

FIRST REGULAR SESSION  
[RE-P E R F E C T E D]  
SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 313**  
99TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR KOENIG.

Offered April 10, 2017.

Senate Substitute No. 2 adopted, April 10, 2017.

Taken up for Perfection April 10, 2017. Bill declared Perfected and Ordered Printed, as amended.

Taken up for Re-Perfection April 11, 2017. Bill Re-Perfected and Ordered Printed, as amended.

ADRIANE D. CROUSE, Secretary.

1258S.13RP

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**AN ACT**

To repeal sections 160.410, 160.415, 161.106, 162.081, 162.431, 162.1115, 163.018, 163.021, 163.036, 167.121, 167.131, 171.031, 178.550, and 210.861, RSMo, and to enact in lieu thereof forty-nine new sections relating to elementary and secondary education, with a penalty provision and an emergency clause for certain sections.

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

Section A. Sections 160.410, 160.415, 161.106, 162.081, 162.431, 162.1115, 163.018, 163.021, 163.036, 167.121, 167.131, 171.031, 178.550, and 210.861, RSMo, are repealed and forty-nine new sections enacted in lieu thereof, to be known as sections 135.712, 135.713, 135.714, 135.716, 135.719, 160.410, 160.415, 160.572, 161.087, 161.106, 161.238, 161.1000, 162.081, 162.431, 162.1115, 162.1303, 162.1305, 162.1310, 162.1313, 163.018, 163.021, 163.036, 166.700, 166.705, 166.710, 166.715, 166.720, 166.725, 167.121, 167.125, 167.127, 167.131, 167.642, 167.685, 167.688, 167.735, 167.825, 167.826, 167.827, 167.828, 167.829, 167.848, 167.890, 170.028, 170.320, 171.031, 178.550, 210.861, and 1, to read as follows:

**135.712. 1. Sections 135.712 to 135.719 and sections 166.700 to 166.720 establish the "Missouri Empowerment Scholarship Accounts Program" to provide options toward ensuring the education of students**

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

4 in this state.

5 2. As used in sections 135.712 to 135.719, the following terms  
6 mean:

7 (1) "District" or "school district", the same meaning as used in  
8 section 160.011;

9 (2) "Educational assistance organization", a charitable  
10 organization registered in this state that is exempt from federal  
11 taxation under the Internal Revenue Code of 1986, as amended, is  
12 certified by the state treasurer, and that allocates all of its annual  
13 revenue for educational assistance, except as provided in paragraph (c)  
14 of subdivision (4) of subsection 1 of section 135.714 and as provided for  
15 in sections 135.712 to 135.719, derived from contributions for which a  
16 credit is claimed under this section;

17 (3) "Parent", a parent, guardian, custodian, or other person with  
18 authority to act on behalf of the qualified student;

19 (4) "Program", the Missouri empowerment scholarship accounts  
20 program established under sections 135.712 to 135.719 and sections  
21 166.700 to 166.720;

22 (5) "Qualified student", the same meaning as used in section  
23 166.700;

24 (6) "Qualifying contribution", a donation of cash, stock, bonds, or  
25 other marketable securities for purposes of claiming a tax credit under  
26 sections 135.712 to 135.719;

27 (7) "Scholarship account", a savings account created by the  
28 Missouri empowerment scholarship accounts program authorized by  
29 sections 166.700 to 166.720;

30 (8) "Taxpayer", an individual subject to the state income tax  
31 imposed in chapter 143; an individual, a firm, a partner in a firm,  
32 corporation, or a shareholder in an S corporation doing business in this  
33 state and subject to the state income tax imposed by chapter 143; or an  
34 express company that pays an annual tax on its gross receipts in this  
35 state under chapter 153, which files a Missouri income tax return and  
36 is not a dependent of any other taxpayer.

135.713. 1. For all fiscal years beginning on or after July 1, 2018,  
2 any taxpayer who makes a qualifying contribution to an educational  
3 assistance organization may claim a credit against the tax otherwise  
4 due under chapter 143, other than taxes withheld under sections

5 143.191 to 143.265, and chapter 153, in an amount equal to one hundred  
6 percent of the amount the taxpayer contributed during the tax year for  
7 which the credit is claimed. No taxpayer shall claim a credit under  
8 sections 135.712 to 135.719 for any contribution made by the taxpayer,  
9 or an agent of the taxpayer, on behalf of the taxpayer's dependent, or  
10 in the case of a business taxpayer, on behalf of the business's agent's  
11 dependent.

12 2. If the amount of the tax credit claimed exceeds the taxpayer's  
13 state tax liability for the tax year for which the credit is claimed, then  
14 the excess of the tax credit shall be considered an overpayment of the  
15 tax and refunded to the taxpayer. The state treasurer shall certify the  
16 tax credit amount to the taxpayer and to the department of  
17 revenue. All tax credits authorized under the program shall not be  
18 transferred, sold, or assigned.

19 3. The cumulative amount of tax credits that may be allocated to  
20 all taxpayers contributing to educational assistance organizations in  
21 any one calendar year shall not exceed twenty-five million dollars,  
22 which amount shall annually be adjusted by the state treasurer for  
23 inflation based on the consumer price index for all urban consumers for  
24 the Midwest region, as defined and officially recorded by the United  
25 States Department of Labor or its successor. The state treasurer shall  
26 establish a procedure by which, from the beginning of the calendar  
27 year until August first, the cumulative amount of tax credits shall be  
28 allocated on a first come, first served basis among all educational  
29 assistance organizations. If an educational assistance organization  
30 fails to use all, or some percentage to be determined by the state  
31 treasurer, of its allocated tax credits during this predetermined period  
32 of time, the state treasurer may reallocate these unused tax credits to  
33 those educational assistance organizations that have used all, or some  
34 percentage to be determined by the state treasurer, of their allocated  
35 tax credits during this predetermined period of time. The state  
36 treasurer may establish more than one period of time and reallocate  
37 more than once during each calendar year. The state treasurer shall  
38 establish the procedure described in this subsection in such a manner  
39 as to ensure that taxpayers can claim all the tax credits possible up to  
40 the cumulative amount of tax credits available for the calendar year.

135.714. 1. Each educational assistance organization shall:

- 2           (1) Notify the state treasurer of its intent to provide scholarship  
3 accounts to qualified students;
- 4           (2) Demonstrate to the state treasurer that it is exempt from  
5 federal income tax under Section 501(c)(3) of the Internal Revenue  
6 Code of 1986, as amended;
- 7           (3) Provide a state treasurer-approved receipt to taxpayers for  
8 contributions made to the organization;
- 9           (4) Ensure that:
- 10          (a) One hundred percent of its revenues from interest or  
11 investments is spent on scholarship accounts;
- 12          (b) At least ninety percent of its revenues from qualifying  
13 contributions is spent on scholarship accounts; and
- 14          (c) Marketing and administrative expenses shall not exceed the  
15 following limits of its remaining revenue from contributions: ten  
16 percent for the first two hundred fifty thousand dollars, eight percent  
17 for the next five hundred thousand dollars, and three percent  
18 thereafter;
- 19          (5) Distribute scholarship accounts payments either four times  
20 per year or in a single lump sum at the beginning of the year as  
21 requested by the parent or guardian of a qualified student, not to  
22 exceed a total grant amount equal to the state adequacy target as  
23 defined in section 163.011 and calculated by the department of  
24 elementary and secondary education, in the form of a deposit into the  
25 scholarship account of the qualified student;
- 26          (6) Provide the state treasurer, upon request, with criminal  
27 background checks on all its employees and board members, and  
28 exclude from employment or governance any individual that might  
29 reasonably pose a risk to the appropriate use of contributed funds;
- 30          (7) Demonstrate its financial accountability by:
- 31          (a) Submitting to the state treasurer annual audit financial  
32 statements by a certified public accountant within six months of the  
33 end of the educational assistance organization's fiscal year; and
- 34          (b) Having an auditor certify that the report is free of material  
35 misstatements;
- 36          (8) Demonstrate its financial viability, if it is to receive  
37 donations of fifty thousand dollars or more during the school year, by  
38 filing with the state treasurer before the start of the school year a

39 surety bond payable to the state in an amount equal to the aggregate  
40 amount of contributions expected to be received during the school year  
41 or other financial information that demonstrates the financial viability  
42 of the educational assistance organization.

43 2. The audit shall include:

44 (1) The name and address of the educational assistance  
45 organization;

46 (2) The name and address of each qualified student who opened  
47 a scholarship account with the organization;

48 (3) The total number and total dollar amount of contributions  
49 received during the previous calendar year; and

50 (4) The total number and total dollar amount of scholarship  
51 accounts opened during the previous calendar year.

52 3. An educational assistance organization may contract with  
53 private financial management firms to manage scholarship accounts  
54 with the supervision of the state.

135.716. 1. The state treasurer shall provide a standardized  
2 format for a receipt to be issued by an educational assistance  
3 organization to a taxpayer to indicate the value of a contribution  
4 received. The state treasurer shall require a taxpayer to provide a  
5 copy of this receipt if claiming the tax credit authorized by the  
6 program.

7 2. The state treasurer shall provide a standardized format for  
8 educational assistance organizations to report the information required  
9 in subsection 1 of this section.

10 3. The state treasurer or state auditor may conduct an  
11 investigation if the state treasurer possesses evidence of fraud  
12 committed by the organization.

13 4. The state treasurer may bar an educational assistance  
14 organization from participating in the program if the state treasurer  
15 establishes that the educational assistance organization has  
16 intentionally and substantially failed to comply with the requirements  
17 in section 135.714. If the state treasurer bars an educational assistance  
18 organization from the program under this subsection, it shall notify  
19 affected qualified students and their parents of the decision as soon as  
20 possible after the determination is made.

21 5. The state treasurer shall issue a report on the state of the

22 Missouri empowerment scholarship accounts program five years after  
23 it goes into effect. The report shall include, but is not limited to:

24 (1) Information regarding the finances of the educational  
25 assistance organizations; and

26 (2) Educational outcomes of qualified students.

27 6. (1) There is hereby created in the state treasury the "Missouri  
28 Empowerment Scholarship Accounts Fund", which shall consist of  
29 money collected under this section. The state treasurer shall be  
30 custodian of the fund. In accordance with sections 30.170 and 30.180,  
31 the state treasurer may approve disbursements. The fund shall be a  
32 dedicated fund and money in the fund shall be used solely by the state  
33 treasurer for the purpose of sections 135.712 to 135.719.

34 (2) Notwithstanding the provisions of section 33.080 to the  
35 contrary, any moneys remaining in the fund at the end of the biennium  
36 shall not revert to the credit of the general revenue fund.

37 (3) The state treasurer shall invest moneys in the fund in the  
38 same manner as other funds are invested. Any interest and moneys  
39 earned on such investments shall be credited to the fund.

40 7. No more than two percent of the qualifying contributions may  
41 be deposited in the Missouri empowerment scholarship accounts fund  
42 to be used for marketing and administrative expenses or the costs  
43 incurred in administering the program, whichever is less. The state  
44 treasurer shall establish procedures to ensure the percentage of funds  
45 for administration of the program is directed to the state treasurer in  
46 a timely manner with the necessary information to verify the correct  
47 amount has been transmitted. The remaining funds shall be distributed  
48 to the educational assistance organizations.

135.719. 1. The state treasurer and the department of revenue  
2 may promulgate rules to implement the provisions of sections 135.712  
3 to 135.719. Any rule or portion of a rule, as that term is defined in  
4 section 536.010 that is created under the authority delegated in this  
5 section shall become effective only if it complies with and is subject to  
6 all of the provisions of chapter 536, and, if applicable, section  
7 536.028. This section and chapter 536 are nonseverable and if any of  
8 the powers vested with the general assembly pursuant to chapter 536,  
9 to review, to delay the effective date, or to disapprove and annul a rule  
10 are subsequently held unconstitutional, then the grant of rulemaking

11 **authority and any rule proposed or adopted after August 28, 2017, shall**  
12 **be invalid and void.**

13 **2. The provisions of section 23.253 of the Missouri sunset act**  
14 **shall not apply to sections 135.712 to 135.719 and sections 166.700 to**  
15 **166.720.**

160.410. 1. A charter school shall enroll:

2 (1) All pupils resident in the district in which it operates;

3 (2) Nonresident pupils eligible to attend a district's school under an urban  
4 voluntary transfer program;

5 (3) Nonresident pupils who transfer from an unaccredited [district]  
6 **attendance center** under [section 167.131] **sections 167.825 to 167.827,**  
7 provided that the charter school is an approved charter school, as defined in  
8 section [167.131] **167.848,** and subject to all other provisions of [section 167.131]  
9 **sections 167.825 to 167.827;**

10 (4) In the case of a charter school whose mission includes student drop-out  
11 prevention or recovery, any nonresident pupil from the same or an adjacent  
12 county who resides in a residential care facility, a transitional living group home,  
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] **attendance center**.

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.

**160.572. 1. For purposes of this section, the following terms  
2 mean:**

3 **(1) "ACT assessment", the ACT assessment or the ACT Plus  
4 Writing assessment;**

5 **(2) "WorkKeys", the ACT WorkKeys assessments required for the  
6 National Career Readiness Certificate.**

7 **2. In any school year in which the department of elementary and  
8 secondary education directs a state-funded census administration of  
9 the ACT assessment to any group of students, any student who would  
10 be allowed or required to participate in the census administration shall  
11 receive the opportunity, on any date within three months before the  
12 census administration, to participate in a state-funded administration  
13 of WorkKeys.**

14 **3. Any student who participated in a state-funded administration  
15 of WorkKeys as described under subsection 2 of this section shall not  
16 participate in any state-funded census administration of the ACT  
17 assessment.**

18 **4. The department of elementary and secondary education shall  
19 not require school districts or charter schools to administer the ACT  
20 assessment to any student who participated in a state-funded**

21 administration of WorkKeys as described under subsection 2 of this  
22 section.

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.**

161.106. 1. The department of elementary and secondary education shall  
2 provide staffing support including but not limited to statewide coordination for  
3 career and technical student organizations' activities that are an integral part of  
4 the instructional educational curriculum for career and technical education  
5 programs approved by the department. Such career and technical organizations  
6 shall include, but not be limited to, the nationally recognized organizations of  
7 DECA, FBLA, FFA, FCCLA, HOSA, SkillsUSA, and TSA.

8 2. The department of elementary and secondary education shall [continue  
9 to] handle the funds from the **career and technical student** organizations [in  
10 the same manner as it did during school year 2011-12], with department  
11 personnel maintaining responsibility for the receipt and disbursement of  
12 funds. The department may ensure accountability and transparency by requiring  
13 the career and technical student organizations to provide sworn affidavits  
14 annually by personnel in the organization who are responsible for such funds as  
15 to the proper receipt and disbursement of such funds.

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 the house of representatives, of whom not more than two  
28 shall be of the same party;

29 (4) One member from a statewide business association, appointed  
30 by the speaker of the house of representatives;

31 (5) The commissioner of education, or his or her designee;

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

35 (7) The lieutenant governor, or his or her designee.

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

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

46 6. The task force's recommendations may include proposals for

47 **specific statutory changes.**

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

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

53 **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.

162.431. 1. When it is necessary to change the boundary lines between

2 seven-director school districts, in each district affected, ten percent of the voters  
3 by number of those voting for school board members in the last annual school  
4 election in each district may petition the district boards of education in the  
5 districts affected, regardless of county lines, for a change in boundaries. The  
6 question shall be submitted at the next election, as the term election is referenced  
7 and defined in section 115.123.

8           2. The voters shall decide the question by a majority vote of those who  
9 vote upon the question. If assent to the change is given by each of the various  
10 districts voting, each voting separately, the boundaries are changed from that  
11 date.

12           3. If one of the districts votes against the change and the other votes for  
13 the change, the matter may be appealed to the state board of education, in  
14 writing, within fifteen days of the submission of the question by either one of the  
15 districts affected, or in the above event by a majority of the signers of the petition  
16 requesting a vote on the proposal. At the first meeting of the state board  
17 following the appeal, a board of arbitration composed of three members, none of  
18 whom shall be a resident of any district affected, shall be appointed. In  
19 determining whether it is necessary to change the boundary line between  
20 seven-director districts, the board of arbitration shall base its decision upon the  
21 following:

22           (1) The presence of school-aged children in the affected area;

23           (2) The presence of actual educational harm to school-aged children, either  
24 due to a significant difference in the time involved in transporting [students]  
25 **pupils** or educational deficiencies in the district which would have its boundary  
26 adversely affected; and

27           (3) The presence of an educational necessity, not of a commercial benefit  
28 to landowners or to the district benefitting for the proposed boundary adjustment.  
29 For purposes of subdivision (2) of this subsection, "significant difference in the  
30 time involved in transporting [students] **pupils**" shall mean a difference of  
31 forty-five minutes or more per trip in travel time. "Travel time" is the period of  
32 time required to transport a pupil from the pupil's place of residence or other  
33 designated pick-up point to the site of the pupil's educational placement.

34           4. Within twenty days after notification of appointment, the board of  
35 arbitration shall meet and consider the necessity for the proposed changes and  
36 shall decide whether the boundaries shall be changed as requested in the petition  
37 or be left unchanged, which decision shall be final. The decision by the board of

38 arbitration shall be rendered not more than thirty days after the matter is  
39 referred to the board. The [chairman] **chair** of the board of arbitration shall  
40 transmit the decision to the secretary of each district affected who shall enter the  
41 same upon the records of his **or her** district and the boundaries shall thereafter  
42 be in accordance with the decision of the board of arbitration. The members of  
43 the board of arbitration shall be allowed a fee of fifty dollars each, to be paid at  
44 the time the appeal is made by the district taking the appeal or by the petitioners  
45 should they institute the appeal.

46           5. If the board of arbitration decides that the boundaries shall be left  
47 unchanged, no new petition for the same, or substantially the same, boundary  
48 change between the same districts shall be filed until after the expiration of two  
49 years from the date of the municipal election at which the question was submitted  
50 to the voters of the districts.

162.1115. 1. Notwithstanding any provision of law to the contrary, no  
2 district shall be penalized for any reason under the Missouri school improvement  
3 program if students who graduate from the district complete career and technical  
4 education programs approved by the department of elementary and secondary  
5 education but are not placed in occupations directly related to their training  
6 within six months of graduating.

7           2. The department of elementary and secondary education shall revise its  
8 scoring guide under the Missouri school improvement program to provide  
9 additional points to districts that create and enter into a partnership with area  
10 career centers, comprehensive high schools, industry, and business to develop and  
11 implement a pathway for students to:

12           (1) Enroll in a program of career and technical education while in high  
13 school;

14           (2) Participate and complete an internship or apprenticeship during their  
15 final year of high school; and

16           (3) Obtain the industry certification or credentials applicable to their  
17 program or career and technical education and internship or apprenticeship.

18           3. Each school district shall be authorized to create and enter into a  
19 partnership with area career centers, comprehensive high schools, industry, and  
20 business to develop and implement a pathway for students to:

21           (1) Enroll in a program of career and technical education while in high  
22 school;

23           (2) Participate and complete an internship or apprenticeship during their



24 final year of high school; and

25 (3) Obtain the industry certification or credentials applicable to their  
26 program or career and technical education and internship or apprenticeship.

27 **4. In complying with the provisions of subsection 3 of this**  
28 **section, each school district may rely on technical coursework and**  
29 **skills assessments developed for industry-recognized certificates and**  
30 **credentials.**

31 **5.** The department of elementary and secondary education shall permit  
32 student scores, that are from a nationally recognized examination that  
33 demonstrates achievement of workplace employability skills, to count towards  
34 credit for college and career readiness standards on the Missouri school  
35 improvement program or any subsequent school accreditation or improvement  
36 program.

**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,  
2 attendance center, or charter school, a transient student's score on a  
3 statewide assessment shall not be included when calculating the status  
4 or progress scores on the district's, attendance center's, or charter  
5 school's annual performance report scores. A transient student's  
6 growth score shall be weighted at one hundred 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, attendance center's, or charter school's  
10 performance for purposes of the district's, attendance center's, or  
11 charter school's annual performance report status or progress score,  
12 with the transient student's growth score weighted at one hundred  
13 percent.

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

21           4. In the fourth year of attendance and any subsequent years of  
22 attendance, a transient student's score on a statewide assessment shall  
23 be weighted at one hundred percent when calculating the district's,  
24 attendance center's, or charter school's performance for purposes of the  
25 district's, attendance center's, or charter school's annual performance  
26 report status or progress score, with the transient student's growth  
27 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 attendance center, as defined in section 167.848, shall  
3 adopt a policy regarding the availability of home visits by attendance  
4 center personnel. Pursuant to such policy, the attendance center may  
5 offer the parent or guardian of a student enrolled in any such  
6 attendance center the opportunity to have one or more annual home  
7 visits. If the attendance center decides to offer one or more annual  
8 home visits, the attendance center shall offer an opportunity for each  
9 visit to occur at the attendance center or at a mutually agreeable site.

163.018. 1. Notwithstanding the definition of "average daily attendance"  
2 in subdivision (2) of section 163.011 to the contrary, pupils between the ages of  
3 three and five who are eligible for free and reduced price lunch and attend an  
4 early childhood education program that is operated by and in a district or by a  
5 charter school that has declared itself as a local educational agency providing  
6 full-day kindergarten and that meets standards established by the state board of  
7 education shall be included in the district's or charter school's calculation of  
8 average daily attendance. The total number of such pupils included in the  
9 district's or charter school's calculation of average daily attendance shall not  
10 exceed four percent of the total number of pupils who are eligible for free and  
11 reduced price lunch between the ages of five and eighteen who are included in the  
12 district's or charter school's calculation of average daily attendance.

13 2. (1) For any district that has been declared unaccredited by the state  
14 board of education and remains unaccredited as of July 1, 2015, and for any  
15 charter school located in said district, the provisions of subsection 1 of this  
16 section shall become applicable during the 2015-16 school year.

17 (2) For any district that is declared unaccredited by the state board of

18 education after July 1, 2015, and for any charter school located in said district,  
19 the provisions of subsection 1 of this section shall become applicable immediately  
20 upon such declaration.

21 (3) For any district that has been declared provisionally accredited by the  
22 state board of education and remains provisionally accredited as of July 1, 2016,  
23 and for any charter school located in said district, the provisions of subsection 1  
24 of this section shall become applicable beginning in the 2016-17 school year.

25 (4) For any district that is declared provisionally accredited by the state  
26 board of education after July 1, 2016, and for any charter school located in said  
27 district, the provisions of this section shall become applicable beginning in the  
28 2016-17 school year or immediately upon such declaration, whichever is later.

29 (5) For all other districts and charter schools, the provisions of subsection  
30 1 of this section shall become effective in any school year subsequent to a school  
31 year in which the amount appropriated for subsections 1 and 2 of section 163.031  
32 is equal to or exceeds the amount necessary to fund the entire entitlement  
33 calculation determined by subsections 1 and 2 of section 163.031, and shall  
34 remain effective in all school years thereafter, irrespective of the amount  
35 appropriated for subsections 1 and 2 of section 163.031 in any succeeding year,  
36 **provided that in the first school year in which subsection 1 of this**  
37 **section becomes effective under this subdivision, school districts and**  
38 **charter schools shall receive twenty percent of the funding associated**  
39 **with such pupils; in the second school year, school districts and charter**  
40 **schools shall receive forty percent of the funding associated with such**  
41 **pupils; in the third school year, school districts and charter schools**  
42 **shall receive sixty percent of the funding associated with such pupils;**  
43 **in the fourth school year, school districts and charter schools shall**  
44 **receive eighty percent of the funding associated with such pupils; and**  
45 **in the fifth and each succeeding school year, school districts and**  
46 **charter schools shall receive one hundred percent of the funding**  
47 **associated with such pupils.**

48 3. This section shall not require school attendance beyond that mandated  
49 under section 167.031 and shall not change or amend the provisions of sections  
50 160.051, 160.053, 160.054, and 160.055 relating to kindergarten attendance.

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.**

**166.700. As used in sections 166.700 to 166.720, the following**  
2 **terms mean:**

3       **(1) "Child with a disability":**

4       **(a) A child who is at least five years of age but less than**  
5 **twenty-two years of age who has been evaluated and found to have at**  
6 **least one of the following disabilities and who, because of the disability,**  
7 **needs special education and related services:**

8       **a. An autism spectrum disorder;**

9       **b. Developmental delay;**

10       **c. Emotional disability;**

11       **d. Hearing impairment;**

12       **e. Other health impairments;**

13       **f. Specific learning disability;**

14       **g. Mild, moderate, or severe intellectual disability;**

15       **h. Multiple disabilities;**

- 16 i. Multiple disabilities with severe sensory impairment;
- 17 j. Orthopedic impairment;
- 18 k. Preschool severe delay;
- 19 l. Speech or language impairment;
- 20 m. Traumatic brain injury; or
- 21 n. Visual impairment; and

22 (b) Shall not include a child if the determining factor for the  
23 classification is one or more of the following:

- 24 a. A lack of appropriate instruction in reading, including  
25 essential components of reading instruction;
- 26 b. A lack of appropriate instruction in mathematics; or
- 27 c. Difficulty in writing, speaking, or understanding the English  
28 language due to an environmental background in which a language  
29 other than English is primarily or exclusively used;

30 (2) "Curriculum", a complete course of study for a particular  
31 content area or grade level, including any supplemental materials;

32 (3) "Educational assistance organization", the same meaning as  
33 used in section 135.712;

34 (4) "Parent", the same meaning as used in section 135.712;

35 (5) "Private school", a school that is not a part of the public  
36 school system of the state of Missouri and that charges tuition for the  
37 rendering of elementary or secondary educational services;

38 (6) "Program", the Missouri empowerment scholarship accounts  
39 program;

40 (7) "Qualified school", a home school as defined in section  
41 167.031, a private school as defined in this subsection, a public school  
42 as defined in section 160.011, or a public or private virtual school that  
43 is located in Missouri and that does not discriminate on the basis of  
44 race, color, or national origin;

45 (8) "Qualified student", a resident of this state who:

46 (a) Is any of the following:

- 47 a. Identified by a district as a child with a disability;
- 48 b. A child with a disability who is eligible to receive services  
49 from a school district under the Individuals with Disabilities Education  
50 Act;

51 c. A child of a parent in active military service;

52 d. A child who is a ward of the juvenile court and who is residing

53 with a prospective permanent placement and for whom the case plan  
54 is adoption or permanent guardianship; or

55 e. A child who was a ward of the juvenile court and who  
56 achieved permanency through adoption permanent guardianship; and

57 (b) Did any of the following:

58 a. Attended a public school as a full-time student for at least one  
59 semester from the previous twelve months and who transferred from a  
60 public school under a contract to participate in the Missouri  
61 empowerment scholarship accounts program;

62 b. Previously participated in the Missouri empowerment  
63 scholarship account program; or

64 c. Is a child who is eligible to begin kindergarten under sections  
65 160.051 to 160.055.

166.705. 1. A parent of a qualified student may establish a  
2 Missouri empowerment scholarship account for the student by entering  
3 into a written agreement with an educational assistance  
4 organization. The agreement shall provide that:

5 (1) The qualified student shall enroll in a qualified school and  
6 receive an education in at least the subjects of reading, grammar,  
7 mathematics, social studies, and science;

8 (2) The qualified student shall not be enrolled in a school  
9 operated by the qualified student's district of residence or a charter  
10 school and shall release the district of residence from all obligations to  
11 educate the qualified student while the qualified student is enrolled in  
12 the program; except that, this subdivision shall not relieve the student's  
13 district of residence from the obligation to conduct an evaluation for  
14 disabilities;

15 (3) The qualified student shall receive a grant, in the form of  
16 money deposited pursuant to section 135.714, in the qualified student's  
17 Missouri empowerment scholarship account;

18 (4) The money deposited in the qualified student's Missouri  
19 empowerment scholarship account shall be used only for the following  
20 expenses of the qualified student:

21 (a) Tuition or fees at a qualified school;

22 (b) Textbooks required by a qualified school;

23 (c) Educational therapies or services for the qualified student  
24 from a licensed or accredited practitioner or provider, including

25 licensed or accredited paraprofessionals or educational aides;

26 (d) Tutoring services provided by a tutor accredited by a state,  
27 regional, or national accrediting organization;

28 (e) Curriculum;

29 (f) Tuition or fees for a nonpublic online learning program;

30 (g) Fees for a nationally standardized norm-referenced  
31 achievement test, advanced placement examinations, international  
32 baccalaureate examinations, or any exams related to college or  
33 university admission;

34 (h) Fees for management of the empowerment scholarship  
35 account by firms selected by the educational assistance organization;

36 (i) Services provided by a public school, including individual  
37 classes and extracurricular programs;

38 (j) Insurance or surety bond payments as required by the state  
39 treasurer;

40 (k) Computer hardware or other technological devices that are  
41 used to help meet a qualified student's educational needs and that are  
42 approved by an educational assistance organization; and

43 (l) Fees for summer education programs and specialized after-  
44 school education programs;

45 (5) Moneys deposited in the qualified student's account shall not  
46 be used for the following:

47 (a) Consumable educational supplies including, but not limited  
48 to, paper, pens, pencils, or markers; and

49 (b) Tuition at a private school located outside of the state of  
50 Missouri.

51 2. Missouri empowerment scholarship accounts are renewable on  
52 an annual basis upon request of the parent of a qualified  
53 student. Notwithstanding any changes to the qualified student's  
54 multidisciplinary evaluation team plan, a student who has previously  
55 qualified for a Missouri empowerment scholarship account shall remain  
56 eligible to apply for renewal until the student completes high school  
57 and submits scores from a nationally standardized norm-referenced  
58 achievement test, advanced placement examination, international  
59 baccalaureate examination, or any exam related to college or university  
60 admission purchased with Missouri empowerment scholarship account  
61 funds to the state treasurer.

62           3. A signed agreement under this section shall satisfy the  
63 compulsory school attendance requirements of section 167.031.

64           4. A qualified school or a provider of services purchased under  
65 this section shall not share, refund, or rebate any Missouri  
66 empowerment scholarship account moneys with the parent or qualified  
67 student in any manner.

68           5. If a qualified student withdraws from the program by  
69 enrolling in a school other than a qualified school, or is disqualified  
70 from the program under the provisions of section 166.710, the qualified  
71 student's Missouri empowerment scholarship account shall be closed  
72 and any remaining funds shall be returned to the educational  
73 assistance organization for redistribution to other qualified  
74 students. Under such circumstances, the obligation to provide an  
75 education for such student shall transfer back to the student's district  
76 of residence.

77           6. Any funds remaining in a qualified student's scholarship  
78 account at the end of a school year shall remain in the account and  
79 shall not be returned to the educational assistance organization. Any  
80 funds remaining in a qualified student's scholarship account upon  
81 graduation from a qualified school shall be returned to the educational  
82 assistance organization for redistribution to other qualified students.

83           7. Moneys received under sections 166.700 to 166.720 shall not  
84 constitute Missouri taxable income to the parent of the qualified  
85 student.

86           8. Any qualified student under subparagraph d of paragraph (a)  
87 of subdivision (10) of section 166.700 who receives a scholarship under  
88 the provisions of this section shall continue to be eligible to receive his  
89 or her scholarship upon a legal adoption.

166.710. 1. Beginning in the 2019-2020 school year, the state  
2 treasurer shall conduct or contract for annual audits of empowerment  
3 scholarship accounts to ensure compliance with the requirements of  
4 subsection 1 of section 166.705. The state treasurer shall also conduct  
5 or contract for random, quarterly, and annual audits of empowerment  
6 scholarship accounts as needed to ensure compliance with the  
7 requirements of subsection 1 of section 166.705.

8           2. A parent or qualified student or vendor may be disqualified  
9 from program participation if the state treasurer, or his or her

10 designee, finds the party has committed an intentional program  
11 violation consisting of any misrepresentation or other act that  
12 materially violates any law or rule governing the program. The state  
13 treasurer may remove any parent or qualified student from eligibility  
14 for a Missouri empowerment scholarship program account. A parent  
15 may appeal the state treasurer's decision to the administrative hearing  
16 commission. A parent may appeal the administrative hearing  
17 commission's decision to the circuit court of the county in which the  
18 student resides.

19       3. The state treasurer may refer cases of substantial misuse of  
20 moneys to the attorney general for investigation if the state treasurer  
21 obtains evidence of fraudulent use of an account.

22       4. The state treasurer shall promulgate the following rules to  
23 implement and administer the Missouri empowerment scholarship  
24 accounts program:

- 25           (1) Rules for conducting examinations of use of account funds;  
26           (2) Rules for conducting random, quarterly, and annual reviews  
27 of accounts;  
28           (3) Creating an online anonymous fraud reporting service;  
29           (4) Creating an anonymous telephone hotline for fraud reporting;  
30 and  
31           (5) A surety bond requirement for account holders.

32       5. Any rule or portion of a rule, as that term is defined in section  
33 536.010 that is created under the authority delegated in this section  
34 shall become effective only if it complies with and is subject to all of  
35 the provisions of chapter 536, and, if applicable, section 536.028. This  
36 section and chapter 536 are nonseverable and if any of the powers  
37 vested with the general assembly pursuant to chapter 536, to review, to  
38 delay the effective date, or to disapprove and annul a rule are  
39 subsequently held unconstitutional, then the grant of rulemaking  
40 authority and any rule proposed or adopted after August 28, 2017, shall  
41 be invalid and void.

166.715. 1. A person commits a class A misdemeanor if they are  
2 found to have knowingly used moneys granted under section 135.714 for  
3 purposes other than those provided for in sections 166.700 to 166.720.

4       2. No financial institution shall be liable in any civil action for  
5 providing a savings account's financial information to the state

6 treasurer unless the information provided is false and the financial  
7 institution providing the false information does so knowingly and with  
8 malice.

166.720. 1. Sections 166.700 to 166.720 do not permit any  
2 governmental agency to exercise control or supervision over any  
3 qualified school in which a qualified student enrolls other than a  
4 qualified school that is a public school.

5 2. A qualified school that accepts a payment from a parent under  
6 sections 166.700 to 166.720 shall not be an agent of the state or federal  
7 government.

8 3. A qualified school shall not be required to alter its creed,  
9 practices, admissions policy, or curriculum in order to accept students  
10 whose parents pay tuition or fees from an empowerment scholarship  
11 account to participate as a qualified school.

12 4. In any legal proceeding challenging the application of sections  
13 166.700 to 166.720 to a qualified school, the state shall bear the burden  
14 of establishing that the law is necessary and does not impose any undue  
15 burden on qualified schools.

166.725. The provisions of sections 135.712 to 135.719 and  
2 sections 166.700 to 166.720 shall be effective in any fiscal year  
3 immediately subsequent to any fiscal year in which the amount  
4 appropriated and expended for subsections 1 and 2 of section 163.031  
5 is equal to or exceeds the amount necessary to fund the entire  
6 entitlement calculation determined by subsections 1 and 2 of section  
7 163.031 and the amount appropriated and expended for pupil  
8 transportation under section 163.161 equals or exceeds twenty-one  
9 percent of the allowable costs of providing pupil transportation as  
10 provided in said section and shall remain effective in all school years  
11 thereafter, irrespective of the amount appropriated for subsections 1  
12 and 2 of section 163.031 and under section 163.161 in any succeeding  
13 year.

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 district,  
5 except as provided in section 167.125. Subject to the provisions of this  
6 section, all existing assignments shall be reviewed prior to July 1, 1984, and from

7 time to time thereafter, and may be continued or rescinded. **Any assignment**  
8 **granted to a pupil under this section before August 28, 2017, shall**  
9 **remain in effect until the pupil completes his or her course of study in**  
10 **the receiving district or until the parent or guardian withdraws the**  
11 **pupil from the assignment. Any assignment granted to a pupil under**  
12 **this section before August 28, 2017, shall also be applicable to any**  
13 **sibling of the pupil and shall remain in effect until the pupil completes**  
14 **his or her course of study in the receiving district or until the parent**  
15 **or guardian withdraws the pupil from the assignment.** The board of  
16 education of the district in which the pupil lives shall pay the tuition of the pupil  
17 assigned. The tuition shall not exceed the pro rata cost of instruction.

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

34           (2) A pupil's residence, for purposes of this section, means residency  
35 established under section 167.020. Except for **[students] pupils** residing in a K-8  
36 district attending high school in a district under section 167.131, the board of the  
37 home district shall pay to the virtual school the amount required under section  
38 161.670.

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



43 (4) Any rule or portion of a rule, as that term is defined in section  
44 536.010, that is created under the authority delegated in this section shall  
45 become effective only if it complies with and is subject to all of the provisions of  
46 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
47 nonseverable and if any of the powers vested with the general assembly pursuant  
48 to chapter 536 to review, to delay the effective date, or to disapprove and annul  
49 a rule are subsequently held unconstitutional, then the grant of rulemaking  
50 authority and any rule proposed or adopted after August 28, 2007, shall be  
51 invalid and void.

**167.125. 1. For any pupil residing in any school district in the  
2 state, the commissioner of education or his or her designee shall, upon  
3 proper application by the parent or guardian of the pupil, assign the  
4 pupil and any sibling of the pupil to another school district if the pupil  
5 is eligible as described under subsection 2 of this section and the  
6 following conditions are met:**

7 (1) **The actual driving distance from the pupil's residence to the  
8 attendance center in the district of residence is fifteen miles or more  
9 by the shortest route available as determined by the commissioner or  
10 his or her designee;**

11 (2) **The attendance center to which the pupil would be assigned  
12 in the receiving district is at least five miles closer in actual driving  
13 distance by the shortest route available to the pupil's residence than  
14 the current attendance center in the district of residence as determined  
15 by the commissioner or his or her designee; and**

16 (3) **The attendance of the pupil will not cause the classroom in  
17 the receiving district to exceed the number of pupils per class as  
18 determined by the receiving district.**

19 **2. (1) For pupils applying to the commissioner of education  
20 under this section, the commissioner or his or her designee shall assign  
21 pupils in the order in which applications are received, so long as the  
22 applications are properly completed and the conditions of subsection  
23 1 of this section are met.**

24 (2) **Once granted, the hardship assignment shall continue until  
25 the pupil, and any sibling of the pupil who attends the same attendance  
26 center, completes his or her course of study in the receiving district or  
27 the parent or guardian withdraws the pupil. If a parent or guardian  
28 withdraws a pupil from a hardship assignment, the granting of a**

29 subsequent application is discretionary.

30 (3) A pupil shall be eligible to apply to the commissioner of  
31 education to be assigned to another district under this section if the  
32 pupil has been enrolled in and attending a public school in his or her  
33 district of residence during the school year prior to the  
34 application. Any pupil shall be eligible to apply to the commissioner  
35 of education to be assigned to another district under this section if the  
36 pupil has been enrolled in and attending a public school in a district  
37 other than his or her district of residence and paid nonresident tuition  
38 for such enrollment during the school year prior to the  
39 application. Pupils who reside in the district who become eligible for  
40 kindergarten or first grade shall also be eligible to apply to the  
41 commissioner of education to be assigned to another district.

42 (4) A pupil who is not currently enrolled in a public school  
43 district shall become eligible to apply to the commissioner of education  
44 to be assigned to another district after the pupil has enrolled in and  
45 completed a full school year in a public school in his or her district of  
46 residence.

47 3. The board of education of the district in which the pupil  
48 resides shall pay the tuition of the pupil assigned. The tuition amount  
49 shall not exceed the pro rata cost of instruction.

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 attendance centers of the district and who attends

9 an accredited **public high** school in another district of the same or an adjoining  
10 county or who attends an approved charter school in the same or an adjoining  
11 county.

12 2. The rate of tuition to be charged by the district attended and paid by  
13 the sending district is the per pupil cost of maintaining the district's grade level  
14 grouping which includes the school attended. The rate of tuition to be charged  
15 by the approved charter school attended and paid by the sending district is the  
16 per pupil cost of maintaining the approved charter school's grade level  
17 grouping. For a district, the cost of maintaining a grade level grouping shall be  
18 determined by the board of education of the district but in no case shall it exceed  
19 all amounts spent for teachers' wages, incidental purposes, debt service,  
20 maintenance and replacements. For an approved charter school, the cost of  
21 maintaining a grade level grouping shall be determined by the approved charter  
22 school but in no case shall it exceed all amounts spent by the district in which the  
23 approved charter school is located for teachers' wages, incidental purposes, debt  
24 service, maintenance, and replacements. The term "debt service", as used in this  
25 section, means expenditures for the retirement of bonded indebtedness and  
26 expenditures for interest on bonded indebtedness. Per pupil cost of the grade  
27 level grouping shall be determined by dividing the cost of maintaining the grade  
28 level grouping by the average daily pupil attendance. If there is disagreement as  
29 to the amount of tuition to be paid, the facts shall be submitted to the state board  
30 of education, and its decision in the matter shall be final. Subject to the  
31 limitations of this section, each pupil shall be free to attend the public school of  
32 his or her choice.

33 3. For purposes of this section, "approved charter school" means a charter  
34 school that has existed for less than three years or a charter school with a  
35 three-year average score of seventy percent or higher on its annual performance  
36 report.

**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 attendance center shall offer free  
2 tutoring and supplemental education services to students who are  
3 performing below grade level or identified by the attendance center as  
4 struggling, using funds from the school improvement fund to the extent  
5 that such funds are 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 attendance center, enter into a  
14 collaborative relationship and agreement with an accredited district in  
15 which teachers from the unaccredited attendance center may exchange  
16 positions with teachers from an accredited attendance center in an  
17 accredited district for a 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.

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

10 beginning and middle of the school year, and students who score below  
11 district benchmarks shall be provided with intensive, systematic  
12 reading instruction.

13       2. Beginning January 1, 2018, and every January first thereafter,  
14 every public school in the metropolitan school district or in any urban  
15 school district containing most or all of a home rule city with more  
16 than four hundred thousand inhabitants and located in more than one  
17 county, including charter schools, shall prepare a personalized learning  
18 plan for any kindergarten or first grade student whose most recent  
19 school-wide reading assessment result shows the student is working  
20 below grade level unless the student has been determined by other  
21 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 in a metropolitan school district or in any  
29 urban school district containing most or all of a home rule city with  
30 more than four hundred thousand inhabitants and located in more than  
31 one county that is required by this section to have a personalized  
32 learning plan, the student's main teacher shall consult with the  
33 student's parent or guardian during the preparation of the plan and  
34 shall consult, as appropriate, any district personnel or department of  
35 elementary and secondary education personnel with necessary  
36 expertise to develop such a plan. The school shall require the written  
37 consent of the parent or guardian to implement the plan; however, if  
38 the school is unsuccessful in contacting the parent or guardian by  
39 January fifteenth, the school may send a letter by certified mail to the  
40 student's last known address stating its intention to implement the plan  
41 by February first.

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

47 program but who is reading below grade level at the end of the first  
48 grade shall continue to be required to have a personalized learning  
49 plan until the student is reading at grade level.

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

56 (1) The school provides additional reading instruction during the  
57 summer and demonstrates the student has the abilities and the  
58 knowledge to successfully learn in third grade at the end of the summer  
59 school;

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

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

69 6. The metropolitan school district, any urban school district  
70 containing most or all of a home rule city with more than four hundred  
71 thousand inhabitants and located in more than one county, and each  
72 charter school located in such districts shall provide in its annual  
73 report card under section 160.522 the numbers and percentages by  
74 grade from first grade to tenth grade in each school of any students at  
75 any grade level who have been promoted who have been determined as  
76 reading below grade level, except that no reporting shall permit the  
77 identification of an individual student.

78 7. School districts and charter schools under this section may  
79 provide for a student promotion and retention program and a reading  
80 instruction program that are equivalent to those which are described  
81 in this section with the oversight and approval of the department of  
82 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. If an unaccredited district becomes classified as provisionally  
16 accredited or accredited without provisions by the state board of  
17 education, any resident student of the unaccredited district who  
18 transferred under section 167.131 as it existed on July 1, 2016, shall be  
19 permitted to continue the student's educational program through the  
20 completion of middle school, junior high school, or high school,  
21 whichever occurs first, except that a student who attends any  
22 attendance center serving students through high school graduation but  
23 starting at grades lower than ninth grade shall be permitted to  
24 complete high school in the attendance center to which he or she has  
25 transferred. No student shall be required to return to an unaccredited  
26 attendance center within said district under any circumstance except  
27 as provided under this subsection. In order to qualify under this  
28 subsection, a student shall have previously attended an attendance  
29 center in the sending district for at least one school year immediately  
30 before initially transferring, unless the student was entering  
31 kindergarten or was a first grade student, and shall continue to reside  
32 within the boundaries of the unaccredited district as those boundaries  
33 existed when the student entered the transfer program to maintain  
34 eligibility.

35       4. Notwithstanding any other provision of law, any student who  
36 was participating in the school transfer program before January 1,  
37 2016, and who attended, for at least one school year immediately prior  
38 to transferring, a school in an unaccredited district, shall have the



39 option of transferring to a virtual school created pursuant to section  
40 162.1250, an approved charter school, or another attendance center in  
41 the student's district of residence that offers the student's grade level  
42 of enrollment, as further provided in section 167.826.

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

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

26 3. Any student who is enrolled in and has attended an  
27 unaccredited attendance center for the full school year immediately  
28 prior to requesting the transfer and who has first attempted but is  
29 unable to transfer to an accredited attendance center within his or her  
30 district of residence under subsection 1 of this section due to a lack of  
31 capacity in accredited attendance centers in the district of residence  
32 may apply to the department of elementary and secondary education  
33 to transfer to:

- 34           **(1) An accredited attendance center in an adjoining district; or**  
35           **(2) An approved charter school, as defined in section 167.848, in**  
36 **an adjoining district.**
- 37           **4. The application to the department of elementary and**  
38 **secondary education to transfer shall be made by March first before the**  
39 **school year in which the student intends to transfer.**
- 40           **5. A student who is eligible to begin kindergarten or first grade**  
41 **at an unaccredited attendance center may apply to the department of**  
42 **elementary and secondary education for a transfer if he or she resides**  
43 **in the attendance area of an unaccredited attendance center on March**  
44 **first preceding the school year of first attendance. A student who does**  
45 **not apply by March first shall be required to enroll and attend for one**  
46 **school year to become eligible to transfer. If the student chooses to**  
47 **apply to attend a magnet school, an academically selective school, or**  
48 **a school with a competitive entrance process that has admissions**  
49 **requirements, the student shall furnish proof that he or she meets such**  
50 **admissions requirements. Any student who does not maintain**  
51 **residency in the attendance area of his or her attendance center in the**  
52 **district of residence shall lose eligibility to transfer. Any student who**  
53 **transfers but later withdraws shall lose eligibility to transfer. The**  
54 **transfer provisions of this subsection shall not apply to a district**  
55 **created under sections 162.815 to 162.840 or to any early childhood**  
56 **programs or early childhood special education programs.**
- 57           **6. No unaccredited attendance center or provisionally accredited**  
58 **attendance center shall be eligible to receive transfer students, except**  
59 **that a transfer student who chooses to attend a provisionally**  
60 **accredited attendance center in the district of residence shall be**  
61 **allowed to transfer to such attendance center if there is an available**  
62 **slot.**
- 63           **7. If a charter school may receive nonresident transfer students**  
64 **under this section because it has been operating for less than three**  
65 **years but then loses its status as an approved charter school**  
66 **immediately after those three years because its three-year average**  
67 **score on its annual performance report is below seventy percent, any**  
68 **students who previously transferred to the charter school may remain**  
69 **enrolled in the charter school but no additional nonresident students**  
70 **may transfer to the charter school.**

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

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

83           (1) A class size and assigned enrollment in a receiving  
84 attendance center that exceeds the number of students provided by its  
85 approved policy on class size under subsection 10 of this section;

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

87           (3) The construction of additional classrooms.

88           10. Each district and each receiving approved charter school  
89 shall have the right to establish and adopt, by objective means, a policy  
90 for desirable class size and student-teacher ratios for each attendance  
91 center. A district's policy may allow for estimated growth in the  
92 resident student population. An approved charter school may use the  
93 class size, student-teacher ratios, and growth projections for student  
94 enrollment contained in the charter school's charter application and  
95 charter when adopting a policy. Any district or approved charter  
96 school that adopts such a policy shall do so by January first annually.  
97 A district or receiving approved charter school shall publish its policy  
98 and shall not be required to accept any transfer students under this  
99 section that would violate its class size or student-teacher ratio. If a  
100 student seeking to transfer is denied admission to an attendance center  
101 or approved charter school based on a lack of space under the policy,  
102 the student or the student's parent or guardian may appeal the ruling  
103 to the state board of education if he or she believes the district's policy  
104 or approved charter school's policy is unduly restrictive to student  
105 transfers. If more than one student or parent appeals a denial of  
106 admission from the same attendance center or approved charter school  
107 to the state board of education, the state board shall make an effort to

108 hear such actions at the same time. If the state board of education  
109 finds that the policy is unduly restrictive to student transfers, the state  
110 board may limit the policy. The state board's decision shall be final.

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

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

130       13. The department of elementary and secondary education shall  
131 designate at least one accredited attendance center in an adjoining  
132 district to which the district operating the unaccredited attendance  
133 center shall provide transportation for transfer students. If the  
134 designated attendance center reaches full student capacity and is  
135 unable to receive additional students, the department of elementary  
136 and secondary education shall designate at least one additional  
137 accredited attendance center to which the district operating an  
138 unaccredited attendance center shall provide transportation for  
139 transfer students. When determining transportation arrangements  
140 under this subsection, the department of elementary and secondary  
141 education shall not contract with or collaborate with any established  
142 regional association or cooperative of school districts located in any  
143 city not within a county or any county with a charter form of  
144 government and with more than nine hundred fifty thousand

145 **inhabitants.**

146           **14. Notwithstanding the provisions of subsection 11 of this**  
147 **section to the contrary, if costs associated with the provision of special**  
148 **education and related services to a student with a disability exceed the**  
149 **tuition amount established under this section, the transfer student's**  
150 **district of residence shall remain responsible to pay the excess cost to**  
151 **the receiving district or receiving approved charter school. If the**  
152 **receiving district is a component district of a special school district,**  
153 **the transfer student's district of residence, including any metropolitan**  
154 **school district, shall contract with the special school district for the**  
155 **entirety of the costs to provide special education and related services,**  
156 **excluding transportation pursuant to this section. The special school**  
157 **district may contract with the transfer student's district of residence,**  
158 **including any metropolitan district, for the provision of transportation**  
159 **of a student with a disability, or the transfer student's district of**  
160 **residence may provide transportation on its own.**

161           **15. A special school district shall continue to provide special**  
162 **education and related services, with the exception of transportation**  
163 **under this section, to a student with a disability transferring from an**  
164 **unaccredited attendance center within a component district to an**  
165 **accredited attendance center within the same or a different component**  
166 **district within the special school district.**

167           **16. If any metropolitan school district operates an unaccredited**  
168 **attendance center, it shall remain responsible for the provision of**  
169 **special education and related services, including transportation, to**  
170 **students with disabilities. A special school district in an adjoining**  
171 **county to a metropolitan school district may contract with the**  
172 **metropolitan school district for the reimbursement of special education**  
173 **services pursuant to sections 162.705 and 162.710 provided by the**  
174 **special school district for transfer students who are residents of the**  
175 **district operating an unaccredited attendance center.**

176           **17. Regardless of whether transportation is identified as a**  
177 **related service within a student's individualized education program, a**  
178 **receiving district that is not part of a special school district shall not**  
179 **be responsible for providing transportation to a student transferring**  
180 **under this section. A district operating an unaccredited attendance**  
181 **center may contract with a receiving district that is not part of a**

182 special school district pursuant to sections 162.705 and 162.710 for  
183 transportation of students with disabilities.

184 18. If a seven-director district or urban school district operates  
185 an unaccredited attendance center, it may contract with a receiving  
186 district that is not part of a special school district in the same or an  
187 adjoining county for the reimbursement of special education and  
188 related services pursuant to sections 162.705 and 162.710 provided by  
189 the receiving district for transfer students who are residents of the  
190 district operating an unaccredited attendance center.

167.827. 1. By September 1, 2017, and by January first annually,  
2 each district shall report to the department of elementary and  
3 secondary education its number of available enrollment slots in  
4 accredited attendance centers by grade level. Each approved charter  
5 school that is eligible to receive transfer students under section 167.826  
6 shall report the number of available enrollment slots by September 1,  
7 2017, and by January first annually.

8 2. The department of elementary and secondary education shall  
9 make information and assistance available to parents or guardians who  
10 intend to transfer their child from an unaccredited attendance center  
11 to an accredited attendance center within the district or an adjoining  
12 district or an approved charter school within the district or in an  
13 adjoining district.

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

21 4. The department of elementary and secondary education shall  
22 assign those students who are unable to transfer to an accredited  
23 attendance center in their district of residence and seek to transfer to  
24 an accredited attendance center in an adjoining district or an approved  
25 charter school in an adjoining district. When assigning transfer  
26 students to approved charter schools, the department shall coordinate  
27 with each approved charter school and its admissions process if  
28 capacity is insufficient to enroll all students who submit a timely

29 application. An approved charter school shall not be required to  
30 receive any transfer students that would require it to institute a lottery  
31 procedure for determining the admission of resident students. The  
32 department of elementary and secondary education shall give first  
33 priority to students who live in the same household with any family  
34 member within the first or second degree of consanguinity or affinity  
35 who have already transferred and who apply to attend the same  
36 attendance center. If insufficient grade-appropriate enrollment slots  
37 are available for a student to be able to transfer, that student shall  
38 receive first priority the following school year. The department of  
39 elementary and secondary education shall only disrupt student and  
40 parent choice for transfer if the available slots are requested by more  
41 students than there are slots available. The department of elementary  
42 and secondary education shall consider the following factors in  
43 assigning attendance centers, with the student's or parent's choice as  
44 the most important factor:

- 45 (1) The student's or parent's choice of the receiving attendance  
46 center;
- 47 (2) The best interests of the student; and
- 48 (3) Distance and travel time to a receiving attendance center.

49 The department of elementary and secondary education shall not  
50 consider student academic performance, free and reduced price lunch  
51 status, or athletic ability in assigning a student to an attendance  
52 center. When assigning transfer students to approved charter schools,  
53 the department of elementary and secondary education shall coordinate  
54 with each approved charter school and its admissions process if  
55 capacity is insufficient to enroll all students who submit a timely  
56 application.

57 5. The department of elementary and secondary education may  
58 deny a transfer to a student who in the most recent school year has  
59 been suspended from an attendance center two or more times or who  
60 has been suspended for an act of school violence under subsection 2 of  
61 section 160.261. A student whose transfer is initially precluded under  
62 this subsection may be permitted to transfer on a provisional basis as  
63 a probationary transfer student, subject to no further disruptive  
64 behavior, upon a statement from the student's current attendance  
65 center that the student is not disruptive. A student who is denied a

66 transfer under this subsection has the right to an in-person meeting  
67 with a representative of the department. The department of elementary  
68 and secondary education shall develop administrative guidelines to  
69 provide common standards for determining disruptive behavior that  
70 shall include, but not be limited to, criteria under the safe schools act.

71       6. Notwithstanding any other provision of law, the test scores of  
72 transfer students attending attendance centers in districts other than  
73 their district of residence under section 167.826 shall be counted as  
74 follows:

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

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

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

90       (4) In the fourth year of attendance and any subsequent years of  
91 attendance, a transfer student's score on a statewide assessment shall  
92 be weighted at one hundred percent when calculating the district's or  
93 charter school's performance for purposes of the district's or charter  
94 school's annual performance report status or progress score, with the  
95 growth score weighted at one hundred percent.

96       7. When performing the requirements of this section the  
97 department of elementary and secondary education shall not contract  
98 with or collaborate with any established regional association or  
99 cooperative of school districts located in any city not within a county  
100 or any county with a charter form of government and with more than  
101 nine hundred fifty thousand inhabitants. No such regional association  
102 or cooperative of school districts shall receive any applications for



103 transfers nor perform any functions assigned to the department.

167.828. 1. Any student who is enrolled in and has attended an  
2 unaccredited attendance center for the full school year immediately  
3 prior to requesting a transfer and who has first attempted but is unable  
4 to transfer to an accredited attendance center within his or her district  
5 of residence under section 167.826 due to a lack of capacity in  
6 accredited attendance centers may apply to the department of  
7 elementary and secondary education to transfer to a nonsectarian  
8 private school, as defined in section 167.848, located in his or her  
9 district of residence.

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

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

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

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

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

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

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

29 (6) For all students enrolled in the school under the nonsectarian  
30 option set forth in this section, complies with the following statutes and  
31 any regulations promulgated thereunder by the department of  
32 elementary and secondary education: 43.408, 43.540, 160.041, 160.045,  
33 160.257, 160.261, 160.262, 160.263, 160.518 for state assessments, the cost  
34 of which shall be paid consistent with the manner in which they are  
35 paid for students in public schools, 160.522, 160.539, 160.570, 160.660,  
36 160.775, 160.1990, 161.102, 161.650, 161.850, 162.014, 162.068, 162.069,

37 162.208, 162.215, 162.401, 162.670, 162.720, subdivisions (1) to (3) of  
38 162.821, 162.1250, 162.1125, subdivisions (1) and (2) of subsection 1 of  
39 163.021 for eligibility to receive local funds but compliance with these  
40 sections shall not make nonsectarian private schools eligible to receive  
41 state funding under 163.031, 167.018, 167.019, 167.020, 167.022, 167.023,  
42 167.031, 167.115, 167.117, 167.122, 167.123, 167.161, 167.166, 167.171,  
43 167.181, 167.191, 167.208, 167.211, 167.227, 167.268, 167.275, 167.280,  
44 167.621 to 167.635, 167.645, 167.700, 167.720, 167.765, 170.005, 170.011,  
45 170.051, 170.315, 170.340, 171.021, 171.031 to 171.033, 171.053, 171.151,  
46 171.171, 178.530, 182.815, 182.817, 191.765 to 191.777, 210.003, 210.110,  
47 210.115, 210.145, 210.150, 210.165, 210.167, 210.760, 210.865, 211.032,  
48 211.034, 211.181, 211.185, 211.188, 320.010, 452.375, 452.376, and  
49 544.193. Nothing in this subdivision shall be construed to exempt the  
50 nonsectarian private school from other statutes and regulations which  
51 applied to the nonsectarian schools as of January 1, 2017;

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

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

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

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

73 4. When the percentage of transfer students at a nonsectarian

74 private school receiving transfer students under this section reaches  
75 twenty-five percent of the school's enrollment, the school shall conform  
76 to the Missouri school improvement program performance standards to  
77 continue its eligibility for the program under this section.

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

81 6. The student's district of residence may provide transportation  
82 for him or her to attend a nonsectarian private school located within  
83 the district but shall not be required to do so.

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

167.829. 1. A district operating an unaccredited attendance  
2 center that transfers a student to an accredited attendance center in  
3 an adjoining district under section 167.826 or to a nonsectarian private  
4 school under section 167.828 shall pay tuition to the receiving district  
5 or to the nonsectarian private school in an amount equal to the tuition  
6 rate of the receiving district or subsection 2 of section 167.828,  
7 whichever is applicable. If the tuition charged by the receiving district  
8 attendance center under this section exceeds the tuition rate of the  
9 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.

167.848. 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 attendance center", an attendance center that is  
5 classified as accredited or accredited with distinction by the state  
6 board of education pursuant to the authority of the state board of  
7 education to classify attendance centers as established in sections  
8 161.087, 161.092, and 161.238;

9 (2) "Accredited district", a school district that is classified as  
10 accredited or accredited with distinction by the state board of  
11 education pursuant to the authority of the state board of education to  
12 classify school districts as established in sections 161.087 and 161.092;

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

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

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

27 (6) "Nonsectarian school", "nonsectarian private school" or  
28 "private nonsectarian school", a school that is not part of the public  
29 school system of the state of Missouri, that charges tuition for the

30 rendering of elementary and secondary educational services, and that  
31 is not disqualified from accepting public funds by any provision of the  
32 Missouri or United States Constitutions;

33 (7) "Provisionally accredited attendance center", an attendance  
34 center that is classified as provisionally accredited by the state board  
35 of education pursuant to the authority of the state board of education  
36 to classify attendance centers as established in sections 161.087,  
37 161.092, and 161.238;

38 (8) "Provisionally accredited district", a school district that is  
39 classified as provisionally accredited by the state board of education  
40 pursuant to the authority of the state board of education to classify  
41 school districts as established in sections 161.087 and 161.092;

42 (9) "Unaccredited attendance center", an attendance center that  
43 is classified as unaccredited by the state board of education pursuant  
44 to the authority of the state board of education to classify attendance  
45 centers as established in sections 161.087, 161.092, and 161.238;

46 (10) "Unaccredited district", a school district classified as  
47 unaccredited by the state board of education pursuant to the authority  
48 of the state board of education to classify school districts as established  
49 in sections 161.087 and 161.092;

50 (11) "Underperforming", a school district or an attendance center  
51 that has been classified as unaccredited or provisionally accredited  
52 pursuant to the authority of the state board of education to classify  
53 schools or has a three-year average annual performance report score  
54 consistent with a classification of provisionally accredited or  
55 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.

170.028. 1. As used in this section, the following terms shall  
2 mean:

3 (1) "Council", the career and technical education advisory council  
4 established pursuant to section 178.550;

5 (2) "CTEC exam", an entry-level exam that is a component of an  
6 industry certification program that leads toward an industry  
7 certification;

8 (3) "Industry certification", a full certification from a recognized  
9 industry, trade, or professional association validating essential skills  
10 of a particular occupation, which may include but shall not be limited  
11 to:

12 (a) Perkins Technical Skills Assessment;

13 (b) Any certification related to a high demand occupation as  
14 described by the Missouri economic research and information center  
15 (MERIC);

16 (4) "Occupational competency assessment", a national  
17 standardized assessment of skills and knowledge in a specific career or  
18 technical area, which may include but shall not be limited to  
19 assessments offered by the National Occupational Competency Testing  
20 Institute (NOCTI).

21 2. The council shall annually review, update, approve, and  
22 publish a list of industry certifications, state-issued professional  
23 licenses, and occupational assessments, and submit the list to the state  
24 board of education for evaluation of course credit.

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.

178.550. 1. This section shall be known and may be cited as the "Career  
2 and Technical Education Student Protection Act". There is hereby established  
3 the "Career and Technical Education Advisory Council" within the department  
4 of elementary and secondary education.

5 2. The advisory council shall be composed of [fifteen] **sixteen** members  
6 who shall be Missouri residents. The commissioner of education shall appoint the  
7 following members:

8 (1) A director or administrator of a career and technical education center;

9 (2) An individual from the business community with a background in  
10 commerce;

11 (3) A representative from State Technical College of Missouri;

12 (4) Three current or retired career and technical education teachers who  
13 also serve or served as an advisor to any of the nationally recognized career and  
14 technical education student organizations of:

15 (a) DECA;

16 (b) Future Business Leaders of America (FBLA);

17 (c) FFA;

18 (d) Family, Career and Community Leaders of America (FCCLA);

19 (e) Health Occupations Students of America (HOSA);

20 (f) SkillsUSA; or

21 (g) Technology Student Association (TSA);

22 (5) A representative from a business organization, association of  
23 businesses, or a business coalition;

24 (6) A representative from a Missouri community college;

25 (7) A representative from Southeast Missouri State University or the  
26 University of Central Missouri;

27 (8) An individual participating in an apprenticeship recognized by the  
28 department of labor and industrial relations or approved by the United States  
29 Department of Labor's Office of Apprenticeship;

30 (9) A school administrator or school superintendent of a school that offers  
31 career and technical education;

32 **(10) The director of the department of economic development, or**  
33 **his or her designee.**

34 3. Members shall serve a term of five years except for the initial  
35 appointments, which shall be for the following lengths:

36 (1) One member shall be appointed for a term of one year;

37 (2) Two members shall be appointed for a term of two years;

38 (3) Two members shall be appointed for a term of three years;

39 (4) Three members shall be appointed for a term of four years;

40 (5) Three members shall be appointed for a term of five years.

41 4. Four members shall be from the general assembly. The president pro  
42 tempore of the senate shall appoint two members of the senate of whom not more  
43 than one shall be of the same party. The speaker of the house of representatives  
44 shall appoint two members of the house of representatives of whom not more than

45 one shall be of the same party. The legislative members shall serve on the  
46 advisory council until such time as they resign, are no longer members of the  
47 general assembly, or are replaced by new appointments.

48 5. The advisory council shall have three nonvoting ex officio members:

49 (1) A director of guidance and counseling services at the department of  
50 elementary and secondary education, or a similar position if such position ceases  
51 to exist;

52 (2) The director of the division of workforce development; and

53 (3) A member of the coordinating board for higher education, as selected  
54 by the coordinating board.

55 6. The assistant commissioner for the office of college and career readiness  
56 of the department of elementary and secondary education shall provide staff  
57 assistance to the advisory council.

58 7. The advisory council shall meet at least four times annually. The  
59 advisory council may make all rules it deems necessary to enable it to conduct its  
60 meetings, elect its officers, and set the terms and duties of its officers. The  
61 advisory council shall elect from among its members a chairperson, vice  
62 chairperson, a secretary-reporter, and such other officers as it deems  
63 necessary. Members of the advisory council shall serve without compensation but  
64 may be reimbursed for actual expenses necessary to the performance of their  
65 official duties for the advisory council.

66 8. Any business to come before the advisory council shall be available on  
67 the advisory council's internet website at least seven business days prior to the  
68 start of each meeting. All records of any decisions, votes, exhibits, or outcomes  
69 shall be available on the advisory council's internet website within forty-eight  
70 hours following the conclusion of every meeting. Any materials prepared for the  
71 members shall be delivered to the members at least five days before the meeting,  
72 and to the extent such materials are public records as defined in section 610.010  
73 and are not permitted to be closed under section 610.021, shall be made available  
74 on the advisory council's internet website at least five business days in advance  
75 of the meeting.

76 9. The advisory council shall make an annual written report to the state  
77 board of education and the commissioner of education regarding the development,  
78 implementation, and administration of the state budget for career and technical  
79 education.

80 10. The advisory council shall annually submit written recommendations

81 to the state board of education and the commissioner of education regarding the  
82 oversight and procedures for the handling of funds for student career and  
83 technical education organizations.

84 11. The advisory council shall:

85 (1) Develop a comprehensive statewide short- and long-range strategic  
86 plan for career and technical education;

87 (2) Identify service gaps and provide advice on methods to close such gaps  
88 as they relate to youth and adult employees, workforce development, and  
89 employers on training needs;

90 (3) Confer with public and private entities for the purpose of promoting  
91 and improving career and technical education, **including encouraging local**  
92 **employers to participate in college and career fairs hosted by local**  
93 **school districts;**

94 (4) Identify legislative recommendations to improve career and technical  
95 education;

96 (5) Promote coordination of existing career and technical education  
97 programs;

98 (6) **Cooperate with local school districts to ensure that the**  
99 **curriculum for the career and technical education certification**  
100 **program established in section 170.029 includes programs of study and**  
101 **course offerings that will lead to industry-recognized certificates or**  
102 **credentials;**

103 (7) Adopt, alter, or repeal by its own bylaws, rules and regulations  
104 governing the manner in which its business may be transacted.

105 12. For purposes of this section, the department of elementary and  
106 secondary education shall provide such documentation and information as to  
107 allow the advisory council to be effective.

108 13. For purposes of this section, "advisory council" shall mean the career  
109 and technical education advisory council.

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 or comparable insurance coverage for theft,  
29 misappropriation, mismanagement, or other acts, in an amount to be determined  
30 and in a form to be approved by the board, for the faithful performance of his or  
31 her duties and faithful accounting of all moneys that may come into his or her  
32 hands. The treasurer shall enter into the surety bond or comparable insurance  
33 coverage with a surety company or insurer authorized to do business in Missouri,  
34 and the cost of such bond or comparable insurance coverage shall be paid by the  
35 board of directors. The board shall administer and expend all funds generated  
36 pursuant to section 210.860 or section 67.1775 in a manner consistent with this  
37 section. The board shall not be mandated to expend funds by an act of state  
38 legislation without a majority vote of the county or city not within a county,  
39 excluding any county with a charter form of government and with more than nine  
40 hundred fifty thousand inhabitants.

41         3. The board may contract with public or not-for-profit agencies licensed  
42 or certified where appropriate to provide qualified services and may place  
43 conditions on the use of such funds. The board shall reserve the right to audit

44 the expenditure of any and all funds. The board and any agency with which the  
45 board contracts may establish eligibility standards for the use of such funds and  
46 the receipt of services. No member of the board shall serve on the governing  
47 body, have any financial interest in, or be employed by any agency which is a  
48 recipient of funds generated pursuant to section 210.860 or section 67.1775.

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

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

54 (2) Outpatient chemical dependency and psychiatric treatment programs;  
55 counseling and related services as a part of transitional living programs;  
56 home-based and community-based family intervention programs; unmarried  
57 parent services; crisis intervention services, inclusive of telephone hotlines; and  
58 prevention programs which promote healthy lifestyles among children and youth  
59 and strengthen families;

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

62 5. Any county, excluding any county with a charter form of government  
63 and with more than nine hundred fifty thousand inhabitants, or city not within  
64 a county in which voters have approved the levy of a tax under section 67.1775  
65 or section 210.860 shall not add services in addition to those which are set forth  
66 in subsection 4 of this section at the time such levy is approved by the voters,  
67 unless such services authorized by statute after the voters have approved the levy  
68 are approved by the voters in the same manner as the original levy was approved.  
69 A proposal to add services shall be approved as set forth in section 67.1775 or  
70 section 210.860.

71 6. Revenues collected and deposited in the community children's services  
72 fund may not be expended for inpatient medical, psychiatric, and chemical  
73 dependency services, or for transportation services.

74 **7. (1) In fiscal years 2018 and any fiscal year thereafter, in any**  
75 **county with a charter form of government and with more than nine**  
76 **hundred fifty thousand inhabitants that contains all or any portion of**  
77 **a school district that has been designated as unaccredited or**  
78 **provisionally accredited by the state board of education, up to five**  
79 **percent of the community children's services fund's yearly revenues,**

80 based on the total dollar amount needed to provide services as  
81 determined by a needs assessment, shall be devoted to a grant program  
82 that delivers services directly to schools in such districts according to  
83 the procedure in this subsection. The president of the school board  
84 shall notify the board of directors within five business days after such  
85 designation. The board shall, in its budget process for the following  
86 fiscal year, ensure that the total amount of funds needed to provide  
87 services based on the needs assessment is allocated according to this  
88 subsection, not to exceed five percent of the fund's yearly revenues. If  
89 the total amount of funds needed to provide such services exceeds five  
90 percent of the fund's yearly revenues, the funds shall be distributed in  
91 an order based on the greatest need for each district. Any moneys  
92 distributed from the fund to a district shall be subject to an annual  
93 audit.

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

99 (3) The board shall appoint one of its members to a direct school  
100 service coordinating committee, which is hereby created. The board  
101 may appoint an additional one of its members to serve as an ex officio  
102 member. The board shall appoint a social worker to the  
103 committee. The school board of each affected district shall appoint two  
104 parents with a child enrolled in a public school in the district based on  
105 school district identification numbers from the department of  
106 elementary and secondary education, rotating year to year from highest  
107 number to lowest number. The school board of each affected district  
108 shall appoint a school services staff member. The superintendent of  
109 each affected district shall serve on the committee. An additional  
110 member from each affected district may be appointed to serve as an ex  
111 officio member.

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

115 (5) If an additional district becomes unaccredited or  
116 provisionally accredited in the service area of the children's services

117 **fund, the general assembly shall review the percentage of revenue**  
118 **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, the repeal and reenactment of  
4 sections 160.410, 160.415, 162.081, 163.021, 163.036, 167.121, 167.131, 171.031,  
5 and 210.861 and the enactment of sections 161.087, 161.238, 161.1000, 162.1303,  
6 162.1305, 162.1310, 162.1313, 167.127, 167.642, 167.685, 167.688, 167.825,  
7 167.826, 167.827, 167.828, 167.829, 167.848, 167.890, 170.320, and 1 of this act  
8 is deemed necessary for the immediate preservation of the public health, welfare,  
9 peace, and safety, and is hereby declared to be an emergency act within the  
10 meaning of the constitution, and the repeal and reenactment of sections 160.410,  
11 160.415, 162.081, 163.021, 163.036, 167.121, 167.131, 171.031, and 210.861 and  
12 the enactment of sections 161.087, 161.238, 161.1000, 162.1303, 162.1305,  
13 162.1310, 162.1313, 167.127, 167.642, 167.685, 167.688, 167.825, 167.826,  
14 167.827, 167.828, 167.829, 167.848, 167.890, 170.320, and 1 of this act shall be  
15 in full force and effect upon its passage and approval.

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