

SECOND REGULAR SESSION

SENATE BILL NO. 485

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RUPP.

Pre-filed December 1, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

4615S.011

AN ACT

To repeal sections 160.400, 167.121, 167.131, 167.241, and 171.031, RSMo, and to enact in lieu thereof eight new sections relating to elementary and secondary education, with an emergency clause.

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

Section A. Sections 160.400, 167.121, 167.131, 167.241, and 171.031, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 160.400, 161.096, 167.121, 167.131, 167.133, 167.135, 167.241, and 171.031, to read as follows:

160.400. 1. A charter school is an independent public school.

2. Except as [further] provided in subsection [4] 3 of this section, charter schools may be operated only:

- (1) In a metropolitan school district;
- (2) In an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants;
- (3) In a school district that has been declared unaccredited;
- (4) In a school district that has been classified as provisionally accredited by the state board of education and has received scores on its annual performance report consistent with a classification of provisionally accredited or unaccredited for three consecutive school years beginning with the 2012-13 accreditation year under the following conditions:

(a) The eligibility for charter schools of any school district whose provisional accreditation is based in whole or in part on financial stress as defined in sections 161.520 to 161.529, or on financial hardship as defined by rule of the state board of education, shall be decided by a vote of the state board of

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

17 education during the third consecutive school year after the designation of
18 provisional accreditation; and

19 (b) The sponsor is limited to the local school board or a sponsor who has
20 met the standards of accountability and performance as determined by the
21 department based on sections 160.400 to 160.425 and section 167.349 and
22 properly promulgated rules of the department; or

23 (5) In a school district that has been accredited without provisions,
24 sponsored only by the local school board; provided that no board with a current
25 year enrollment of one thousand five hundred fifty students or greater shall
26 permit more than thirty-five percent of its student enrollment to enroll in charter
27 schools sponsored by the local board under the authority of this subdivision,
28 except that this restriction shall not apply to any school district that
29 subsequently becomes eligible under subdivision (3) or (4) of this subsection or to
30 any district accredited without provisions that sponsors charter schools prior to
31 having a current year student enrollment of one thousand five hundred fifty
32 students or greater.

33 3. Except as further provided in subsection 4 of this section, the following
34 entities are eligible to sponsor charter schools:

35 (1) The school board of the district in any district which is sponsoring a
36 charter school as of August 27, 2012, as permitted under subdivision (1) or (2) of
37 subsection 2 of this section, the special administrative board of a metropolitan
38 school district during any time in which powers granted to the district's board of
39 education are vested in a special administrative board, or if the state board of
40 education appoints a special administrative board [to retain the authority granted
41 to the board of education] **for the operation of all or part** of an urban school
42 district containing most or all of a city with a population greater than three
43 hundred fifty thousand inhabitants, the special administrative board of such
44 school district;

45 (2) A public four-year college or university with an approved teacher
46 education program that meets regional or national standards of accreditation;

47 (3) A community college, the service area of which encompasses some
48 portion of the district;

49 (4) Any private four-year college or university with an enrollment of at
50 least one thousand students, with its primary campus in Missouri, and with an
51 approved teacher preparation program;

52 (5) Any two-year private vocational or technical school designated as a

53 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as
54 amended, which is a member of the North Central Association and accredited by
55 the Higher Learning Commission, with its primary campus in Missouri; [or]

56 (6) The Missouri charter public school commission created in section
57 160.425;

58 **(7) The school board of a district classified as unaccredited by**
59 **the state board of education, or if the state board of education has**
60 **lapsed the corporate organization of an unaccredited district under**
61 **subdivision (2) of subsection 3 of section 162.081 and appointed a**
62 **special administrative board for the operation of all or part of the**
63 **district or determined an alternative governing structure for the**
64 **district, the special administrative board or the alternative governing**
65 **structure, in the unaccredited district;**

66 (8) The school board of a district that is accredited without
67 provisions by the state board of education, in a district classified as
68 unaccredited by the state board of education;

69 (9) A combination of school boards of districts that are
70 accredited without provisions by the state board of education in
71 collaboration, in a district classified as unaccredited by the state board
72 of education; or

73 (10) A cooperative association of school districts, in a district
74 classified as unaccredited by the state board of education.

75 4. Changes in a school district's accreditation status that affect charter
76 schools shall be addressed as follows, except for the districts described in
77 subdivisions (1) and (2) of subsection 2 of this section:

78 (1) As a district transitions from unaccredited to provisionally accredited,
79 the district shall continue to fall under the requirements for an unaccredited
80 district until it achieves three consecutive full school years of provisional
81 accreditation;

82 (2) As a district transitions from provisionally accredited to full
83 accreditation, the district shall continue to fall under the requirements for a
84 provisionally accredited district until it achieves three consecutive full school
85 years of full accreditation;

86 (3) In any school district classified as unaccredited or provisionally
87 accredited where a charter school is operating and is sponsored by an entity other
88 than the local school board, when the school district becomes classified as

89 accredited without provisions, a charter school may continue to be sponsored by
90 the entity sponsoring it prior to the classification of accredited without provisions
91 and shall not be limited to the local school board as a sponsor.

92 A charter school operating in a school district identified in subdivision (1) or (2)
93 of subsection 2 of this section may be sponsored by any of the entities identified
94 in subsection 3 of this section, irrespective of the accreditation classification of
95 the district in which it is located. A charter school in a district described in this
96 subsection whose charter provides for the addition of grade levels in subsequent
97 years may continue to add levels until the planned expansion is complete to the
98 extent of grade levels in comparable schools of the district in which the charter
99 school is operated.

100 5. The mayor of a city not within a county may request a sponsor under
101 subdivision (2), (3), (4), (5), or (6) of subsection 3 of this section to consider
102 sponsoring a "workplace charter school", which is defined for purposes of sections
103 160.400 to 160.425 as a charter school with the ability to target prospective
104 students whose parent or parents are employed in a business district, as defined
105 in the charter, which is located in the city.

106 6. No sponsor shall receive from an applicant for a charter school any fee
107 of any type for the consideration of a charter, nor may a sponsor condition its
108 consideration of a charter on the promise of future payment of any kind.

109 7. The charter school shall be organized as a Missouri nonprofit
110 corporation incorporated pursuant to chapter 355. The charter provided for
111 herein shall constitute a contract between the sponsor and the charter school.

112 8. As a nonprofit corporation incorporated pursuant to chapter 355, the
113 charter school shall select the method for election of officers pursuant to section
114 355.326 based on the class of corporation selected. Meetings of the governing
115 board of the charter school shall be subject to the provisions of sections 610.010
116 to 610.030.

117 9. A sponsor of a charter school, its agents and employees are not liable
118 for any acts or omissions of a charter school that it sponsors, including acts or
119 omissions relating to the charter submitted by the charter school, the operation
120 of the charter school and the performance of the charter school.

121 10. A charter school may affiliate with a four-year college or university,
122 including a private college or university, or a community college as otherwise
123 specified in subsection 3 of this section when its charter is granted by a sponsor
124 other than such college, university or community college. Affiliation status

125 recognizes a relationship between the charter school and the college or university
126 for purposes of teacher training and staff development, curriculum and
127 assessment development, use of physical facilities owned by or rented on behalf
128 of the college or university, and other similar purposes. A university, college or
129 community college may not charge or accept a fee for affiliation status.

130 11. The expenses associated with sponsorship of charter schools shall be
131 defrayed by the department of elementary and secondary education retaining one
132 and five-tenths percent of the amount of state and local funding allocated to the
133 charter school under section 160.415, not to exceed one hundred twenty-five
134 thousand dollars, adjusted for inflation. The department of elementary and
135 secondary education shall remit the retained funds for each charter school to the
136 school's sponsor, provided the sponsor remains in good standing by fulfilling its
137 sponsorship obligations under sections 160.400 to 160.425 and 167.349 with
138 regard to each charter school it sponsors, including appropriate demonstration of
139 the following:

140 (1) Expends no less than ninety percent of its charter school sponsorship
141 funds in support of its charter school sponsorship program, or as a direct
142 investment in the sponsored schools;

143 (2) Maintains a comprehensive application process that follows fair
144 procedures and rigorous criteria and grants charters only to those developers who
145 demonstrate strong capacity for establishing and operating a quality charter
146 school;

147 (3) Negotiates contracts with charter schools that clearly articulate the
148 rights and responsibilities of each party regarding school autonomy, expected
149 outcomes, measures for evaluating success or failure, performance consequences,
150 and other material terms;

151 (4) Conducts contract oversight that evaluates performance, monitors
152 compliance, informs intervention and renewal decisions, and ensures autonomy
153 provided under applicable law; and

154 (5) Designs and implements a transparent and rigorous process that uses
155 comprehensive data to make merit-based renewal decisions.

156 12. Sponsors receiving funds under subsection 11 of this section shall be
157 required to submit annual reports to the joint committee on education
158 demonstrating they are in compliance with subsection 17 of this section.

159 13. No university, college or community college shall grant a charter to
160 a nonprofit corporation if an employee of the university, college or community

161 college is a member of the corporation's board of directors.

162 14. No sponsor shall grant a charter under sections 160.400 to 160.425
163 and 167.349 without ensuring that a criminal background check and family care
164 safety registry check are conducted for all members of the governing board of the
165 charter schools or the incorporators of the charter school if initial directors are
166 not named in the articles of incorporation, nor shall a sponsor renew a charter
167 without ensuring a criminal background check and family care **safety** registry
168 check are conducted for each member of the governing board of the charter school.

169 15. No member of the governing board of a charter school shall hold any
170 office or employment from the board or the charter school while serving as a
171 member, nor shall the member have any substantial interest, as defined in
172 section 105.450, in any entity employed by or contracting with the board. No
173 board member shall be an employee of a company that provides substantial
174 services to the charter school. All members of the governing board of the charter
175 school shall be considered decision-making public servants as defined in section
176 105.450 for the purposes of the financial disclosure requirements contained in
177 sections 105.483, 105.485, 105.487, and 105.489.

178 16. A sponsor shall develop the policies and procedures for:

179 (1) The review of a charter school proposal including an application that
180 provides sufficient information for rigorous evaluation of the proposed charter and
181 provides clear documentation that the education program and academic program
182 are aligned with the state standards and grade-level expectations, and provides
183 clear documentation of effective governance and management structures, and a
184 sustainable operational plan;

185 (2) The granting of a charter;

186 (3) The performance framework that the sponsor will use to evaluate the
187 performance of charter schools;

188 (4) The sponsor's intervention, renewal, and revocation policies, including
189 the conditions under which the charter sponsor may intervene in the operation
190 of the charter school, along with actions and consequences that may ensue, and
191 the conditions for renewal of the charter at the end of the term, consistent with
192 subsections 8 and 9 of section 160.405;

193 (5) Additional criteria that the sponsor will use for ongoing oversight of
194 the charter; and

195 (6) Procedures to be implemented if a charter school should close,
196 consistent with the provisions of subdivision (15) of subsection 1 of section

197 160.405.

198 The department shall provide guidance to sponsors in developing such policies
199 and procedures.

200 17. (1) A sponsor shall provide timely submission to the state board of
201 education of all data necessary to demonstrate that the sponsor is in material
202 compliance with all requirements of sections 160.400 to 160.425 and section
203 167.349. The state board of education shall ensure each sponsor is in compliance
204 with all requirements under sections 160.400 to 160.425 and 167.349 for each
205 charter school sponsored by any sponsor. The state board shall notify each
206 sponsor of the standards for sponsorship of charter schools, delineating both what
207 is mandated by statute and what best practices dictate. The state board shall
208 evaluate sponsors to determine compliance with these standards every three
209 years. The evaluation shall include a sponsor's policies and procedures in the
210 areas of charter application approval; required charter agreement terms and
211 content; sponsor performance evaluation and compliance monitoring; and charter
212 renewal, intervention, and revocation decisions. Nothing shall preclude the
213 department from undertaking an evaluation at any time for cause.

214 (2) If the department determines that a sponsor is in material
215 noncompliance with its sponsorship duties, the sponsor shall be notified and
216 given reasonable time for remediation. If remediation does not address the
217 compliance issues identified by the department, the commissioner of education
218 shall conduct a public hearing and thereafter provide notice to the charter
219 sponsor of corrective action that will be recommended to the state board of
220 education. Corrective action by the department may include withholding the
221 sponsor's funding and suspending the sponsor's authority to sponsor a school that
222 it currently sponsors or to sponsor any additional school until the sponsor is
223 reauthorized by the state board of education under section 160.403.

224 (3) The charter sponsor may, within thirty days of receipt of the notice of
225 the commissioner's recommendation, provide a written statement and other
226 documentation to show cause as to why that action should not be taken. Final
227 determination of corrective action shall be determined by the state board of
228 education based upon a review of the documentation submitted to the department
229 and the charter sponsor.

230 (4) If the state board removes the authority to sponsor a currently
231 operating charter school under any provision of law, the Missouri charter public
232 school commission shall become the sponsor of the school.

161.096. 1. As authorized under its duty to classify the schools
2 of the state under section 161.092, the state board of education shall
3 adopt a system of classification that accredits individual school
4 buildings within an unaccredited district separately from the district
5 as a whole. This system shall be used only to classify the individual
6 schools operated by any district that the state board of education has
7 classified as unaccredited.

8 2. The state board of education shall promulgate rules and
9 regulations to implement the provisions of this section.

10 3. Notwithstanding the provisions of subdivision (9) of section
11 161.092 to the contrary, the rules and regulations promulgated
12 pursuant to this section shall be effective thirty days after publication
13 in the code of state regulations as provided in section 536.021 and shall
14 not be subject to the two-year delay contained in subdivision (9) of
15 section 161.092.

16 4. Any rule or portion of a rule, as that term is defined in section
17 536.010 that is created under the authority delegated in this section
18 shall become effective only if it complies with and is subject to all of
19 the provisions of chapter 536, and, if applicable, section 536.028. This
20 section and chapter 536 are nonseverable and if any of the powers
21 vested with the general assembly pursuant to chapter 536, to review, to
22 delay the effective date, or to disapprove and annul a rule are
23 subsequently held unconstitutional, then the grant of rulemaking
24 authority and any rule proposed or adopted after August 28, 2014, shall
25 be invalid and void.

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. The
5 commissioner or his or her designee shall, upon proper application by
6 the parent or guardian of the pupil, assign the pupil and any sibling of
7 the pupil to another district if the following conditions are met:

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

12 (2) The attendance center to which the student would be

13 assigned in the receiving district is at least seven miles closer in actual
14 driving distance by the shortest route available to the student's
15 residence than the current attendance center in the residence district
16 as determined by the commissioner or his or her designee; and

17 (3) The attendance of the student will not cause the classroom in
18 the receiving district to exceed the maximum number of students per
19 class as determined by the receiving district.

20 2. The commissioner of education shall assign pupils in the order
21 in which applications are received, provided the applications are
22 properly completed and the conditions of subsection 1 of this section
23 are met. Once granted, the hardship assignment shall continue until
24 the pupil, and any sibling of the pupil who attends the same attendance
25 center, completes his or her course of study in the receiving district or
26 the parent or guardian withdraws the pupil. If a parent or guardian
27 withdraws a pupil from a hardship assignment, the granting of a
28 subsequent application is discretionary.

29 3. A pupil shall be eligible to apply to the commissioner of
30 education to be assigned to another district under this section if the
31 pupil has been enrolled in and attending a public school in his or her
32 district of residence during the school year prior to the application. A
33 pupil shall be eligible to apply to the commissioner of education to be
34 assigned to another district under this section if the pupil has been
35 enrolled in and attending a public school in a district other than his or
36 her district of residence and paid nonresident tuition for such
37 enrollment during the school year prior to the application. Pupils who
38 reside in the district who become eligible for kindergarten or first
39 grade shall also be eligible to apply to the commissioner of education
40 to be assigned to another district. A pupil who is not currently
41 enrolled in a public school district shall become eligible to apply to the
42 commissioner of education to be assigned to another district after the
43 student has enrolled in and completed a full school year in a public
44 school in his or her district of residence.

45 4. Subject to the provisions of this section, all existing assignments shall
46 be reviewed prior to July 1, 1984, and from time to time thereafter, and may be
47 continued or rescinded. Any assignment granted to a pupil under this
48 section prior to August 28, 2014, shall also be applicable to any sibling
49 of the pupil. Such assignment shall remain in effect until the pupil and

50 **any sibling of the pupil completes his or her course of study in the**
51 **receiving district or until the parent or guardian withdraws the pupil**
52 **and any sibling of the pupil from the assignment.** The board of education
53 of the district in which the pupil lives shall pay the tuition of the pupil
54 assigned. The tuition shall [not exceed the pro rata cost of instruction] **be the**
55 **lesser of the student's district of residence's current expenditure per**
56 **average daily attendance for the previous school year and the receiving**
57 **district's current expenditure per average daily attendance for the**
58 **previous school year. If there is disagreement as to the tuition amount,**
59 **the facts shall be submitted to the state board of education and its**
60 **decision in the matter shall be final. For any pupil that the**
61 **commissioner assigns to another district who has an individualized**
62 **education program, the pupil shall be included in the pupil count of the**
63 **district of residence for purposes of state aid. No district to which a**
64 **pupil with an individualized education program is assigned shall be**
65 **included in such district's pupil count for state aid. If there is**
66 **disagreement as to the tuition amount for any pupil with an**
67 **individualized education program, the facts shall be submitted to the**
68 **state board of education and its decision in the matter shall be final.**

69 [2.] 5. (1) For the school year beginning July 1, 2008, and each
70 succeeding school year, a parent or guardian residing in a lapsed public school
71 district or a district that has scored either unaccredited or provisionally
72 accredited, or a combination thereof, on two consecutive annual performance
73 reports may enroll the parent's or guardian's child in the Missouri virtual school
74 created in section 161.670 provided the pupil first enrolls in the school district of
75 residence. The school district of residence shall include the pupil's enrollment in
76 the virtual school created in section 161.670 in determining the district's average
77 daily attendance. Full-time enrollment in the virtual school shall constitute one
78 average daily attendance equivalent in the school district of residence. Average
79 daily attendance for part-time enrollment in the virtual school shall be calculated
80 as a percentage of the total number of virtual courses enrolled in divided by the
81 number of courses required for full-time attendance in the school district of
82 residence.

83 (2) A pupil's residence, for purposes of this section, means residency
84 established under section 167.020. Except for students residing in a K-8 district
85 attending high school in a district under section 167.131, the board of the home

86 district shall pay to the virtual school the amount required under section 161.670.

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

91 (4) Any rule or portion of a rule, as that term is defined in section
92 536.010, that is created under the authority delegated in this section shall
93 become effective only if it complies with and is subject to all of the provisions of
94 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
95 nonseverable and if any of the powers vested with the general assembly pursuant
96 to chapter 536 to review, to delay the effective date, or to disapprove and annul
97 a rule are subsequently held unconstitutional, then the grant of rulemaking
98 authority and any rule proposed or adopted after August 28, 2007, shall be
99 invalid and void.

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

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

23 the public school of his or her choice.

167.133. 1. (1) The board of education of each district in this
2 state that has been declared unaccredited pursuant to the authority of
3 the state board of education to classify schools as established in section
4 161.092 shall pay tuition and provide transportation consistent with the
5 provisions of section 167.241 for each student resident therein who
6 meets the criteria of this section.

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

23 2. A student who resides in an unaccredited district may transfer
24 to a public school in another district of the same or an adjoining county
25 if the receiving district is accredited without provisions by the state
26 board of education and the student follows the procedures required by
27 this section. Before a student who attends a public school in an
28 unaccredited district may transfer to an accredited district in the same
29 or an adjoining county, the unaccredited district shall determine if
30 there is sufficient capacity in a district school offering the student's
31 grade level of enrollment that is accredited by the state board of
32 education under section 161.096. If such capacity exists, the student
33 shall remain enrolled in the unaccredited district and attend the
34 accredited school, provided that the student meets any admissions
35 requirements criteria if the school is a magnet school, academically
36 selective school, or school with a competitive entrance process.

37 **3. By August 30, 2014, each local school board shall establish**
38 **specific criteria for the admission of nonresident students from**
39 **unaccredited districts who seek admission into an accredited district**
40 **under this section. By August 30, 2014, each local school board shall**
41 **adopt and publish a policy for class size and student-teacher ratios for**
42 **all grade levels based on, at a minimum, the criteria established under**
43 **this subsection. When adopting its policy, each school board shall**
44 **consider the class size and assigned enrollment standards of the**
45 **Missouri school improvement program's resource standards, including**
46 **the desirable standard and minimum standard. Each local school board**
47 **shall also base its policy for class size and student-teacher ratios on the**
48 **district's student enrollment for the previous three school years and**
49 **consider the district's resident student population growth or decrease,**
50 **based on demographic projections provided by the office of**
51 **socioeconomic data analysis, such that the receiving district shall not**
52 **be required to employ additional teachers or construct new classrooms**
53 **to accommodate transfer students from unaccredited districts. Each**
54 **local school board may consider other factors and criteria when**
55 **adopting its policy. No resident student shall be displaced from a**
56 **school to which he or she would otherwise be assigned to accommodate**
57 **the admission of a nonresident student. Each district shall, as**
58 **necessary, modify and publish revised policies annually by January**
59 **fifteenth to be effective for the following school year.**

60 **4. The school board of each accredited district located in the**
61 **same county as, or in an adjoining county to, an unaccredited district**
62 **shall publicly post on its internet website a student transfer**
63 **application, the district's admissions process, and the current available**
64 **enrollment slots by grade level.**

65 **5. A parent or guardian who seeks to transfer his or her child**
66 **from his or her unaccredited district of residence to an accredited**
67 **district located in the same or an adjoining county shall send**
68 **notification to the school district of residence and the receiving district**
69 **of his or her intent to enroll the child in the receiving district. The**
70 **parent or guardian shall provide such notification by February first for**
71 **enrollment the following school year. If a clearinghouse has been**
72 **established under section 167.135, a parent or guardian who resides in**
73 **a district subject to the clearinghouse shall follow all procedures and**

74 deadlines required by section 167.135 and the clearinghouse.

75 6. A parent or guardian who seeks to transfer his or her child
76 may apply for a specific building assignment within a receiving
77 district, including applying to attend a technical high school if the
78 district operates one. The receiving district shall determine the final
79 building assignment for transfer students.

80 7. If an accredited district does not have sufficient capacity to
81 enroll all students from unaccredited districts who submit a timely
82 application, the district shall institute an admissions process to ensure
83 all applicants an equal chance of admission except that an accredited
84 district may give preference for admission to siblings of children who
85 are already enrolled in the district under this section or who have been
86 selected earlier in the admissions process.

87 8. All accountability data and performance data, including but
88 not limited to statewide assessment scores, achievement data,
89 attendance data, and graduation figures, of students who transfer from
90 an unaccredited district to an accredited district under this section
91 shall not be included in the district and building annual performance
92 reports of the receiving accredited district for two full school years.

93 9. An accredited district shall not charge tuition to an
94 unaccredited district until such time as students are enrolled and
95 attending in the accredited district. Tuition charges shall cease when
96 a student is no longer enrolled in the accredited district. Tuition
97 billings shall be calculated based upon hours of actual attendance at
98 the receiving district. A receiving district shall provide documentation
99 to the unaccredited district that includes the name of each transfer
100 student, hours of attendance for the billing period for each student, and
101 the student's state identification number for the department-developed
102 student-level record system. An unaccredited district shall remit
103 tuition payments to any accredited district in which its resident
104 students have enrolled under this section within ten business days after
105 receiving its monthly state aid distribution. If an unaccredited district
106 does not send tuition payments to a receiving district, the department
107 of elementary and secondary education shall withhold the full amount
108 of unpaid tuition associated with each transferring student from the
109 unaccredited district's state aid and distribute such amount to the
110 receiving district within sixty days of the unaccredited district's

111 payment delinquency. If there is a tuition disagreement between
112 districts, or a lapse in tuition payments, any student enrolled in an
113 accredited district shall be permitted to complete the school year at his
114 or her school of enrollment in the accredited district irrespective of the
115 tuition payment status.

116 **10. If an unaccredited district becomes classified as provisionally**
117 **accredited or accredited without provisions by the state board of**
118 **education, resident students of the unaccredited district who are**
119 **enrolled in an accredited district in the same or an adjoining county**
120 **under this section shall be permitted to continue their educational**
121 **program in the accredited district in the following manner:**

122 **(1) A student enrolled in kindergarten through eighth grade may**
123 **continue his or her educational program until he or she has completed**
124 **the eighth grade in the receiving district. Upon completion of the**
125 **eighth grade, the student shall return to his or her district of residence;**

126 **(2) A student enrolled in grades nine through twelve may**
127 **continue his or her educational program until he or she has completed**
128 **the twelfth grade.**

129 **11. The parent or guardian of a student with a disability residing**
130 **in an unaccredited district may transfer his or her student to an**
131 **accredited district in the same or an adjoining county. The receiving**
132 **accredited district shall follow the student's existing IEP until the**
133 **student's IEP team at the receiving accredited district, including the**
134 **parent or guardian, can complete the process for review and**
135 **revision. Receiving accredited districts that are component districts**
136 **of a special school district shall have joint responsibility with the**
137 **special school district to provide special education services. Receiving**
138 **districts that are not component districts of a special school district**
139 **shall be responsible for providing special education services for**
140 **transfer students from unaccredited districts. Special education**
141 **services for transfer students from an unaccredited district not located**
142 **in a county with a charter form of government and with more than nine**
143 **hundred fifty thousand inhabitants shall be the responsibility of the**
144 **receiving accredited district. A student's unaccredited district of**
145 **residence shall be responsible for the cost of educating a student with**
146 **an IEP that exceeds the tuition amount in subsection 1 of this section.**

147 **12. An unaccredited district shall be responsible for providing**

148 transportation to an accredited district for a transfer student with an
149 IEP, notwithstanding any subsequent changes to the student's IEP by
150 a receiving accredited district.

151 13. For purposes of this section the following terms shall mean:

152 (1) "Accredited district", a school district that is accredited
153 without provisions by the state board of education pursuant to the
154 authority of the state board of education to classify schools as
155 established in section 161.092;

156 (2) "IEP", an individualized education program;

157 (3) "Unaccredited district", a school district classified as
158 unaccredited by the state board of education pursuant to the authority
159 of the state board of education to classify schools as established in
160 section 161.092.

167.135. 1. When the state board of education classifies a
2 metropolitan school district as unaccredited or any school district
3 located in a county with a charter form of government and with more
4 than nine hundred fifty thousand inhabitants as unaccredited, the
5 department of elementary and secondary education shall establish a
6 clearinghouse, as provided in this section, to assist students to transfer
7 from unaccredited districts to accredited districts under section
8 167.133.

9 2. For purposes of this section the following terms shall mean:

10 (1) "Accredited district", a school district that is accredited
11 without provisions by the state board of education pursuant to the
12 authority of the state board of education to classify schools as
13 established in section 161.092;

14 (2) "Clearinghouse", a neutral third party appointed by the
15 department of elementary and secondary education to coordinate
16 student transfers from unaccredited districts to accredited districts;

17 (3) "Unaccredited district", a school district classified as
18 unaccredited by the state board of education pursuant to the authority
19 of the state board of education to classify schools as established in
20 section 161.092.

21 3. The clearinghouse shall make information and assistance
22 available to parents or guardians who intend to transfer their child
23 from an unaccredited district to an accredited district under section
24 167.133. The clearinghouse shall coordinate student transfers and

25 assign students who seek to transfer.

26 4. The parent or guardian of a student residing in an
27 unaccredited district who intends to enroll his or her child in an
28 accredited district under the provisions of this section shall send initial
29 notification to the student's school district of residence and the
30 clearinghouse by February first for enrollment in the subsequent school
31 year. Each parent or guardian of a student who provides notice of
32 intent to transfer from an unaccredited district to an accredited
33 district under this section shall do so on forms prescribed by the
34 department of elementary and secondary education. The parent or
35 guardian of a student who seeks to transfer may provide to the
36 clearinghouse a list of schools or districts in which the student would
37 like to enroll. The clearinghouse shall process requests to transfer in
38 the order in which they are received except that the clearinghouse may
39 give a preference to students with a sibling who already attends an
40 accredited district and who apply to attend the same district. If there
41 is insufficient capacity to enroll all students who wish to transfer, the
42 clearinghouse shall institute an admissions process.

43 5. Each accredited district in the same county or in an adjoining
44 county to an unaccredited district shall annually report the number of
45 available enrollment slots by grade level to the clearinghouse, on a date
46 specified by the clearinghouse.

47 6. (1) If a parent or guardian fails to file the initial notification
48 forms by the deadline specified in subsection 4 of this section, and
49 satisfies the definition of good cause as defined in subdivision (3) of
50 this subsection, or if the request is to enroll a child in an accredited
51 district under this section for kindergarten or first grade or in any
52 grade if a child is moving into Missouri or into the district for the first
53 time, the parent or guardian shall be permitted, if accepted, to enroll
54 the child in the other district in the same manner as if the deadline had
55 been met.

56 (2) Until the last Friday in March of that calendar year, the
57 parent or guardian requesting transfer shall send notification to the
58 district of residence and the clearinghouse, on forms prescribed by the
59 department of elementary and secondary education, that good cause,
60 as defined in subdivision (3) of this subsection, exists for failure to
61 meet the deadline. The clearinghouse shall take action to approve the

62 request if good cause exists. A denial of a request by the clearinghouse
63 is not subject to appeal.

64 (3) For purposes of this section, "good cause" means a change in
65 a child's residence due to a change in family residence, a change in the
66 marital status of a child's parent or parents, a guardianship or custody
67 change, placement in foster care, adoption, participation in a substance
68 abuse or mental health treatment program, or student health or safety
69 concerns; or a change in the status of a child's district of residence,
70 such as removal of accreditation by the state board of education,
71 permanent closure of a public or nonpublic school that the child
72 attends, or revocation of the charter of the charter school attended by
73 the child as provided in section 160.405. If the good cause relates to a
74 change in status of a child's school district of residence, however,
75 action by a parent or guardian must be taken to file the notification
76 within forty-five days of the last official action relating to such
77 status. Student health or safety concerns shall include, but not be
78 limited to, ongoing bullying, supported by official school reports, sexual
79 misconduct complaints, reports, or investigations, and drug or alcohol
80 concerns with peers. If the district does not agree with the parent's or
81 child's concerns, a written notice of need for relocation from a medical
82 or mental health professional shall suffice to satisfy "good cause" under
83 this subsection.

84 7. The clearinghouse may contract with a school district, any
85 voluntary interdistrict council, or any private entity for transportation
86 services.

87 8. The expenses associated with the administration of student
88 transfers under this section shall be defrayed by the department of
89 elementary and secondary education retaining funds to cover the cost
90 of administration from the state school aid withheld from a transfer
91 student's district of residence.

167.241. Transportation for pupils whose tuition the district of residence
2 is required to pay by section 167.131, **section 167.133**, or who are assigned as
3 provided in section 167.121 shall be provided by the district of residence;
4 however, in the case of pupils covered by section 167.131 or **section 167.133**, the
5 district of residence shall be required to provide transportation only to school
6 districts accredited by the state board of education pursuant to the authority of
7 the state board of education to classify schools as established in section 161.092

8 and those school districts designated by the board of education of the district of
9 residence. **For purposes of this section, the phrase "school districts**
10 **accredited by the state board of education" shall mean school districts**
11 **that are accredited without provision by the state board of education**
12 **pursuant to the authority of the state board of education to classify**
13 **schools as established in section 161.092.**

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];

39 (2) Any school that adopts a four-day school week in accordance with
40 section 171.029; and

41 (3) **Any school district that is classified as unaccredited by the**
42 **state board of education that follows the procedure in subsection 8 of**
43 **this section.**

44 8. **The school board of any district classified as unaccredited by**
45 **the state board of education, upon adoption of a resolution by a**
46 **majority vote to authorize such action, may do any or all of the**
47 **following measures:**

48 (1) **Increase the length of the school day;**

49 (2) **Increase the annual hours of instruction above the required**
50 **number of hours in subsection 1 of this section;**

51 (3) **Increase the length of the school term.**

Section B. Because of the importance of providing guidance to school
2 districts on student transfers, section A of this act is deemed necessary for the
3 immediate preservation of the public health, welfare, peace and safety, and is
4 hereby declared to be an emergency act within the meaning of the constitution,
5 and section A of this act shall be in full force and effect upon its passage and
6 approval.

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