

SECOND REGULAR SESSION

# SENATE BILL NO. 595

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALSH.

Pre-filed December 3, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

4697S.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Section A. Sections 160.400, 167.121, 167.131, 167.241, and 171.031, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 160.400, 161.096, 167.121, 167.131, 167.133, 167.135, 167.241, and 171.031, to read as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  
74 a 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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