district
67 containing most or all of a home rule city with more than four hundred

68 thousand inhabitants and located in more than one county, and each
69 charter school located in them shall provide in its annual report card
70 under section 160.522 the numbers and percentages by grade from first
71 grade to tenth grade in each school of any students at any grade level
72 who have been promoted who have been determined as reading below
73 grade level, except that no reporting shall permit the identification of
74 an individual student.

75 7. School districts and charter schools under this section may
76 provide for a student promotion and retention program and a reading
77 instruction program that are equivalent to those that are described in
78 this section with the oversight and approval of the department of
79 elementary and secondary education.

167.825. 1. For school year 2017-18, students who transferred
2 from an unaccredited district to an accredited district in the same or
3 an adjoining county under section 167.131 as it existed on July 1, 2016,
4 shall be allowed to participate under the same terms that governed
5 such transfers in school year 2016-17, except that section 167.829 shall
6 apply to determine the reimbursement of their tuition.

7 2. Notwithstanding the provisions of subsection 1 of this section,
8 for school year 2017-18, any student who transferred from an
9 unaccredited district to an accredited district in the same or an
10 adjoining county in school year 2015-16 or school year 2016-17 but did
11 not attend a public school in the unaccredited district for the school
12 year prior to the transfer, unless the student was entering kindergarten
13 or first grade when he or she transferred, shall no longer be eligible to
14 transfer under this section in school year 2017-18.

15 3. For school year 2017-18, if an unaccredited district becomes
16 classified as provisionally accredited or accredited without provisions
17 by the state board of education, any resident student of the
18 unaccredited district who has transferred under section 167.131 as it
19 existed on July 1, 2016, shall be permitted to continue the student's
20 educational program through the completion of middle school, junior
21 high school, or high school, whichever occurs first, except that a
22 student who attends any school serving students through high school
23 graduation but starting at grades lower than ninth grade shall be
24 permitted to complete high school in the school to which he or she has
25 transferred. However, any such student shall have previously attended

26 a school in the sending district for at least one school year immediately
27 before initially transferring, unless the student was entering
28 kindergarten or was a first grade student, and shall continue to reside
29 within the boundaries of the unaccredited district as those boundaries
30 existed when the student entered the transfer program to maintain
31 eligibility. A student who returns to his or her district of residence
32 shall be ineligible to transfer again.

33 4. Notwithstanding any other provision of law, any student who
34 was participating in the school transfer program before January 1,
35 2016, and who attended, for at least one school year immediately prior
36 to transferring, a school in an unaccredited district, shall have the
37 option of transferring to a virtual school created pursuant to section
38 162.1250, an approved charter school, or another public school in the
39 student's district of residence that offers the student's grade level of
40 enrollment, as further provided in section 167.826.

167.826. 1. Any student may transfer to another public school in
2 the student's district of residence that offers the student's grade level
3 of enrollment and that is accredited without provisions by the state
4 board of education if such student is enrolled in and has attended an
5 unaccredited school within the student's resident district for the full
6 school year immediately prior to requesting the transfer.

7 2. No such transfer under subsection 1 of this section shall result
8 in a class size and assigned enrollment in a receiving school that
9 exceeds the standards for class size and assigned enrollment as
10 promulgated in the Missouri school improvement program's resource
11 standards, unless the school district consents to such. If the student
12 chooses to attend a magnet school, an academically selective school, or
13 a school with a competitive entrance process within his or her district
14 of residence that has admissions requirements, the student shall meet
15 such admissions requirements in order to attend. The school board of
16 each district shall determine the capacity at each of the district's
17 attendance centers that the state board of education has assigned a
18 classification designation of accredited or accredited with
19 distinction. The district's school board shall be responsible for
20 coordinating student transfers from unaccredited schools to accredited
21 schools within the district. No student enrolled in and attending an
22 attendance center that does not offer classes above the second grade

23 level shall be eligible to transfer under this section.

24 3. Any student who is enrolled in and has attended an
25 unaccredited school for the full school year immediately prior to
26 requesting the transfer and who has first attempted but is unable to
27 transfer to an accredited school within his or her district of residence
28 under subsection 1 of this section due to a lack of capacity in
29 accredited schools in the district of residence may apply to the
30 appropriate education authority to transfer to:

31 (1) An accredited school in an adjoining district; or

32 (2) An approved charter school, as defined in section 167.848, in
33 an adjoining district.

34 4. The application to the education authority to transfer shall be
35 made by March first before the school year in which the student
36 intends to transfer.

37 5. A student who is eligible to begin kindergarten or first grade
38 at an unaccredited school may apply to the appropriate education
39 authority for a transfer if he or she resides in the attendance area of
40 an unaccredited school on March first preceding the school year of first
41 attendance. A student who does not apply by March first shall be
42 required to enroll and attend for one school year to become eligible to
43 transfer. If the student chooses to apply to attend a magnet school, an
44 academically selective school, or a school with a competitive entrance
45 process that has admissions requirements, the student shall furnish
46 proof that he or she meets such admissions requirements. Any student
47 who does not maintain residency in the attendance area of his or her
48 attendance center in the district of residence shall lose eligibility to
49 transfer. Any student who transfers but later withdraws shall lose
50 eligibility to transfer. The transfer provisions of this subsection shall
51 not apply to a district created under sections 162.815 to 162.840 or to
52 any early childhood programs or early childhood special education
53 programs.

54 6. No unaccredited school or provisionally accredited school
55 shall be eligible to receive transfer students, except that a transfer
56 student who chooses to attend a provisionally accredited school in the
57 district of residence shall be allowed to transfer to such school if there
58 is an available slot.

59 7. If a charter school may receive nonresident transfer students

60 under this section because it has been operating for less than three
61 years but then loses its status as an approved charter school
62 immediately after those three years because its three-year average
63 score on its annual performance report is below seventy percent, any
64 students who previously transferred to the charter school may remain
65 enrolled in the charter school but no additional nonresident students
66 may transfer to the charter school.

67 8. No attendance center with a three-year average score of
68 seventy percent or lower on its annual performance report shall be
69 eligible to receive any transfer students, irrespective of its state board
70 of education classification designation, except that any student who
71 was granted a transfer to such an attendance center prior to the
72 effective date of this section may remain enrolled in that attendance
73 center.

74 9. For a receiving attendance center or receiving approved
75 charter school, no acceptance of a transfer student shall require any of
76 the following actions, unless the school board of the receiving
77 attendance center's district or the receiving approved charter school's
78 governing board has approved the action:

79 (1) A class size and assigned enrollment in a receiving school
80 that exceeds the number of students provided by its approved policy on
81 class size under subsection 10 of this section;

82 (2) The hiring of additional classroom teachers; or

83 (3) The construction of additional classrooms.

84 10. Each district and each receiving approved charter school
85 shall have the right to establish and adopt, by objective means, a policy
86 for desirable class size and student-teacher ratios for each attendance
87 center. A district's policy may allow for estimated growth in the
88 resident student population. An approved charter school may use the
89 class size, student-teacher ratios, and growth projections for student
90 enrollment contained in the charter school's charter application and
91 charter when adopting a policy. Any district or approved charter
92 school that adopts such a policy shall do so by January first annually.
93 A district or receiving approved charter school shall publish its policy
94 and shall not be required to accept any transfer students under this
95 section that would violate its class size or student-teacher ratio. If a
96 student seeking to transfer is denied admission to an attendance center

97 or approved charter school based on a lack of space under the policy,
98 the student or the student's parent or guardian may appeal the ruling
99 to the state board of education if he or she believes the district's policy
100 or approved charter school's policy is unduly restrictive to student
101 transfers. If more than one student or parent appeals a denial of
102 admission from the same attendance center or approved charter school
103 to the state board of education, the state board shall make an effort to
104 hear such actions at the same time. If the state board of education
105 finds that the policy is unduly restrictive to student transfers, the state
106 board may limit the policy. The state board's decision shall be final.

107 11. For each student who transfers to another district or
108 approved charter school, the student's district of residence shall pay
109 the tuition amount for each transfer student to the receiving district or
110 receiving approved charter school in two increments annually, once at
111 the start of the school year and once at the start of the second semester
112 of the school year. Each receiving district and receiving approved
113 charter school shall adopt a policy establishing a tuition rate by
114 February first annually.

115 12. If an unaccredited school becomes classified as provisionally
116 accredited or accredited without provisions by the state board of
117 education, any student who was assigned to such attendance center and
118 who has transferred under this section shall be permitted to continue
119 his or her educational program in that education option through the
120 completion of middle school, junior high school, or high school,
121 whichever occurs first, except that a student who attends any school
122 serving students through high school graduation but starting at grades
123 lower than ninth grade shall be permitted to complete high school in
124 the school to which he or she has transferred.

125 13. (1) Except as provided in subdivision (2) of this subsection,
126 the education authority governing the unaccredited attendance center
127 shall designate at least one accredited attendance center in an
128 adjoining district to which the district operating the unaccredited
129 school shall provide transportation for transfer students. If the
130 designated attendance center reaches full student capacity and is
131 unable to receive additional students, the education authority shall
132 designate at least one additional accredited attendance center to which
133 the district operating an unaccredited school shall provide

134 transportation for transfer students.

135 (2) For the 2017-18 school year, and until such time as the
136 governor has appointed a number of members sufficient to constitute
137 a quorum to the education authority whose geographic coverage area
138 includes a district operating an unaccredited school, the department of
139 elementary and secondary education shall designate at least one
140 accredited attendance center in an adjoining district to which a district
141 operating an unaccredited school shall provide transportation for
142 transfer students. If the designated attendance center reaches full
143 student capacity and is unable to receive additional students, the
144 department shall designate at least one additional accredited
145 attendance center to which a district operating an unaccredited school
146 shall provide transportation for transfer students.

147 (3) Beginning in the 2018-19 school year, when determining
148 transportation arrangements under this subsection, neither the
149 department of elementary and secondary education nor any education
150 authority shall contract with or collaborate with any established
151 regional association or cooperative of school districts located in any
152 city not within a county or any county with a charter form of
153 government and with more than nine hundred fifty thousand
154 inhabitants.

155 14. Notwithstanding the provisions of subsection 11 of this
156 section to the contrary, if costs associated with the provision of special
157 education and related services to a student with a disability exceed the
158 tuition amount established under this section, the transfer student's
159 district of residence shall remain responsible to pay the excess cost to
160 the receiving district or receiving approved charter school. If the
161 receiving district is a component district of a special school district,
162 the transfer student's district of residence, including any metropolitan
163 school district, shall contract with the special school district for the
164 entirety of the costs to provide special education and related services,
165 excluding transportation pursuant to this section. The special school
166 district may contract with the transfer student's district of residence,
167 including any metropolitan district, for the provision of transportation
168 of a student with a disability, or the transfer student's district of
169 residence may provide transportation on its own.

170 15. A special school district shall continue to provide special

171 education and related services, with the exception of transportation
172 under this section, to a student with a disability transferring from an
173 unaccredited school within a component district to an accredited
174 school within the same or a different component district within the
175 special school district.

176 16. If any metropolitan school district operates an unaccredited
177 school, it shall remain responsible for the provision of special
178 education and related services, including transportation, to students
179 with disabilities. A special school district in an adjoining county to a
180 metropolitan school district may contract with the metropolitan school
181 district for the reimbursement of special education services pursuant
182 to sections 162.705 and 162.710 provided by the special school district
183 for transfer students who are residents of the district operating an
184 unaccredited school.

185 17. Regardless of whether transportation is identified as a
186 related service within a student's individualized education program, a
187 receiving district that is not part of a special school district shall not
188 be responsible for providing transportation to a student transferring
189 under this section. A district operating an unaccredited school may
190 contract with a receiving district that is not part of a special school
191 district pursuant to sections 162.705 and 162.710 for transportation of
192 students with disabilities.

193 18. If a seven-director district or urban school district operates
194 an unaccredited school, it may contract with a receiving district that
195 is not part of a special school district in the same or an adjoining
196 county for the reimbursement of special education and related services
197 pursuant to sections 162.705 and 162.710 provided by the receiving
198 district for transfer students who are residents of the district operating
199 an unaccredited school.

167.827. 1. By August 1, 2017, and by January first annually,
2 each district shall report to the governing education authority its
3 number of available enrollment slots in accredited schools by grade
4 level. Each approved charter school that is eligible to receive transfer
5 students under section 167.826 shall report the number of available
6 enrollment slots by August 1, 2017, and by January first annually.

7 2. Any education authority whose geographic area includes a
8 district operating an unaccredited school shall make information and

9 assistance available to parents or guardians who intend to transfer
10 their child from an unaccredited school to an accredited school within
11 the district or an adjoining district or an approved charter school
12 within the district or in an adjoining district.

13 3. The parent or guardian of a student who intends to transfer
14 his or her child from an unaccredited school to an accredited school
15 within the district, in an adjoining district, or an approved charter
16 school within the district or in an adjoining district shall send initial
17 notification to the education authority for the county in which he or
18 she resides by March first for enrollment in the subsequent school year.

19 4. The education authority whose geographic area includes a
20 district that operates an unaccredited school shall assign those
21 students who are unable to transfer to an accredited school in their
22 district of residence and seek to transfer to an accredited school in an
23 adjoining district or an approved charter school in an adjoining
24 district. When assigning transfer students to approved charter schools,
25 an education authority shall coordinate with each approved charter
26 school and its admissions process if capacity is insufficient to enroll all
27 students who submit a timely application. An approved charter school
28 shall not be required to receive any transfer students that would
29 require it to institute a lottery procedure for determining the
30 admission of resident students. The authority shall give first priority
31 to students who live in the same household with any family member
32 within the first or second degree of consanguinity or affinity who have
33 already transferred and who apply to attend the same school. If
34 insufficient grade-appropriate enrollment slots are available for a
35 student to be able to transfer, that student shall receive first priority
36 the following school year. The authority shall only disrupt student and
37 parent choice for transfer if the available slots are requested by more
38 students than there are slots available. The authority shall consider
39 the following factors in assigning schools, with the student's or parent's
40 choice as the most important factor:

- 41 (1) The student's or parent's choice of the receiving school;
- 42 (2) The best interests of the student; and
- 43 (3) Distance and travel time to a receiving school.

44 The education authority shall not consider student academic
45 performance, free and reduced price lunch status, or athletic ability in

46 assigning a student to a school. When assigning transfer students to
47 approved charter schools, an education authority shall coordinate with
48 each approved charter school and its admissions process if capacity is
49 insufficient to enroll all students who submit a timely application.

50 5. An education authority may deny a transfer to a student who
51 in the most recent school year has been suspended from school two or
52 more times or who has been suspended for an act of school violence
53 under subsection 2 of section 160.261. A student whose transfer is
54 initially precluded under this subsection may be permitted to transfer
55 on a provisional basis as a probationary transfer student, subject to no
56 further disruptive behavior, upon a statement from the student's
57 current school that the student is not disruptive. A student who is
58 denied a transfer under this subsection has the right to an in-person
59 meeting with a representative of the authority. Each education
60 authority shall develop administrative guidelines to provide common
61 standards for determining disruptive behavior that shall include, but
62 not be limited to, criteria under the safe schools act.

63 6. Notwithstanding any other provision of law, the test scores of
64 transfer students attending schools in districts other than their district
65 of residence under section 167.826 shall be counted as follows:

66 (1) In the first year of attendance in a district or approved
67 charter school, a transfer student's score on a statewide assessment
68 shall not be included when calculating the status or progress scores on
69 the district's or charter school's annual performance report scores. The
70 growth score shall be weighted at one hundred percent.

71 (2) In the second year of attendance, a transfer student's score
72 on a statewide assessment shall be weighted at thirty percent when
73 calculating the district's or charter school's performance for purposes
74 of the district's or charter school's annual performance report status or
75 progress score, with the growth score weighted at one hundred percent.

76 (3) In the third year of attendance, a transfer student's score on
77 a statewide assessment shall be weighted at seventy percent when
78 calculating the district's or charter school's performance for purposes
79 of the district's or charter school's annual performance report status or
80 progress score, with the growth score weighted at one hundred percent.

81 (4) In the fourth year of attendance and any subsequent years of
82 attendance, a transfer student's score on a statewide assessment shall

83 be weighted at one hundred percent when calculating the district's or
84 charter school's performance for purposes of the district's or charter
85 school's annual performance report status or progress score, with the
86 growth score weighted at one hundred percent.

87 7. When performing the requirements of this section, section
88 167.829, or sections 167.830 to 167.845, if an education authority whose
89 geographic area includes a district that operates an unaccredited
90 school is not coordinating transfers due to insufficient funding or
91 because the governor has not yet appointed a number of members
92 sufficient to constitute a quorum to the education authority, the
93 department of elementary and secondary education shall contract with
94 or collaborate with any organizations it chooses, subject to the
95 exception described in subsection 8 of this section, in order to
96 coordinate transfers that each education authority is required to
97 coordinate under such sections. The department of elementary and
98 secondary education and such organization or organizations it chooses
99 shall fulfill all functions of the education authorities. Any applications
100 for transfers and any reports of available enrollment slots that the
101 education authorities would have received shall be submitted to the
102 department of elementary and secondary education or such
103 organization or organizations it chooses instead.

104 8. Beginning in the 2018-19 school year, when performing the
105 requirements of this section or sections 167.830 to 167.845, neither the
106 department of elementary and secondary education nor any education
107 authority shall contract with or collaborate with any established
108 regional association or cooperative of school districts located in any
109 city not within a county or any county with a charter form of
110 government and with more than nine hundred fifty thousand
111 inhabitants. No such regional association or cooperative of school
112 districts shall receive any applications for transfers nor perform any
113 functions assigned to the education authorities.

167.828. 1. Any student who is enrolled in and has attended an
2 unaccredited school for the full school year immediately prior to
3 requesting a transfer and who has first attempted but is unable to
4 transfer to an accredited school within his or her district of residence
5 or to an adjoining district under section 167.826 due to a lack of
6 capacity in accredited schools may apply to the appropriate education

7 authority to transfer to a nonsectarian private school, as defined in
8 section 167.848, located in his or her district of residence.

9 2. The amount of tuition to be paid shall be paid from the
10 district's operating levy for school purposes and shall not exceed the
11 tuition rate of the sending district or nonsectarian private school's
12 tuition rate, whichever is lower.

13 3. A nonsectarian private school shall qualify to receive tuition
14 payments under this section only if it satisfies the following conditions:

15 (1) Is accredited by the North Central Association Commission
16 On Accreditation and School Improvement or demonstrates similar
17 academic quality credentials to the department of elementary and
18 secondary education;

19 (2) Administers or allows for the administration of the statewide
20 assessments in English language arts and mathematics for transfer
21 students;

22 (3) Complies with all health and safety laws or codes that apply
23 to nonpublic schools;

24 (4) Holds a valid occupancy permit if required by its
25 municipality;

26 (5) Certifies that it will not discriminate in admissions on the
27 basis of race, color, religion, national origin, or disability;

28 (6) For all students enrolled in the school under the nonsectarian
29 option set forth in this section, complies with the following statutes and
30 any regulations promulgated thereunder by the department of
31 elementary and secondary education: 43.408, 43.540, 160.041, 160.045,
32 160.257, 160.261, 160.262, 160.263, 160.518 for state assessments, the cost
33 of which shall be paid consistent with the manner in which they are
34 paid for students in public schools, 160.522, 160.539, 160.570, 160.660,
35 160.775, 160.1990, 161.102, 161.650, 161.850, 162.014, 162.068, 162.069,
36 162.208, 162.215, 162.401, 162.670, 162.720, subdivisions (1) to (3) of
37 162.821, 162.1125, 162.1250, subdivisions (1) and (2) of subsection 1 of
38 163.021 for eligibility to receive local funds but compliance with these
39 sections shall not make nonsectarian private schools eligible to receive
40 state funding under 163.031, 167.018, 167.019, 167.020, 167.022, 167.023,
41 167.031, 167.115, 167.117, 167.122, 167.123, 167.161, 167.166, 167.171,
42 167.181, 167.191, 167.208, 167.211, 167.227, 167.268, 167.275, 167.280,
43 167.621 to 167.635, 167.645, 167.700, 167.720, 167.765, 170.005, 170.011,

44 170.051, 170.315, 170.340, 171.021, 171.031 to 171.033, 171.053, 171.151,
45 171.171, 178.530, 182.815, 182.817, 191.765 to 191.777, 210.003, 210.110,
46 210.115, 210.145, 210.150, 210.165, 210.167, 210.760, 210.865, 211.032,
47 211.034, 211.181, 211.185, 211.188, 320.010, 452.375, 452.376, and
48 544.193. Nothing in this subdivision shall be construed to exempt the
49 nonsectarian private school from other statutes and regulations which
50 applied to the nonsectarian schools as of January 1, 2017;

51 (7) Furnishes to the department of elementary and secondary
52 education all necessary data for the calculation of an annual
53 performance report score, which the department shall calculate for
54 each participating nonsectarian private school. At the option of the
55 nonsectarian private school, such score shall be based upon only the
56 records pertaining to students enrolled in the school through the
57 transfer program or for all students if the school chooses to administer
58 state testing to all students;

59 (8) Where applicable, contracts with a special school district to
60 provide special education services to eligible students on the same
61 terms as public schools, and the costs associated with the services shall
62 be paid in the same manner;

63 (9) Certifies to the department of elementary and secondary
64 education and to the sending district that it shall accept the tuition
65 amount specified in subsection 2 of this section as payment in full for
66 the transfer student and shall not require the parent or guardian to pay
67 any additional amount for tuition; and

68 (10) Files with the department of elementary and secondary
69 education, the appropriate education authority, and the sending
70 district a statement of intent to accept transfer students that includes
71 the information listed in this subsection.

72 4. When the percentage of transfer students at a nonsectarian
73 private school receiving transfer students under this section reaches
74 twenty-five percent of the school's enrollment, the school shall conform
75 to the Missouri school improvement program performance standards to
76 continue its eligibility for the program under this section.

77 5. Tuition for a student who attends a nonsectarian private
78 school shall be paid only using funds received by the district from the
79 operating levy for school purposes.

80 6. The student's district of residence may provide transportation

81 for him or her to attend a nonsectarian private school located within
82 the district but shall not be required to do so.

83 7. Notwithstanding the provisions of subsection 2 of this section
84 to the contrary, where costs associated with the provision of special
85 education and related services to a student with a disability exceed the
86 tuition amount established under this section, the sending district shall
87 remain responsible to pay the excess cost to the nonsectarian private
88 school.

167.829. 1. A district operating an unaccredited school that
2 transfers a student to an accredited school in an adjoining district
3 under section 167.826 or to a nonsectarian private school under section
4 167.828 shall pay tuition to the receiving district or to the nonsectarian
5 private school in an amount equal to the tuition rate of the receiving
6 district established under subsection 13 of section 167.826 or subsection
7 2 of section 167.828, whichever is applicable. If the tuition charged by
8 the receiving district school under this section exceeds the tuition rate
9 of the sending district, the difference in rates shall be paid from the
10 supplemental tuition fund created in subsection 2 of this section. The
11 supplemental tuition fund shall not be used to pay any difference in
12 tuition rates between a sending district and a nonsectarian private
13 school.

14 2. There is hereby created in the state treasury the
15 "Supplemental Tuition Fund". The fund shall consist of any moneys
16 appropriated annually by the general assembly from general revenue
17 to such fund, any moneys paid into the state treasury and required by
18 law to be credited to such fund and any gifts, bequests, or public or
19 private donations to such fund. The state treasurer shall be custodian
20 of the fund. The department of elementary and secondary education
21 shall administer the fund. In accordance with sections 30.170 and
22 30.180, the state treasurer may approve disbursements. The fund shall
23 be a dedicated fund and, upon appropriation, moneys in the fund shall
24 be used solely for the administration of this section. Notwithstanding
25 the provisions of section 33.080 to the contrary, any moneys remaining
26 in the fund at the end of the biennium shall not revert to the credit of
27 the general revenue fund. The state treasurer shall invest moneys in
28 the fund in the same manner as other funds are invested. Any interest
29 and moneys earned on such investments shall be credited to the fund.

167.830. 1. There is hereby established the "St. Louis Area
2 Education Authority". The authority is hereby constituted a public
3 instrumentality and body politic and corporate, and the exercise by the
4 authority of the powers conferred by this section shall be deemed and
5 held to be the performance of an essential public function. Unless
6 otherwise provided, the authority shall be subject to all general laws
7 pertaining to the operation of seven-director districts as defined in
8 section 160.011.

9 2. If any metropolitan school district, any district located in any
10 county with a charter form of government and with more than nine
11 hundred fifty thousand inhabitants, or any district located in an
12 adjoining county to them operates at least one unaccredited school, the
13 authority shall coordinate student transfers from unaccredited schools
14 to accredited schools as set forth in section 167.826 and, if applicable,
15 to approved charter schools or nonsectarian private schools.

16 3. The authority shall consist of five members to be appointed by
17 the governor, by and with the advice and consent of the senate, each of
18 whom shall be a resident of the state. The members shall reflect the
19 population characteristics of the districts they represent. Not more
20 than three of the five members of the authority shall be of the same
21 political party. Two members shall be residents of the metropolitan
22 school district, two members shall be residents of school districts
23 located in a county with a charter form of government and with more
24 than nine hundred fifty thousand inhabitants, and one member shall be
25 a resident of a district located in an adjoining county to a county with
26 a charter form of government and with more than nine hundred fifty
27 thousand inhabitants. The length of term for members shall be six
28 years except for the initial members, who shall be appointed in the
29 following manner:

- 30 (1) One member shall be appointed for a term of two years;
- 31 (2) One member shall be appointed for a term of three years;
- 32 (3) One member shall be appointed for a term of four years;
- 33 (4) One member shall be appointed for a term of five years; and
- 34 (5) One member shall be appointed for a term of six years.

35 4. The term length of each initial appointee shall be designated
36 by the governor at the time of making the appointment. Upon the
37 expiration of the initial terms of office, successor members shall be

38 appointed for terms of six years and shall serve until their successors
39 have been appointed and have qualified. Any member shall be eligible
40 for reappointment. The governor shall fill any vacancy for the
41 remainder of any unexpired term within thirty days of notification of
42 the vacancy. Any member of the authority may be removed by the
43 governor for misfeasance, malfeasance, willful neglect of duty, or other
44 cause after notice and a public hearing unless the notice or hearing
45 shall be expressly waived in writing.

46 5. Members of the authority shall receive no compensation for
47 services, but shall be entitled to reimbursement for necessary expenses,
48 including traveling and lodging expenses, incurred in the discharge of
49 their duties. Any payment for expenses shall be paid from funds of the
50 authority.

51 6. One member of the authority, designated by the governor for
52 the purpose, shall call and convene the initial organizational meeting
53 of the authority and shall serve as its president pro tempore. At the
54 initial meeting and annually thereafter, the authority shall elect one of
55 its members as president. The authority may appoint an executive
56 director who shall not be a member of the authority and who shall
57 serve at its pleasure. If an executive director is appointed, he or she
58 shall receive such compensation as shall be fixed from time to time by
59 action of the authority. The authority shall appoint a member as
60 secretary who shall keep a record of the proceedings of the authority
61 and shall be the custodian of all books, documents, and papers filed
62 with the authority, the minute books or journal thereof, and its official
63 seal. The secretary may cause copies to be made of all minutes and
64 other records and documents of the authority and may give certificates
65 under the official seal of the authority to the effect that the copies are
66 true and correct copies, and all persons dealing with the authority may
67 rely on such certificates. The authority, by resolution duly adopted,
68 shall fix the powers and duties of its executive director as it may, from
69 time to time, deem proper and necessary.

70 7. Meetings, records, and operations of the authority shall be
71 subject to the provisions of chapter 610.

72 8. The authority shall have the following powers, together with
73 all powers incidental thereto or necessary for the performance thereof
74 to:

- 75 (1) Have perpetual succession as a body politic and corporate;
76 (2) Adopt bylaws for the regulation of its affairs and the conduct
77 of its business;
78 (3) Sue and be sued and prosecute and defend, at law or in
79 equity, in any court having jurisdiction of the subject matter and of the
80 parties;
81 (4) Establish and use a corporate seal and alter the same at
82 pleasure;
83 (5) Maintain an office at such place or places in the state of
84 Missouri as it may designate;
85 (6) Employ an executive director and other staff as needed, with
86 compensation fixed by the authority;
87 (7) Coordinate student transfers located in its jurisdiction, as
88 provided by law; and
89 (8) Coordinate and collaborate with local districts, approved
90 charter schools, nonsectarian private schools, and local governments
91 for the transfer of students, as provided by law.

167.833. 1. There is hereby created in the state treasury the "St.
2 Louis Area Education Authority Fund". The fund shall consist of any
3 appropriations, gifts, bequests, or public or private donations to such
4 fund. Any moneys in the fund shall be used to fund the operations of
5 the education authority. The state treasurer shall be custodian of the
6 fund. In accordance with sections 30.170 and 30.180, the state treasurer
7 may approve disbursements of public moneys in accordance with
8 distribution requirements and procedures developed by the department
9 of elementary and secondary education and shall make disbursement
10 of private funds according to the directions of the donor. If the donor
11 did not specify how the private funds were to be disbursed, the state
12 treasurer shall contact the donor to determine the manner of
13 disbursement. The fund shall be a dedicated fund and, upon
14 appropriation, moneys in the fund shall be used solely for the
15 administration of sections 167.830 and 167.833.

16 2. Notwithstanding the provisions of section 33.080 to the
17 contrary, any moneys remaining in the fund at the end of the biennium
18 shall not revert to the credit of the general revenue fund.

19 3. The state treasurer shall invest moneys in the fund in the
20 same manner as other funds are invested. Any interest and moneys

21 earned on such investments shall be credited to the fund.

167.836. 1. There is hereby established the "Kansas City Area
2 Education Authority". The authority is hereby constituted a public
3 instrumentality and body politic and corporate, and the exercise by the
4 authority of the powers conferred by this section shall be deemed and
5 held to be the performance of an essential public function. Unless
6 otherwise provided, the authority shall be subject to all general laws
7 pertaining to the operation of seven-director districts as defined in
8 section 160.011.

9 2. If any district located in any county with a charter form of
10 government and with more than six hundred thousand but fewer than
11 seven hundred thousand inhabitants or in an adjoining county operates
12 at least one unaccredited school, the authority shall coordinate student
13 transfers from unaccredited schools to accredited schools as set forth
14 in section 167.826 and, if applicable, to approved charter schools or
15 nonsectarian private schools.

16 3. The authority shall consist of five members appointed by the
17 governor, by and with the advice and consent of the senate, each of
18 whom shall be a resident of the state. Three members shall be
19 residents of an urban school district containing most or all of a home
20 rule city with more than four hundred thousand inhabitants and
21 located in more than one county. One member shall be a resident of a
22 school district located in a county with a charter form of government
23 and with more than six hundred thousand but fewer than seven
24 hundred thousand inhabitants but such member shall be a resident of
25 a school district other than an urban school district containing most or
26 all of a home rule city with more than four hundred thousand
27 inhabitants and located in more than one county. One member shall be
28 a resident of a school district located in a county adjoining to a county
29 with a charter form of government and with more than six hundred
30 thousand but fewer than seven hundred thousand inhabitants. The
31 members shall reflect the population characteristics of the districts
32 they represent. Not more than three of the five members of the
33 authority shall be of the same political party. The length of term for
34 members shall be six years except for the initial members, who shall be
35 appointed in the following manner:

36 (1) One member shall be appointed for a term of two years;

- 37 **(2) One member shall be appointed for a term of three years;**
38 **(3) One member shall be appointed for a term of four years;**
39 **(4) One member shall be appointed for a term of five years; and**
40 **(5) One member shall be appointed for a term of six years.**

41 **4. The term length of each initial appointee shall be designated**
42 **by the governor at the time of making the appointment. Upon the**
43 **expiration of the initial terms of office, successor members shall be**
44 **appointed for terms of six years and shall serve until their successors**
45 **have been appointed and have qualified. Any member shall be eligible**
46 **for reappointment. The governor shall fill any vacancy for the**
47 **remainder of any unexpired term within thirty days of notification of**
48 **the vacancy. Any member of the authority may be removed by the**
49 **governor for misfeasance, malfeasance, willful neglect of duty, or other**
50 **cause after notice and a public hearing unless the notice or hearing**
51 **shall be expressly waived in writing.**

52 **5. Members of the authority shall receive no compensation for**
53 **services, but shall be entitled to reimbursement for necessary expenses,**
54 **including traveling and lodging expenses, incurred in the discharge of**
55 **their duties. Any payment for expenses shall be paid from funds of the**
56 **authority.**

57 **6. One member of the authority, designated by the governor for**
58 **the purpose, shall call and convene the initial organizational meeting**
59 **of the authority and shall serve as its president pro tempore. At the**
60 **initial meeting and annually thereafter, the authority shall elect one of**
61 **its members as president. The authority may appoint an executive**
62 **director who shall not be a member of the authority and who shall**
63 **serve at its pleasure. If an executive director is appointed, he or she**
64 **shall receive such compensation as shall be fixed from time to time by**
65 **action of the authority. The authority shall appoint a member as**
66 **secretary who shall keep a record of the proceedings of the authority**
67 **and shall be the custodian of all books, documents, and papers filed**
68 **with the authority, the minute books or journal thereof, and its official**
69 **seal. The secretary may cause copies to be made of all minutes and**
70 **other records and documents of the authority and may give certificates**
71 **under the official seal of the authority to the effect that the copies are**
72 **true and correct copies, and all persons dealing with the authority may**
73 **rely on such certificates. The authority, by resolution duly adopted,**

74 shall fix the powers and duties of its executive director as it may, from
75 time to time, deem proper and necessary.

76 7. Meetings, records, and operations of the authority shall be
77 subject to the provisions of chapter 610.

78 8. The authority shall have the following powers, together with
79 all powers incidental thereto or necessary for the performance thereof
80 to:

81 (1) Have perpetual succession as a body politic and corporate;

82 (2) Adopt bylaws for the regulation of its affairs and the conduct
83 of its business;

84 (3) Sue and be sued and prosecute and defend, at law or in
85 equity, in any court having jurisdiction of the subject matter and of the
86 parties;

87 (4) Establish and use a corporate seal and alter the same at
88 pleasure;

89 (5) Maintain an office at such place or places in the state of
90 Missouri as it may designate;

91 (6) Employ an executive director and other staff as needed, with
92 compensation fixed by the authority;

93 (7) Coordinate student transfers located in its jurisdiction, as
94 provided by law; and

95 (8) Coordinate and collaborate with local districts, approved
96 charter schools, nonsectarian private schools, and local governments
97 for the transfer of students, as provided by law.

167.839. 1. There is hereby created in the state treasury the
2 "Kansas City Area Education Authority Fund". The fund shall consist
3 of any appropriations, gifts, bequests, or public or private donations to
4 such fund. Any moneys in the fund shall be used to fund the operations
5 of the education authority. The state treasurer shall be custodian of
6 the fund. In accordance with sections 30.170 and 30.180, the state
7 treasurer may approve disbursements of public moneys in accordance
8 with distribution requirements and procedures developed by the
9 department of elementary and secondary education and shall make
10 disbursement of private funds according to the directions of the donor.
11 If the donor did not specify how the private funds were to be disbursed,
12 the state treasurer shall contact the donor to determine the manner of
13 disbursement. The fund shall be a dedicated fund and, upon

14 appropriation, moneys in the fund shall be used solely for the
15 administration of sections 167.836 and 167.839.

16 2. Notwithstanding the provisions of section 33.080 to the
17 contrary, any moneys remaining in the fund at the end of the biennium
18 shall not revert to the credit of the general revenue fund.

19 3. The state treasurer shall invest moneys in the fund in the
20 same manner as other funds are invested. Any interest and moneys
21 earned on such investments shall be credited to the fund.

167.842. 1. There is hereby established the "Statewide Education
2 Authority". The authority is hereby constituted a public
3 instrumentality and body politic and corporate, and the exercise by the
4 authority of the powers conferred by this section shall be deemed and
5 held to be the performance of an essential public function. Unless
6 otherwise provided, the authority shall be subject to all general laws
7 pertaining to the operation of seven-director districts as defined in
8 section 160.011. The jurisdiction of the statewide education authority
9 shall be all counties except for:

10 (1) Any city not within a county;

11 (2) Any county with a charter form of government and with more
12 than six hundred thousand but fewer than seven hundred thousand
13 inhabitants and adjoining counties; and

14 (3) Any county with a charter form of government and with more
15 than nine hundred fifty thousand inhabitants and adjoining counties.

16 2. If any district located in the statewide education authority's
17 jurisdiction operates at least one unaccredited school, the authority
18 shall coordinate student transfers from unaccredited schools to
19 accredited schools as set forth in section 167.826 and, if applicable, to
20 approved charter schools or nonsectarian private schools.

21 3. The authority shall consist of five members to be appointed by
22 the governor, by and with the advice and consent of the senate, each of
23 whom shall be a resident of the state. The members shall reflect the
24 population characteristics of the districts they represent. Not more
25 than three of the five members of the authority shall be of the same
26 political party. The governor shall not appoint members to the
27 authority until the state board of education gives notice that a district
28 in the authority's jurisdiction has been classified as unaccredited. The
29 length of term for members shall be six years except for the initial

30 members, who shall be appointed in the following manner:

- 31 (1) One member shall be appointed for a term of two years;
- 32 (2) One member shall be appointed for a term of three years;
- 33 (3) One member shall be appointed for a term of four years;
- 34 (4) One member shall be appointed for a term of five years; and
- 35 (5) One member shall be appointed for a term of six years.

36 4. The term length of each initial appointee shall be designated
37 by the governor at the time of making the appointment. Upon the
38 expiration of the initial terms of office, successor members shall be
39 appointed for terms of six years and shall serve until their successors
40 have been appointed and have qualified. Any member shall be eligible
41 for reappointment. The governor shall fill any vacancy for the
42 remainder of any unexpired term within thirty days of notification of
43 the vacancy. Any member of the authority may be removed by the
44 governor for misfeasance, malfeasance, willful neglect of duty, or other
45 cause after notice and a public hearing unless the notice or hearing
46 shall be expressly waived in writing.

47 5. Members of the authority shall receive no compensation for
48 services, but shall be entitled to reimbursement for necessary expenses,
49 including traveling and lodging expenses, incurred in the discharge of
50 their duties. Any payment for expenses shall be paid from funds of the
51 authority.

52 6. One member of the authority, designated by the governor for
53 the purpose, shall call and convene the initial organizational meeting
54 of the authority and shall serve as its president pro tempore. At the
55 initial meeting and annually thereafter, the authority shall elect one of
56 its members as president. The authority may appoint an executive
57 director who shall not be a member of the authority and who shall
58 serve at its pleasure. If an executive director is appointed, he or she
59 shall receive such compensation as shall be fixed from time to time by
60 action of the authority. The authority shall appoint a member as
61 secretary who shall keep a record of the proceedings of the authority
62 and shall be the custodian of all books, documents, and papers filed
63 with the authority, the minute books or journal thereof, and its official
64 seal. The secretary may cause copies to be made of all minutes and
65 other records and documents of the authority and may give certificates
66 under the official seal of the authority to the effect that the copies are

67 true and correct copies, and all persons dealing with the authority may
68 rely on such certificates. The authority, by resolution duly adopted,
69 shall fix the powers and duties of its executive director as it may, from
70 time to time, deem proper and necessary.

71 7. Meetings, records, and operations of the authority shall be
72 subject to the provisions of chapter 610.

73 8. The authority shall have the following powers, together with
74 all powers incidental thereto or necessary for the performance thereof
75 to:

76 (1) Have perpetual succession as a body politic and corporate;

77 (2) Adopt bylaws for the regulation of its affairs and the conduct
78 of its business;

79 (3) Sue and be sued and prosecute and defend, at law or in
80 equity, in any court having jurisdiction of the subject matter and of the
81 parties;

82 (4) Establish and use a corporate seal and alter the same at
83 pleasure;

84 (5) Maintain an office at such place or places in the state of
85 Missouri as it may designate;

86 (6) Employ an executive director and other staff as needed, with
87 compensation fixed by the authority;

88 (7) Coordinate student transfers located in its jurisdiction, as
89 provided by law; and

90 (8) Coordinate and collaborate with local districts, approved
91 charter schools, nonsectarian private schools, and local governments
92 for the transfer of students, as provided by law.

167.845. 1. There is hereby created in the state treasury the
2 "Statewide Education Authority Fund". The fund shall consist of any
3 appropriations, gifts, bequests, or public or private donations to such
4 fund. Any moneys in the fund shall be used to fund the operations of
5 the education authority. The state treasurer shall be custodian of the
6 fund. In accordance with sections 30.170 and 30.180, the state treasurer
7 may approve disbursements of public moneys in accordance with
8 distribution requirements and procedures developed by the department
9 of elementary and secondary education and shall make disbursement
10 of private funds according to the directions of the donor. If the donor
11 did not specify how the private funds were to be disbursed, the state

12 treasurer shall contact the donor to determine the manner of
13 disbursement. The fund shall be a dedicated fund and, upon
14 appropriation, moneys in the fund shall be used solely for the
15 administration of sections 167.842 and 167.845.

16 2. Notwithstanding the provisions of section 33.080 to the
17 contrary, any moneys remaining in the fund at the end of the biennium
18 shall not revert to the credit of the general revenue fund.

19 3. The state treasurer shall invest moneys in the fund in the
20 same manner as other funds are invested. Any interest and moneys
21 earned on such investments shall be credited to the fund.

167.848. For purposes of sections 161.087, 161.238, 162.1250,
2 162.1305, 162.1310, 162.1313, 167.642, 167.685, 167.688, and 167.825 to
3 167.848, the following terms mean:

4 (1) "Accredited district", a school district that is classified as
5 accredited or accredited with distinction by the state board of
6 education pursuant to the authority of the state board of education to
7 classify schools as established in sections 161.087 and 161.092;

8 (2) "Accredited school", an attendance center that is classified as
9 accredited or accredited with distinction by the state board of
10 education pursuant to the authority of the state board of education to
11 classify schools as established in sections 161.087, 161.092, and 161.238;

12 (3) "Approved charter school", a charter school that has existed
13 for less than three years or a charter school with a three-year average
14 score of seventy percent or higher on its annual performance report;

15 (4) "Attendance center", a public school building or buildings or
16 part of a school building that constitutes one unit for accountability
17 purposes under the Missouri school improvement program;

18 (5) "Borderline district", a school district that has a current
19 annual performance report score between seventy-five and seventy with
20 the last two consecutive years showing a decline in the score, with a
21 district third-grade or eighth-grade statewide reading assessment that
22 shows that fifty percent or more of the students are at a level less than
23 proficient, and a transient student ratio in the top quartile of districts;

24 (6) "Education authority" or "authority", an education authority
25 established under sections 167.830 to 167.845;

26 (7) "Nonsectarian school", "nonsectarian private school" or
27 "private nonsectarian school", a school that is not part of the public

28 school system of the state of Missouri, that charges tuition for the
29 rendering of elementary and secondary educational services, and that
30 is not disqualified from accepting public funds by any provision of the
31 Missouri or United States Constitutions;

32 (8) "Provisionally accredited district", a school district that is
33 classified as provisionally accredited by the state board of education
34 pursuant to the authority of the state board of education to classify
35 schools as established in sections 161.087 and 161.092;

36 (9) "Provisionally accredited school", an attendance center that
37 is classified as provisionally accredited by the state board of education
38 pursuant to the authority of the state board of education to classify
39 schools as established in sections 161.087, 161.092, and 161.238;

40 (10) "Unaccredited district", a school district classified as
41 unaccredited by the state board of education pursuant to the authority
42 of the state board of education to classify schools as established in
43 sections 161.087 and 161.092;

44 (11) "Unaccredited school", an attendance center that is classified
45 as unaccredited by the state board of education pursuant to the
46 authority of the state board of education to classify schools as
47 established in sections 161.087, 161.092, and 161.238;

48 (12) "Underperforming", a school district or an attendance center
49 that has been classified as unaccredited or provisionally accredited
50 pursuant to the authority of the state board of education to classify
51 schools or has a three-year average annual performance report score
52 consistent with a classification of provisionally accredited or
53 unaccredited.

167.890. 1. The department of elementary and secondary
2 education shall compile and maintain student performance data scores
3 of all transfer students enrolled in districts other than their resident
4 districts as provided in sections 167.825 and 167.826 and make such
5 data available on the Missouri comprehensive data system. No
6 personally identifiable data shall be accessible on the database.

7 2. The department of elementary and secondary education may
8 promulgate all necessary rules and regulations for the administration
9 of this section. Any rule or portion of a rule, as that term is defined in
10 section 536.010, that is created under the authority delegated in this
11 section shall become effective only if it complies with and is subject to

12 all of the provisions of chapter 536 and, if applicable, section
13 536.028. This section and chapter 536 are nonseverable, and if any of
14 the powers vested with the general assembly pursuant to chapter 536
15 to review, to delay the effective date, or to disapprove and annul a rule
16 are subsequently held unconstitutional, then the grant of rulemaking
17 authority and any rule proposed or adopted after the effective date of
18 this section shall be invalid and void.

170.320. 1. There is hereby created in the state treasury the
2 "Parent Portal Fund". The fund shall consist of any moneys
3 appropriated annually by the general assembly, gifts, bequests, or
4 public or private donations to such fund. Any moneys in the fund shall
5 be used to assist districts in establishing and maintaining a parent
6 portal. School districts may establish a parent portal that shall be
7 accessible by mobile technology for parents to have access to
8 educational information and access to student data. Any person or
9 entity that makes a gift, bequest, or donation to the fund may specify
10 the district that shall be the recipient of such gift, bequest, or donation.

11 2. The state treasurer shall be custodian of the fund. In
12 accordance with sections 30.170 and 30.180, the state treasurer may
13 approve disbursements of public moneys in accordance with
14 distribution requirements and procedures developed by the department
15 of elementary and secondary education and shall make disbursements
16 of private funds according to the directions of the donor. If the donor
17 did not specify how the private funds were to be disbursed, the state
18 treasurer shall contact the donor to determine the manner of
19 disbursement. The fund shall be a dedicated fund and, upon
20 appropriation, moneys in the fund shall be used solely for the
21 administration of this section.

22 3. Notwithstanding the provisions of section 33.080 to the
23 contrary, any moneys remaining in the fund at the end of the biennium
24 shall not revert to the credit of the general revenue fund.

25 4. The state treasurer shall invest moneys in the fund in the
26 same manner as other funds are invested. Any interest and moneys
27 earned on such investments shall be credited to the fund.

171.031. 1. Each school board shall prepare annually a calendar for the
2 school term, specifying the opening date and providing a minimum term of at
3 least one hundred seventy-four days for schools with a five-day school week or one

4 hundred forty-two days for schools with a four-day school week, and one thousand
5 forty-four hours of actual pupil attendance. In addition, such calendar shall
6 include six make-up days for possible loss of attendance due to inclement weather
7 as defined in subsection 1 of section 171.033.

8 2. Each local school district may set its opening date each year, which
9 date shall be no earlier than ten calendar days prior to the first Monday in
10 September. No public school district shall select an earlier start date unless the
11 district follows the procedure set forth in subsection 3 of this section.

12 3. A district may set an opening date that is more than ten calendar days
13 prior to the first Monday in September only if the local school board first gives
14 public notice of a public meeting to discuss the proposal of opening school on a
15 date more than ten days prior to the first Monday in September, and the local
16 school board holds said meeting and, at the same public meeting, a majority of
17 the board votes to allow an earlier opening date. If all of the previous conditions
18 are met, the district may set its opening date more than ten calendar days prior
19 to the first Monday in September. The condition provided in this subsection must
20 be satisfied by the local school board each year that the board proposes an
21 opening date more than ten days before the first Monday in September.

22 4. If any local district violates the provisions of this section, the
23 department of elementary and secondary education shall withhold an amount
24 equal to one quarter of the state funding the district generated under section
25 163.031 for each date the district was in violation of this section.

26 5. The provisions of subsections 2 to 4 of this section shall not apply to
27 school districts in which school is in session for twelve months of each calendar
28 year.

29 6. The state board of education may grant an exemption from this section
30 to a school district that demonstrates highly unusual and extenuating
31 circumstances justifying exemption from the provisions of subsections 2 to 4 of
32 this section. Any exemption granted by the state board of education shall be
33 valid for one academic year only.

34 7. No school day for schools with a five-day school week shall be longer
35 than seven hours except for:

36 **(1)** Vocational schools which may adopt an eight-hour day in a
37 metropolitan school district and a school district in a first class county adjacent
38 to a city not within a county, and any school that adopts a four-day school week
39 in accordance with section 171.029; **and**

40 **(2) A school district that increases the length of the school day**
41 **or the number of required hours by following the procedure established**
42 **in subsection 8 of this section.**

43 **8. The school board of any district in this state that has been**
44 **classified as unaccredited or provisionally accredited by the state**
45 **board of education or that is accredited but has a three-year average**
46 **annual performance report score consistent with a classification of**
47 **unaccredited or provisionally accredited may increase the length of the**
48 **school day upon adoption of a resolution by a majority vote to**
49 **authorize such action. Such a school district may also increase the**
50 **annual hours of instruction above the required number of hours in**
51 **subsection 1 of this section by the adoption of a resolution by a**
52 **majority vote to authorize such action. The school board of any district**
53 **in this state that operates an attendance center that has been classified**
54 **as unaccredited or provisionally accredited by the state board of**
55 **education may increase the length of the school day for said attendance**
56 **center upon adoption of a resolution by a majority vote to authorize**
57 **such action. Such a school district may also increase the annual hours**
58 **of instruction of any unaccredited or provisionally accredited**
59 **attendance center above the required number of hours in subsection 1**
60 **of this section by the adoption of a resolution by a majority vote to**
61 **authorize such action.**

62 **9. (1) There is hereby created in the state treasury the "Extended**
63 **Learning Time Fund". The fund shall consist of any moneys that may**
64 **be appropriated by the general assembly from general revenue to such**
65 **fund, any moneys paid into the state treasury and required by law to**
66 **be credited to such fund, and any gifts, bequests, or public or private**
67 **donations to such fund.**

68 **(2) The state treasurer shall be custodian of the fund. In**
69 **accordance with sections 30.170 and 30.180, the state treasurer may**
70 **approve disbursements in accordance with distribution requirements**
71 **and procedures developed by the department of elementary and**
72 **secondary education. The fund shall be a dedicated fund and, upon**
73 **appropriation, moneys in the fund shall be used solely for the**
74 **administration of subsection 8 of this section.**

75 **(3) Notwithstanding the provisions of section 33.080 to the**
76 **contrary, any moneys remaining in the fund at the end of the biennium**

77 **shall not revert to the credit of the general revenue fund.**

78 **(4) The state treasurer shall invest moneys in the fund in the**
79 **same manner as other funds are invested. Any interest and moneys**
80 **earned on such investments shall be credited to the fund.**

210.861. 1. When the tax prescribed by section 210.860 or section 67.1775
2 is established, the governing body of the city or county or city not within a county
3 shall appoint a board of directors consisting of nine members, who shall be
4 residents of the city or county or city not within a county. All board members
5 shall be appointed to serve for a term of three years, except that of the first board
6 appointed, three members shall be appointed for one-year terms, three members
7 for two-year terms and three members for three-year terms. Board members may
8 be reappointed. In a city not within a county, or any county of the first
9 classification with a charter form of government with a population not less than
10 nine hundred thousand inhabitants, or any county of the first classification with
11 a charter form of government with a population not less than two hundred
12 thousand inhabitants and not more than six hundred thousand inhabitants, or
13 any noncharter county of the first classification with a population not less than
14 one hundred seventy thousand and not more than two hundred thousand
15 inhabitants, or any noncharter county of the first classification with a population
16 not less than eighty thousand and not more than eighty-three thousand
17 inhabitants, or any third classification county with a population not less than
18 twenty-eight thousand and not more than thirty thousand inhabitants, or any
19 county of the third classification with a population not less than nineteen
20 thousand five hundred and not more than twenty thousand inhabitants the
21 members of the community mental health board of trustees appointed pursuant
22 to the provisions of sections 205.975 to 205.990 shall be the board members for
23 the community children's services fund. The directors shall not receive
24 compensation for their services, but may be reimbursed for their actual and
25 necessary expenses.

26 2. The board shall elect a chairman, vice chairman, treasurer, and such
27 other officers as it deems necessary for its membership. Before taking office, the
28 treasurer shall furnish a surety bond, in an amount to be determined and in a
29 form to be approved by the board, for the faithful performance of his or her duties
30 and faithful accounting of all moneys that may come into his or her hands. The
31 treasurer shall enter into the surety bond with a surety company authorized to
32 do business in Missouri, and the cost of such bond shall be paid by the board of

33 directors. The board shall administer and expend all funds generated pursuant
34 to section 210.860 or section 67.1775 in a manner consistent with this section.

35 3. The board may contract with public or not-for-profit agencies licensed
36 or certified where appropriate to provide qualified services and may place
37 conditions on the use of such funds. The board shall reserve the right to audit
38 the expenditure of any and all funds. The board and any agency with which the
39 board contracts may establish eligibility standards for the use of such funds and
40 the receipt of services. No member of the board shall serve on the governing
41 body, have any financial interest in, or be employed by any agency which is a
42 recipient of funds generated pursuant to section 210.860 or section 67.1775.

43 4. Revenues collected and deposited in the community children's services
44 fund may be expended for the purchase of the following services:

45 (1) Up to thirty days of temporary shelter for abused, neglected, runaway,
46 homeless or emotionally disturbed youth; respite care services; and services to
47 unwed mothers;

48 (2) Outpatient chemical dependency and psychiatric treatment programs;
49 counseling and related services as a part of transitional living programs;
50 home-based and community-based family intervention programs; unmarried
51 parent services; crisis intervention services, inclusive of telephone hotlines; and
52 prevention programs which promote healthy lifestyles among children and youth
53 and strengthen families;

54 (3) Individual, group, or family professional counseling and therapy
55 services; psychological evaluations; and mental health screenings.

56 5. Revenues collected and deposited in the community children's services
57 fund may not be expended for inpatient medical, psychiatric, and chemical
58 dependency services, or for transportation services.

59 **6. (1) In fiscal years 2018 and any fiscal year thereafter, in any**
60 **county with a charter form of government and with more than nine**
61 **hundred fifty thousand inhabitants that contains all or any portion of**
62 **a school district that has been designated as unaccredited or**
63 **provisionally accredited by the state board of education, up to five**
64 **percent of the community children's services fund's yearly revenues,**
65 **based on the total dollar amount needed to provide services as**
66 **determined by a needs assessment, shall be devoted to a grant program**
67 **that delivers services directly to schools in such districts according to**
68 **the procedure in this subsection. The president of the school board**

69 shall notify the board of directors within five business days after such
70 designation. The board shall, in its budget process for the following
71 fiscal year, ensure that the total amount of funds needed to provide
72 services based on the needs assessment is allocated according to this
73 subsection, not to exceed five percent of the fund's yearly revenues. If
74 the total amount of funds needed to provide such services exceeds five
75 percent of the fund's yearly revenues, the funds shall be distributed in
76 an order based on the greatest need for each district. Any moneys
77 distributed from the fund to a district shall be subject to an annual
78 audit.

79 (2) The board shall undertake a needs assessment for any such
80 school district within ninety days after receipt of the notice under this
81 subsection. The needs assessment shall be used as a basis for
82 comprehensive mental health wraparound services delivery for which
83 the board shall contract as provided under subsection 3 of this section.

84 (3) The board shall appoint one of its members to a direct school
85 service coordinating committee, which is hereby created. The board
86 may appoint an additional one of its members to serve as an ex officio
87 member. The board shall appoint a social worker to the
88 committee. The school board of each affected district shall appoint two
89 parents with a child enrolled in a public school in the district based on
90 school district identification numbers from the department of
91 elementary and secondary education, rotating year to year from highest
92 number to lowest number. The school board of each affected district
93 shall appoint a school services staff member. The superintendent of
94 each affected district shall serve on the committee. An additional
95 member from each affected district may be appointed to serve as an ex
96 officio member.

97 (4) The direct school service coordinating committee shall
98 provide recommendations and oversight to the program of contracted
99 services under this subsection.

100 (5) If an additional district becomes unaccredited or
101 provisionally accredited in the service area of the children's services
102 fund, the general assembly shall review the percentage of revenue
103 dedicated to the grant program for a possible increase.

Section 1. If any provision of this act, or the application thereof
2 to anyone or to any circumstances is held invalid, the remainder of the

3 **provisions of this act and the application of such provisions to others**
4 **or other circumstances shall not be affected thereby.**

Section B. Because of the importance of improving and sustaining
2 Missouri's elementary and secondary education system and establishing
3 standards for student transfers to school districts, section A of this act is deemed
4 necessary for the immediate preservation of the public health, welfare, peace, and
5 safety, and is hereby declared to be an emergency act within the meaning of the
6 constitution, and section A of this act shall be in full force and effect upon its
7 passage and approval.

Unofficial ✓

Bill

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