

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 815
95TH GENERAL ASSEMBLY

3644L.08C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 160.011, 160.041, 160.400, 160.405, 160.410, 160.420, 160.545, 161.209, 163.021, 165.011, 168.104, 168.106, 168.110, 168.221, 168.745, 168.747, 171.029, 171.031, 171.033, 177.161, 177.171, and 178.697, RSMo, and to enact in lieu thereof twenty-eight new sections relating to elementary and secondary education, with an effective date for a certain section.

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

Section A. Sections 160.011, 160.041, 160.400, 160.405, 160.410, 160.420, 160.545, 2 161.209, 163.021, 165.011, 168.104, 168.106, 168.110, 168.221, 168.745, 168.747, 171.029, 3 171.031, 171.033, 177.161, 177.171, and 178.697, RSMo, are repealed and twenty-eight new 4 sections enacted in lieu thereof, to be known as sections 160.011, 160.041, 160.400, 160.405, 5 160.410, 160.420, 160.545, 161.209, 162.014, 163.021, 163.410, 165.011, 167.128, 168.104, 6 168.106, 168.110, 168.221, 168.745, 168.747, 171.015, 171.017, 171.031, 171.033, 177.161, 7 177.171, 178.697, 1, and 2, to read as follows:

160.011. As used in chapters 160, 161, 162, 163, 164, 165, 167, 168, 170, 171, 177 and 2 178, RSMo, the following terms mean:

3 (1) "District" or "school district", when used alone, may include seven-director, urban, 4 and metropolitan school districts;

5 (2) "Elementary school", a public school giving instruction in a grade or grades not 6 higher than the eighth grade;

7 (3) "Family literacy programs", services of sufficient intensity in terms of hours, and of 8 sufficient duration, to make sustainable changes in families that include:

9 (a) Interactive literacy activities between parents and their children;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 10 (b) Training of parents regarding how to be the primary teacher of their children and full
11 partners in the education of their children;
- 12 (c) Parent literacy training that leads to high school completion and economic self
13 sufficiency; and
- 14 (d) An age-appropriate education to prepare children of all ages for success in school;
- 15 (4) "Graduation rate", the quotient of the number of graduates in the current year as of
16 June thirtieth divided by the sum of the number of graduates in the current year as of June
17 thirtieth plus the number of twelfth graders who dropped out in the current year plus the number
18 of eleventh graders who dropped out in the preceding year plus the number of tenth graders who
19 dropped out in the second preceding year plus the number of ninth graders who dropped out in
20 the third preceding year;
- 21 (5) "High school", a public school giving instruction in a grade or grades not lower than
22 the ninth nor higher than the twelfth grade;
- 23 (6) "Metropolitan school district", any school district the boundaries of which are
24 coterminous with the limits of any city which is not within a county;
- 25 (7) "Public school" includes all elementary and high schools operated at public expense;
- 26 (8) "School board", the board of education having general control of the property and
27 affairs of any school district;
- 28 (9) "School term", a minimum of [one hundred seventy-four school days, as that term
29 is defined in section 160.041, for schools with a five-day school week or a minimum of one
30 hundred forty-two school days, as that term is defined in section 160.041, for schools with a
31 four-day school week, and] one thousand forty-four hours of actual pupil attendance as scheduled
32 by the board pursuant to section 171.031, RSMo, during a twelve-month period in which the
33 academic instruction of pupils is actually and regularly carried on for a group of students in the
34 public schools of any school district. **Beginning with school year 2012-2013, the required**
35 **number of hours shall be one thousand seventy-three.** A school term may be within a school
36 year or may consist of parts of two consecutive school years, but does not include summer
37 school. A district may choose to operate two or more terms for different groups of children. A
38 school term for students participating in a school flex program as established in section 160.539
39 may consist of a combination of actual pupil attendance and attendance at college or technical
40 career education or approved employment aligned with the student's career academic plan for a
41 total of one thousand forty-four hours;
- 42 (10) "Secretary", the secretary of the board of a school district;
- 43 (11) "Seven-director district", any school district which has seven directors and includes
44 urban districts regardless of the number of directors an urban district may have unless otherwise
45 provided by law;

46 (12) "Taxpayer", any individual who has paid taxes to the state or any subdivision
47 thereof within the immediately preceding twelve-month period or the spouse of such individual;

48 (13) "Town", any town or village, whether or not incorporated, the plat of which has
49 been filed in the office of the recorder of deeds of the county in which it is situated;

50 (14) "Urban school district", any district which includes more than half of the population
51 or land area of any city which has not less than seventy thousand inhabitants, other than a city
52 which is not within a county.

160.041. 1. [The "minimum school day" consists of three hours for schools with a
2 five-day school week or four hours for schools with a four-day school week in which the pupils
3 are under the guidance and direction of teachers in the teaching process.] A "school month"
4 consists of four weeks of five days each for schools with a five-day school week or four weeks
5 of four days each for schools with a four-day school week. The "school year" commences on the
6 first day of July and ends on the thirtieth day of June following.

7 2. Notwithstanding the provisions of subsection 1 of this section, the commissioner of
8 education is authorized to reduce the required number of hours [and days] in which the pupils
9 are under the guidance and direction of teachers in the teaching process if:

10 (1) There is damage to or destruction of a public school facility which requires the dual
11 utilization of another school facility; or

12 (2) Flooding or other inclement weather as defined in subsection 1 of section 171.033,
13 RSMo, prevents students from attending the public school facility. Such reduction shall not
14 extend beyond two calendar years in duration.

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

2 2. Charter schools may be operated only in a metropolitan school district or in an urban
3 school district containing most or all of a city with a population greater than three hundred fifty
4 thousand inhabitants and may be sponsored by any of the following:

5 (1) The school board of the district;

6 (2) A public four-year college or university with its primary campus in the school district
7 or in a county adjacent to the county in which the district is located, with an approved teacher
8 education program that meets regional or national standards of accreditation;

9 (3) A community college located in the district; or

10 (4) Any private four-year college or university located in a city not within a county **or**
11 **in an urban school district containing most or all of a city with a population greater than**
12 **three hundred fifty thousand inhabitants** with an enrollment of at least one thousand students,
13 and with an approved teacher preparation program.

14 3. The mayor of a city not within a county may request a sponsor under subdivision (2),
15 (3), or (4) of subsection 2 of this section to consider sponsoring a "workplace charter school",

16 which is defined for purposes of sections 160.400 to 160.420 as a charter school with the ability
17 to target prospective students whose parent or parents are employed in a business district, as
18 defined in the charter, which is located in the city.

19 4. No sponsor shall receive from an applicant for a charter school any fee of any type for
20 the consideration of a charter, nor may a sponsor condition its consideration of a charter on the
21 promise of future payment of any kind.

22 5. The charter school shall be a Missouri nonprofit corporation incorporated pursuant
23 to chapter 355, RSMo. The charter provided for herein shall constitute a contract between the
24 sponsor and the charter school.

25 6. As a nonprofit corporation incorporated pursuant to chapter 355, RSMo, the charter
26 school shall select the method for election of officers pursuant to section 355.326, RSMo, based
27 on the class of corporation selected. Meetings of the governing board of the charter school shall
28 be subject to the provisions of sections 610.010 to 610.030, RSMo, the open meetings law.

29 7. A sponsor of a charter school, its agents and employees are not liable for any acts or
30 omissions of a charter school that it sponsors, including acts or omissions relating to the charter
31 submitted by the charter school, the operation of the charter school and the performance of the
32 charter school.

33 8. A charter school may affiliate with a four-year college or university, including a
34 private college or university, or a community college as otherwise specified in subsection 2 of
35 this section when its charter is granted by a sponsor other than such college, university or
36 community college. Affiliation status recognizes a relationship between the charter school and
37 the college or university for purposes of teacher training and staff development, curriculum and
38 assessment development, use of physical facilities owned by or rented on behalf of the college
39 or university, and other similar purposes. The primary campus of the college or university must
40 be located within the county in which the school district lies wherein the charter school is located
41 or in a county adjacent to the county in which the district is located. A university, college or
42 community college may not charge or accept a fee for affiliation status.

43 9. The expenses associated with sponsorship of charter schools shall be defrayed by the
44 department of elementary and secondary education retaining one and five-tenths percent of the
45 amount of state and local funding allocated to the charter school under section 160.415, not to
46 exceed one hundred twenty-five thousand dollars, adjusted for inflation. Such amount shall not
47 be withheld when the sponsor is a school district or the state board of education. The department
48 of elementary and secondary education shall remit the retained funds for each charter school to
49 the school's sponsor, provided the sponsor remains in good standing by fulfilling its sponsorship
50 obligations under sections 160.400 to 160.420 and 167.349, RSMo, with regard to each charter
51 school it sponsors, including appropriate demonstration of the following:

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

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

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

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

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

65 10. No university, college or community college shall grant a charter to a nonprofit
66 corporation if an employee of the university, college or community college is a member of the
67 corporation's board of directors.

68 11. No sponsor shall grant a charter under sections 160.400 to 160.420 and 167.349,
69 RSMo, without ensuring that a criminal background check and child abuse registry check are
70 conducted for all members of the governing board of the charter schools or the incorporators of
71 the charter school if initial directors are not named in the articles of incorporation, nor shall a
72 sponsor renew a charter without ensuring a criminal background check and child abuse registry
73 check are conducted for each member of the governing board of the charter school.

74 12. No member of the governing board of a charter school shall hold any office or
75 employment from the board or the charter school while serving as a member, nor shall the
76 member have any substantial interest, as defined in section 105.450, RSMo, in any entity
77 employed by or contracting with the board. No board member shall be an employee of a
78 company that provides substantial services to the charter school. All members of the governing
79 board of the charter school shall be considered decision-making public servants as defined in
80 section 105.450, RSMo, for the purposes of the financial disclosure requirements contained in
81 sections 105.483, 105.485, 105.487, and 105.489, RSMo.

82 13. A sponsor shall provide timely submission to the state board of education of all data
83 necessary to demonstrate that the sponsor is in material compliance with all requirements of
84 sections 160.400 to 160.420 and 167.349, RSMo.

85 14. The state board of education shall ensure each sponsor is in compliance with all
86 requirements under sections 160.400 to 160.420 and 167.349, RSMo, for each charter school
87 sponsored by any sponsor. The state board shall notify each sponsor of the standards for

88 sponsorship of charter schools, delineating both what is mandated by statute and what best
89 practices dictate. The state board, after a public hearing, may require remedial action for a
90 sponsor that it finds has not fulfilled its obligations of sponsorship, such remedial actions
91 including withholding the sponsor's funding and suspending for a period of up to one year the
92 sponsor's authority to sponsor a school that it currently sponsors or to sponsor any additional
93 school. If the state board removes the authority to sponsor a currently operating charter school,
94 the state board shall become the interim sponsor of the school for a period of up to three years
95 until the school finds a new sponsor or until the charter contract period lapses.

96 **15. In the event that a charter school loses its sponsor or has its charter revoked or**
97 **rescinded or the charter otherwise expires, the governing board of the charter school and**
98 **the local school district where the charter school is located may enter into a contract to**
99 **continue operations of the charter school with the governing board of the school district**
100 **-serving as the sponsor of the charter school.**

160.405. 1. A person, group or organization seeking to establish a charter school shall
2 submit the proposed charter, as provided in this section, to a sponsor. If the sponsor is not a
3 school board, the applicant shall give a copy of its application to the school board of the district
4 in which the charter school is to be located and to the state board of education, within five
5 business days of the date the application is filed with the proposed sponsor. The school board
6 may file objections with the proposed sponsor, and, if a charter is granted, the school board may
7 file objections with the state board of education. The charter shall include a mission statement
8 for the charter school, a description of the charter school's organizational structure and bylaws
9 of the governing body, which will be responsible for the policy and operational decisions of the
10 charter school, a financial plan for the first three years of operation of the charter school
11 including provisions for annual audits, a description of the charter school's policy for securing
12 personnel services, its personnel policies, personnel qualifications, and professional development
13 plan, a description of the grades or ages of students being served, the school's calendar of
14 operation, which shall include at least the equivalent of a full school term as defined in section
15 160.011, and an outline of criteria specified in this section designed to measure the effectiveness
16 of the school. The charter shall also state:

- 17 (1) The educational goals and objectives to be achieved by the charter school;
- 18 (2) A description of the charter school's educational program and curriculum;
- 19 (3) The term of the charter, which shall be not less than five years, nor greater than ten
20 years and shall be renewable;
- 21 (4) A description of the charter school's pupil performance standards, which must meet
22 the requirements of subdivision (6) of subsection 5 of this section. The charter school program
23 must be designed to enable each pupil to achieve such standards;

24 (5) A description of the governance and operation of the charter school, including the
25 nature and extent of parental, professional educator, and community involvement in the
26 governance and operation of the charter school; and

27 (6) A description of the charter school's policies on student discipline and student
28 admission, which shall include a statement, where applicable, of the validity of attendance of
29 students who do not reside in the district but who may be eligible to attend under the terms of
30 judicial settlements.

31 2. Proposed charters shall be subject to the following requirements:

32 (1) A charter may be approved when the sponsor determines that the requirements of this
33 section are met and determines that the applicant is sufficiently qualified to operate a charter
34 school. The sponsor's decision of approval or denial shall be made within ninety days of the
35 filing of the proposed charter;

36 (2) If the charter is denied, the proposed sponsor shall notify the applicant in writing as
37 to the reasons for its denial and forward a copy to the state board of education within five
38 business days following the denial;

39 (3) If a proposed charter is denied by a sponsor, the proposed charter may be submitted
40 to the state board of education, along with the sponsor's written reasons for its denial. If the state
41 board determines that the applicant meets the requirements of this section, that the applicant is
42 sufficiently qualified to operate the charter school, and that granting a charter to the applicant
43 would be likely to provide educational benefit to the children of the district, the state board may
44 grant a charter and act as sponsor of the charter school. The state board shall review the
45 proposed charter and make a determination of whether to deny or grant the proposed charter
46 within sixty days of receipt of the proposed charter, provided that any charter to be considered
47 by the state board of education under this subdivision shall be submitted no later than March first
48 prior to the school year in which the charter school intends to begin operations. The state board
49 of education shall notify the applicant in writing as the reasons for its denial, if applicable; and

50 (4) The sponsor of a charter school shall give priority to charter school applicants that
51 propose a school oriented to high-risk students and to the reentry of dropouts into the school
52 system. If a sponsor grants three or more charters, at least one-third of the charters granted by
53 the sponsor shall be to schools that actively recruit dropouts or high-risk students as their student
54 body and address the needs of dropouts or high-risk students through their proposed mission,
55 curriculum, teaching methods, and services. For purposes of this subsection, a "high-risk"
56 student is one who is at least one year behind in satisfactory completion of course work or
57 obtaining credits for graduation, pregnant or a parent, homeless or has been homeless sometime
58 within the preceding six months, has limited English proficiency, has been suspended from
59 school three or more times, is eligible for free or reduced-price school lunch, or has been referred

60 by the school district for enrollment in an alternative program. "Dropout" shall be defined
61 through the guidelines of the school core data report. The provisions of this subsection do not
62 apply to charters sponsored by the state board of education.

63 3. If a charter is approved by a sponsor, the charter application shall be submitted to the
64 state board of education, along with a statement of finding that the application meets the
65 requirements of sections 160.400 to 160.420 and section 167.439, RSMo, and a monitoring plan
66 under which the charter sponsor will evaluate the academic performance of students enrolled in
67 the charter school. The state board of education may, within sixty days, disapprove the granting
68 of the charter. The state board of education may disapprove a charter on grounds that the
69 application fails to meet the requirements of sections 160.400 to 160.420 and section 167.349,
70 RSMo, or that a charter sponsor previously failed to meet the statutory responsibilities of a
71 charter sponsor.

72 4. Any disapproval of a charter pursuant to subsection 3 of this section shall be subject
73 to judicial review pursuant to chapter 536, RSMo.

74 5. A charter school shall, as provided in its charter:

75 (1) Be nonsectarian in its programs, admission policies, employment practices, and all
76 other operations;

77 (2) Comply with laws and regulations of the state, county, or city relating to health,
78 safety, and state minimum educational standards, as specified by the state board of education,
79 including the requirements relating to student discipline under sections 160.261, 167.161,
80 167.164, and 167.171, RSMo, notification of criminal conduct to law enforcement authorities
81 under sections 167.115 to 167.117, RSMo, academic assessment under section 160.518,
82 transmittal of school records under section 167.020, RSMo, and the minimum number of school
83 days and hours required under section 160.041;

84 (3) Except as provided in sections 160.400 to 160.420, be exempt from all laws and rules
85 relating to schools, governing boards and school districts;

86 (4) Be financially accountable, use practices consistent with the Missouri financial
87 accounting manual, provide for an annual audit by a certified public accountant, publish audit
88 reports and annual financial reports as provided in chapter 165, RSMo, provided that the annual
89 financial report may be published on the department of elementary and secondary education's
90 Internet website in addition to other publishing requirements, and provide liability insurance to
91 indemnify the school, its board, staff and teachers against tort claims. A charter school that
92 receives local educational agency status under subsection 6 of this section shall meet the
93 requirements imposed by the Elementary and Secondary Education Act for audits of such
94 agencies. For purposes of an audit by petition under section 29.230, RSMo, a charter school
95 shall be treated as a political subdivision on the same terms and conditions as the school district

96 in which it is located. For the purposes of securing such insurance, a charter school shall be
97 eligible for the Missouri public entity risk management fund pursuant to section 537.700, RSMo.
98 A charter school that incurs debt must include a repayment plan in its financial plan;

99 (5) Provide a comprehensive program of instruction for at least one grade or age group
100 from kindergarten through grade twelve, which may include early childhood education if funding
101 for such programs is established by statute, as specified in its charter;

102 (6) (a) Design a method to measure pupil progress toward the pupil academic standards
103 adopted by the state board of education pursuant to section 160.514, collect baseline data during
104 at least the first three years for determining how the charter school is performing and to the
105 extent applicable, participate in the statewide system of assessments, comprised of the essential
106 skills tests and the nationally standardized norm-referenced achievement tests, as designated by
107 the state board pursuant to section 160.518, complete and distribute an annual report card as
108 prescribed in section 160.522, which shall also include a statement that background checks have
109 been completed on the charter school's board members, report to its sponsor, the local school
110 district, and the state board of education as to its teaching methods and any educational
111 innovations and the results thereof, and provide data required for the study of charter schools
112 pursuant to subsection 4 of section 160.410. No charter school will be considered in the
113 Missouri school improvement program review of the district in which it is located for the
114 resource or process standards of the program.

115 (b) For proposed high risk or alternative charter schools, sponsors shall approve
116 performance measures based on mission, curriculum, teaching methods, and services. Sponsors
117 shall also approve comprehensive academic and behavioral measures to determine whether
118 students are meeting performance standards on a different time frame as specified in that school's
119 charter. Student performance shall be assessed comprehensively to determine whether a high
120 risk or alternative charter school has documented adequate student progress. Student
121 performance shall be based on sponsor-approved comprehensive measures as well as
122 standardized public school measures. Annual presentation of charter school report card data to
123 the department of elementary and secondary education, the state board, and the public shall
124 include comprehensive measures of student progress.

125 (c) Nothing in this [paragraph] **subdivision** shall be construed as permitting a charter
126 school to be held to lower performance standards than other public schools within a district;
127 however, the charter of a charter school may permit students to meet performance standards on
128 a different time frame as specified in its charter;

129 (7) Assure that the needs of special education children are met in compliance with all
130 applicable federal and state laws and regulations;

131 (8) Provide along with any request for review by the state board of education the
132 following:

133 (a) Documentation that the applicant has provided a copy of the application to the school
134 board of the district in which the charter school is to be located, except in those circumstances
135 where the school district is the sponsor of the charter school; and

136 (b) A statement outlining the reasons for approval or disapproval by the sponsor,
137 specifically addressing the requirements of sections 160.400 to 160.420 and 167.349, RSMo.

138 **6. (1) Proposed or existing high risk or alternative charter schools may include**
139 **alternative arrangements for students to obtain credit for satisfying graduation**
140 **requirements in the school's charter application and charter. Alternative arrangements**
141 **may include, but not be limited to, credit for off-campus instruction, embedded credit,**
142 **work experience through a paid or unpaid internship arranged through the school, and**
143 **independent studies. When the state board of education approves the charter, any such**
144 **alternative arrangements shall be approved at such time.**

145 **(2) The department of elementary and secondary education shall conduct a study**
146 **of any charter school granted alternative arrangements for students to obtain credit under**
147 **this subsection after three years of operation to assess student performance, graduation**
148 **rates, educational outcomes, and entry into the workforce or higher education.**

149 **7.** The charter of a charter school may be amended at the request of the governing body
150 of the charter school and on the approval of the sponsor. The sponsor and the governing board
151 and staff of the charter school shall jointly review the school's performance, management and
152 operations at least once every two years or at any point where the operation or management of
153 the charter school is changed or transferred to another entity, either public or private. The
154 governing board of a charter school may amend the charter, if the sponsor approves such
155 amendment, or the sponsor and the governing board may reach an agreement in writing to reflect
156 the charter school's decision to become a local educational agency for the sole purpose of seeking
157 direct access to federal grants. In such case the sponsor shall give the department of elementary
158 and secondary education written notice no later than March first of any year, with the agreement
159 to become effective July first. The department may waive the March first notice date in its
160 discretion. The department shall identify and furnish a list of its regulations that pertain to local
161 educational agencies to such schools within thirty days of receiving such notice.

162 [7.] **8. (1)** A sponsor shall revoke a charter or take other appropriate remedial action,
163 which may include placing the charter school on probationary status, at any time if the charter
164 school commits a serious breach of one or more provisions of its charter or on any of the
165 following grounds: failure to meet academic performance standards as set forth in its charter,
166 failure to meet generally accepted standards of fiscal management, failure to provide information

167 necessary to confirm compliance with all provisions of the charter and sections 160.400 to
168 160.420 and 167.349, RSMo, within forty-five days following receipt of written notice
169 requesting such information, or violation of law.

170 (2) The sponsor may place the charter school on probationary status to allow the
171 implementation of a remedial plan, which may require a change of methodology, a change in
172 leadership, or both, after which, if such plan is unsuccessful, the charter may be revoked.

173 (3) At least sixty days before acting to revoke a charter, the sponsor shall notify the
174 governing board of the charter school of the proposed action in writing. The notice shall state
175 the grounds for the proposed action. The school's governing board may request in writing a
176 hearing before the sponsor within two weeks of receiving the notice.

177 (4) The sponsor of a charter school shall establish procedures to conduct administrative
178 hearings upon determination by the sponsor that grounds exist to revoke a charter. Final
179 decisions of a sponsor from hearings conducted pursuant to this subsection are subject to judicial
180 review pursuant to chapter 536, RSMo.

181 (5) A termination shall be effective only at the conclusion of the school year, unless the
182 sponsor determines that continued operation of the school presents a clear and immediate threat
183 to the health and safety of the children.

184 (6) A charter sponsor shall make available the school accountability report card
185 information as provided under section 160.522 and the results of the academic monitoring
186 required under subsection 3 of this section.

187 [8.] **9.** A sponsor shall take all reasonable steps necessary to confirm that each charter
188 school sponsored by such sponsor is in material compliance and remains in material compliance
189 with all material provisions of the charter and sections 160.400 to 160.420 and 167.349, RSMo.
190 Every charter school shall provide all information necessary to confirm ongoing compliance with
191 all provisions of its charter and sections 160.400 to 160.420 and 167.349, RSMo, in a timely
192 manner to its sponsor.

193 [9.] **10.** A school district may enter into a lease with a charter school for physical
194 facilities.

195 [10.] **11.** A governing board or a school district employee who has control over
196 personnel actions shall not take unlawful reprisal against another employee at the school district
197 because the employee is directly or indirectly involved in an application to establish a charter
198 school. A governing board or a school district employee shall not take unlawful reprisal against
199 an educational program of the school or the school district because an application to establish
200 a charter school proposes the conversion of all or a portion of the educational program to a
201 charter school. As used in this subsection, "unlawful reprisal" means an action that is taken by

202 a governing board or a school district employee as a direct result of a lawful application to
203 establish a charter school and that is adverse to another employee or an educational program.

204 [11.] **12.** Charter school board members shall be subject to the same liability for acts
205 while in office as if they were regularly and duly elected members of school boards in any other
206 public school district in this state. The governing board of a charter school may participate, to
207 the same extent as a school board, in the Missouri public entity risk management fund in the
208 manner provided under sections 537.700 to 537.756, RSMo.

209 [12.] **13.** Any entity, either public or private, operating, administering, or otherwise
210 managing a charter school shall be considered a quasi-public governmental body and subject to
211 the provisions of sections 610.010 to 610.035, RSMo.

212 [13.] **14.** The chief financial officer of a charter school shall maintain:

213 (1) A surety bond in an amount determined by the sponsor to be adequate based on the
214 cash flow of the school; or

215 (2) An insurance policy issued by an insurance company licensed to do business in
216 Missouri on all employees in the amount of five hundred thousand dollars or more that provides
217 coverage in the event of employee theft.

160.410. 1. A charter school shall enroll:

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

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

5 (3) **In the case of a charter school whose mission includes student drop-out**
6 **prevention or recovery, any nonresident pupil who is considered high risk or a dropout**
7 **who resides in a residential care facility, a transitional living group home, or an**
8 **independent living program and whose last school of enrollment is in the school district**
9 **where the charter school is established, who submits a timely application; and**

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

16 2. If capacity is insufficient to enroll all pupils who submit a timely application, the
17 charter school shall have an admissions process that assures all applicants of an equal chance of
18 gaining admission except that:

19 (1) A charter school may establish a geographical area around the school whose residents
20 will receive a preference for enrolling in the school, provided that such preferences do not result

21 in the establishment of racially or socioeconomically isolated schools and provided such
22 preferences conform to policies and guidelines established by the state board of education; [and]

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

27 (3) **A charter school whose mission includes student drop-out prevention or**
28 **recovery as described in subdivision (3) of subsection 1 of this section shall give preference**
29 **for admission to resident pupils over nonresident pupils.**

30 3. A charter school shall not limit admission based on race, ethnicity, national origin,
31 disability, gender, income level, proficiency in the English language or athletic ability, but may
32 limit admission to pupils within a given age group or grade level. **A charter school may give**
33 **a preference for admission to high-risk students and dropouts, as defined in subdivision**
34 **(4) of subsection 2 of section 160.405.**

35 4. The department of elementary and secondary education shall commission a study of
36 the performance of students at each charter school in comparison with an equivalent group of
37 district students representing an equivalent demographic and geographic population and a study
38 of the impact of charter schools upon the constituents they serve in the districts in which they are
39 located, to be conducted by the joint committee on education. The charter school study shall
40 include analysis of the administrative and instructional practices of each charter school and shall
41 include findings on innovative programs that illustrate best practices and lend themselves to
42 replication or incorporation in other schools. The joint committee on education shall coordinate
43 with individuals representing charter [public] schools and the districts in which charter schools
44 are located in conducting the study. The study of a charter school's student performance in
45 relation to a comparable group shall be designed to provide information that would allow parents
46 and educators to make valid comparisons of academic performance between the charter school's
47 students and an equivalent group of district students representing an equivalent demographic and
48 geographic population. The student performance assessment and comparison shall include, but
49 may not be limited to:

50 (1) Missouri assessment program test performance and aggregate growth over several
51 years;

52 (2) Student reenrollment rates;

53 (3) Educator, parent, and student satisfaction data;

54 (4) Graduation rates in secondary programs; and

55 (5) Performance of students enrolled in the same public school for three or more
56 consecutive years. The impact study shall be undertaken every two years to determine the impact

57 of charter schools on the constituents they serve in the districts where charter schools are
58 operated. The impact study shall include, but is not limited to, determining if changes have been
59 made in district policy or procedures attributable to the charter school and to perceived changes
60 in attitudes and expectations on the part of district personnel, school board members, parents,
61 students, the business community and other education stakeholders. The department of
62 elementary and secondary education shall make the results of the studies public and shall deliver
63 copies to the governing boards of the charter schools, the sponsors of the charter schools, the
64 school board and superintendent of the districts in which the charter schools are operated.

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

68 (1) The school's charter;

69 (2) The school's most recent annual report card published according to section 160.522;
70 and

71 (3) The results of background checks on the charter school's board members. The charter
72 school may charge reasonable fees, not to exceed the rate specified in section 610.026, RSMo,
73 for furnishing copies of documents under this subsection.

160.420. 1. Any school district in which charter schools may be established under
2 sections 160.400 to 160.420 shall establish a uniform policy which provides that if a charter
3 school offers to retain the services of an employee of a school district, and the employee accepts
4 a position at the charter school, an employee at the employee's option may remain an employee
5 of the district and the charter school shall pay to the district the district's full costs of salary and
6 benefits provided to the employee. The district's policy shall provide that any teacher who
7 accepts a position at a charter school and opts to remain an employee of the district retains such
8 teacher's permanent teacher status and retains such teacher's seniority rights in the district for
9 three years. The school district shall not be liable for any such employee's acts while an
10 employee of the charter school.

11 2. A charter school may employ noncertificated instructional personnel; provided that
12 no more than twenty percent of the full-time equivalent instructional staff positions at the school
13 are filled by noncertificated personnel. All noncertificated instructional personnel shall be
14 supervised by certificated instructional personnel. A charter school that has a foreign language
15 immersion experience as its chief educational mission, as stated in its charter, shall not be subject
16 to the twenty-percent requirement of this subsection but shall ensure that any teachers whose
17 duties include instruction given in a foreign language have current valid credentials in the
18 country in which such teacher received his or her training and shall remain subject to the
19 remaining requirements of this subsection. The charter school shall ensure that all instructional

20 employees of the charter school have experience, training and skills appropriate to the
21 instructional duties of the employee, and the charter school shall ensure that a criminal
22 background check and child abuse registry check are conducted for each employee of the charter
23 school prior to the hiring of the employee. The charter school may not employ instructional
24 personnel whose certificate of license to teach has been revoked or is currently suspended by the
25 state board of education. Appropriate experience, training and skills of noncertificated
26 instructional personnel shall be determined considering:

- 27 (1) Teaching certificates issued by another state or states;
- 28 (2) Certification by the National Standards Board;
- 29 (3) College degrees in the appropriate field;
- 30 (4) Evidence of technical training and competence when such is appropriate; and
- 31 (5) The level of supervision and coordination with certificated instructional staff.

32 3. Personnel employed by the charter school shall participate in the retirement system
33 of the school district in which the charter school is located, subject to the same terms, conditions,
34 requirements and other provisions applicable to personnel employed by the school district. For
35 purposes of participating in the retirement system, the charter school shall be considered to be
36 a public school within the school district, and personnel employed by the charter school shall be
37 public school employees. In the event of a lapse of the school district's corporate organization
38 as described in subsections 1 and 4 of section 162.081, RSMo, personnel employed by the
39 charter school shall continue to participate in the retirement system and shall do so on the same
40 terms, conditions, requirements and other provisions as they participated prior to the lapse.

41 4. [The charter school and a local school board may agree by contract for services to be
42 provided by the school district to the charter school. The charter school may contract with any
43 other entity for services. Such services may include but are not limited to food service, custodial
44 service, maintenance, management assistance, curriculum assistance, media services and libraries
45 and shall be subject to negotiation between the charter school and the local school board or other
46 entity. Documented actual costs of such services shall be paid for by the charter school.

47 5. A charter school may enter into contracts with community partnerships and state
48 agencies acting in collaboration with such partnerships that provide services to children and their
49 families linked to the school.

50 6. A charter school shall be eligible for transportation state aid pursuant to section
51 163.161, RSMo, and shall be free to contract with the local district, or any other entity, for the
52 provision of transportation to the students of the charter school.

53 7. (1) The proportionate share of state and federal resources generated by students with
54 disabilities or staff serving them shall be paid in full to charter schools enrolling those students
55 by their school district where such enrollment is through a contract for services described in this

56 section. The proportionate share of money generated under other federal or state categorical aid
57 programs shall be directed to charter schools serving such students eligible for that aid.

58 (2) A charter school district shall provide the special services provided pursuant to
59 section 162.705, RSMo, and may provide the special services pursuant to a contract with a
60 school district or any provider of such services.

61 8. A charter school may not charge tuition, nor may it impose fees that a school district
62 is prohibited from imposing.

63 9. A charter school is authorized to incur debt in anticipation of receipt of funds. A
64 charter school may also borrow to finance facilities and other capital items. A school district
65 may incur bonded indebtedness or take other measures to provide for physical facilities and other
66 capital items for charter schools that it sponsors or contracts with. Upon the dissolution of a
67 charter school, any liabilities of the corporation will be satisfied through the procedures of
68 chapter 355, RSMo.

69 10. Charter schools shall not have the power to acquire property by eminent domain.

70 11. The governing body of a charter school is authorized to accept grants, gifts or
71 donations of any kind and to expend or use such grants, gifts or donations. A grant, gift or
72 donation may not be accepted by the governing body if it is subject to any condition contrary to
73 law applicable to the charter school or other public schools, or contrary to the terms of the
74 charter.] **The instructional employees of a charter school in circumstances described in**
75 **subsection 15 of section 160.400 shall continue to be employees of the governing board of**
76 **the former charter school and shall not be considered employees of the local school district;**
77 **however, such instructional employees shall meet all licensure and certification**
78 **requirements as determined by the department.**

160.545. 1. There is hereby established within the department of elementary and
2 secondary education the "A+ Schools Program" to be administered by the commissioner of
3 education. The program shall consist of grant awards made to public secondary schools that
4 demonstrate a commitment to ensure that:

5 (1) All students be graduated from school;

6 (2) All students complete a selection of high school studies that is challenging and for
7 which there are identified learning expectations; and

8 (3) All students proceed from high school graduation to a college or postsecondary
9 vocational or technical school or high-wage job with work place skill development opportunities.

10 2. The state board of education shall promulgate rules and regulations for the approval
11 of grants made under the program to schools that:

12 (1) Establish measurable districtwide performance standards for the goals of the program
13 outlined in subsection 1 of this section; and

14 (2) Specify the knowledge, skills and competencies, in measurable terms, that students
15 must demonstrate to successfully complete any individual course offered by the school, and any
16 course of studies which will qualify a student for graduation from the school; and

17 (3) Do not offer a general track of courses that, upon completion, can lead to a high
18 school diploma; and

19 (4) Require rigorous coursework with standards of competency in basic academic
20 subjects for students pursuing vocational and technical education as prescribed by rule and
21 regulation of the state board of education; and

22 (5) Have a partnership plan developed in cooperation and with the advice of local
23 business persons, labor leaders, parents, and representatives of college and postsecondary
24 vocational and technical school representatives, with the plan then approved by the local board
25 of education. The plan shall specify a mechanism to receive information on an annual basis from
26 those who developed the plan in addition to senior citizens, community leaders, and teachers to
27 update the plan in order to best meet the goals of the program as provided in subsection 1 of this
28 section. Further, the plan shall detail the procedures used in the school to identify students that
29 may drop out of school and the intervention services to be used to meet the needs of such
30 students. The plan shall outline counseling and mentoring services provided to students who will
31 enter the work force upon graduation from high school, address apprenticeship and intern
32 programs, and shall contain procedures for the recruitment of volunteers from the community
33 of the school to serve in schools receiving program grants.

34 3. A school district may participate in the program irrespective of its accreditation
35 classification by the state board of education, provided it meets all other requirements.

36 4. By rule and regulation, the state board of education may determine a local school
37 district variable fund match requirement in order for a school or schools in the district to receive
38 a grant under the program. However, no school in any district shall receive a grant under the
39 program unless the district designates a salaried employee to serve as the program coordinator,
40 [with the district assuming a minimum of one-half the cost of the salary and other benefits
41 provided to the coordinator] **but no minimum percentage of time shall be required for the**
42 **A+ coordination.** Further, no school in any district shall receive a grant under the program
43 unless the district makes available facilities and services for adult literacy training as specified
44 by rule of the state board of education.

45 5. For any school that meets the requirements for the approval of the grants authorized
46 by this section and specified in subsection 2 of this section for three successive school years, by

47 August first following the third such school year, the commissioner of education shall present
48 a plan to the superintendent of the school district in which such school is located for the waiver
49 of rules and regulations to promote flexibility in the operations of the school and to enhance and
50 encourage efficiency in the delivery of instructional services in the school. The provisions of
51 other law to the contrary notwithstanding, the plan presented to the superintendent shall provide
52 a summary waiver, with no conditions, for the pupil testing requirements pursuant to section
53 160.257 in the school. Further, the provisions of other law to the contrary notwithstanding, the
54 plan shall detail a means for the waiver of requirements otherwise imposed on the school related
55 to the authority of the state board of education to classify school districts pursuant to subdivision
56 (9) of section 161.092, RSMo, and such other rules and regulations as determined by the
57 commissioner of education, except such waivers shall be confined to the school and not other
58 schools in the school district unless such other schools meet the requirements of this subsection.
59 However, any waiver provided to any school as outlined in this subsection shall be void on June
60 thirtieth of any school year in which the school fails to meet the requirements for the approval
61 of the grants authorized by this section as specified in subsection 2 of this section.

62 6. For any school year, grants authorized by subsections 1 to 3 of this section shall be
63 funded with the amount appropriated for this program, less those funds necessary to reimburse
64 eligible students pursuant to subsection 7 of this section.

65 7. The commissioner of education shall, by rule and regulation of the state board of
66 education and with the advice of the coordinating board for higher education, establish a
67 procedure for the reimbursement of the cost of tuition, books and fees to any public community
68 college or vocational or technical school or within the limits established in subsection 9 of this
69 section for any two-year private vocational or technical school for any student:

70 (1) Who has attended a public high school in the state for at least three years immediately
71 prior to graduation that meets the requirements of subsection 2 of this section, except that
72 students who are active duty military dependents who, in the school year immediately preceding
73 graduation, meet all other requirements of this subsection and are attending a school that meets
74 the requirements of subsection 2 of this section shall be exempt from the three-year attendance
75 requirement of this subdivision; and

76 (2) Who has made a good faith effort to first secure all available federal sources of
77 funding that could be applied to the reimbursement described in this subsection; and

78 (3) Who has earned a minimal grade average while in high school as determined by rule
79 of the state board of education, and other requirements for the reimbursement authorized by this
80 subsection as determined by rule and regulation of said board.

81 8. The commissioner of education shall develop a procedure for evaluating the
82 effectiveness of the program described in this section. Such evaluation shall be conducted
83 annually with the results of the evaluation provided to the governor, speaker of the house, and
84 president pro tempore of the senate.

85 9. For a two-year private vocational or technical school to obtain reimbursements under
86 subsection 7 of this section, the following requirements shall be satisfied:

87 (1) Such two-year private vocational or technical school shall be a member of the North
88 Central Association and be accredited by the Higher Learning Commission as of July 1, 2008,
89 and maintain such accreditation;

90 (2) Such two-year private vocational or technical school shall be designated as a
91 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as amended;

92 (3) No two-year private vocational or technical school shall receive tuition
93 reimbursements in excess of the tuition rate charged by a public community college for course
94 work offered by the private vocational or technical school within the service area of such college;
95 and

96 (4) The reimbursements provided to any two-year private vocational or technical school
97 shall not violate the provisions of article IX, section 8, or article I, section 7, of the Missouri
98 Constitution or the first amendment of the United States Constitution.

 161.209. **1.** The department of elementary and secondary education has an affirmative
2 duty to seek comment on its rules, regulations, and policies after their final approval or
3 implementation. The department shall undertake such review on existing rules, regulations, and
4 policies on an ad hoc, periodic basis with a priority given to such rules, regulations, and policies
5 that could successfully be revised without affecting student achievement to accommodate periods
6 when there is no increase in the appropriation for basic state aid funding pursuant to section
7 163.031, RSMo, from one fiscal year to the next or when withholdings of appropriated funds
8 result in a situation equivalent to no increase in such appropriation.

9 **2.** For fiscal years 2011, 2012, and 2013, if the appropriation for subsections 1 and
10 **2 of section 163.031 is less than the annualized calculation of the amount needed for the**
11 **phase-in required under subsection 4 for that fiscal year or the appropriation for**
12 **transportation as provided in subsection 3 of section 163.031 is funded at a level that**
13 **provides less than seventy-five percent of allowable costs, the department shall not penalize**
14 **any district undergoing its accreditation review for a failure to meet resource standards**
15 **under the Missouri school improvement plan. If the governor withholds funds for the**
16 **school funding formula basic apportionment under section 163.031 in fiscal years 2011,**
17 **2012, and 2013, school districts undergoing accreditation review in the fiscal year following**

18 **the fiscal year of withholding shall not be penalized for failure to meet resource standards**
19 **under the Missouri school improvement plan.**

**162.014. In order to qualify for election, a candidate for a membership on a school
2 board shall provide documentation to the election authority to demonstrate that the
3 candidate does not have disqualifying information on the family care safety registry and
4 does not have any substantiated claims of child abuse on the central child abuse registry.**

163.021. 1. A school district shall receive state aid for its education program only if it:
2 (1) Provides for a minimum of [one hundred seventy-four days and one thousand
3 forty-four hours of] actual pupil attendance in a term scheduled by the board pursuant to section
4 [160.041] **160.011**, RSMo, for each pupil or group of pupils, except that the board shall provide
5 a minimum of [one hundred seventy-four days and five hundred twenty-two] **one-half the**
6 **number of required** hours of actual pupil attendance in a term for kindergarten pupils[. If any
7 school is dismissed because of inclement weather after school has been in session for three
8 hours, that day shall count as a school day including afternoon session kindergarten students.
9 When the aggregate hours lost in a term due to inclement weather decreases the total hours of
10 the school term below the required minimum number of hours by more than twelve hours for
11 all-day students or six hours for one-half-day kindergarten students, all such hours below the
12 minimum must be made up in one-half day or full day additions to the term, except as provided
13 in section 171.033, RSMo];

14 (2) Maintains adequate and accurate records of attendance, personnel and finances, as
15 required by the state board of education, which shall include the preparation of a financial
16 statement which shall be submitted to the state board of education the same as required by the
17 provisions of section 165.111, RSMo, for districts;

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

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

27 2. For the 2006-07 school year and thereafter, no school district shall receive more state
28 aid, as calculated under subsections 1 and 2 of section 163.031, for its education program,
29 exclusive of categorical add-ons, than it received per weighted average daily attendance for the

30 school year 2005-06 from the foundation formula, line 14, gifted, remedial reading, exceptional
31 pupil aid, fair share, and free textbook payment amounts, unless it has an operating levy for
32 school purposes, as determined pursuant to section 163.011, of not less than two dollars and
33 seventy-five cents after all adjustments and reductions. Any district which is required, pursuant
34 to article X, section 22 of the Missouri Constitution, to reduce its operating levy below the
35 minimum tax rate otherwise required under this subsection shall not be construed to be in
36 violation of this subsection for making such tax rate reduction. Pursuant to section 10(c) of
37 article X of the state constitution, a school district may levy the operating levy for school
38 purposes required by this subsection less all adjustments required pursuant to article X, section
39 22 of the Missouri Constitution if such rate does not exceed the highest tax rate in effect
40 subsequent to the 1980 tax year. Nothing in this section shall be construed to mean that a school
41 district is guaranteed to receive an amount not less than the amount the school district received
42 per eligible pupil for the school year 1990-91. The provisions of this subsection shall not apply
43 to any school district located in a county of the second classification which has a nuclear power
44 plant located in such district or to any school district located in a county of the third classification
45 which has an electric power generation unit with a rated generating capacity of more than one
46 hundred fifty megawatts which is owned or operated or both by a rural electric cooperative
47 except that such school districts may levy for current school purposes and capital projects an
48 operating levy not to exceed two dollars and seventy-five cents less all adjustments required
49 pursuant to article X, section 22 of the Missouri Constitution.

50 3. No school district shall receive more state aid, as calculated in section 163.031, for
51 its education program, exclusive of categorical add-ons, than it received per eligible pupil for the
52 school year 1993-1994, if the state board of education determines that the district was not in
53 compliance in the preceding school year with the requirements of section 163.172, until such
54 time as the board determines that the district is again in compliance with the requirements of
55 section 163.172.

56 4. No school district shall receive state aid, pursuant to section 163.031, if such district
57 was not in compliance, during the preceding school year, with the requirement, established
58 pursuant to section 160.530, RSMo, to allocate revenue to the professional development
59 committee of the district.

60 5. No school district shall receive more state aid, as calculated in subsections 1 and 2 of
61 section 163.031, for its education program, exclusive of categorical add-ons, than it received per
62 weighted average daily attendance for the school year 2005-06 from the foundation formula, line
63 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment

64 amounts, if the district did not comply in the preceding school year with the requirements of
65 subsection 6 of section 163.031.

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

**163.410. 1. Notwithstanding the provisions of section 163.021 and subsection 6 of
2 section 163.031, in fiscal years 2011, 2012, and 2013, if the appropriation for subsections
3 1 and 2 of section 163.031 is less than the annualized calculation of the amount needed for
4 the phase-in required under subsection 4 for that fiscal year or the appropriation for
5 transportation as provided in subsection 3 of section 163.031 is funded at a level that
6 provides less than seventy-five percent of allowable costs school districts shall be excused
7 from compliance with:**

8 **(1) Spending funds for professional development as required under subsection 1
9 of section 160.530; and**

10 **(2) The fund placement and expenditure requirements of subsection 6 of section
11 163.031.**

12 **2. If the governor withholds funds for the school funding formula basic
13 apportionment under section 163.031 in fiscal years 2011, 2012, and 2013, school districts
14 shall be excused from compliance with the sections listed in subsection 1 of this section in
15 the following fiscal year.**

16 **3. Notwithstanding any other provisions of law applicable to categorical funds
17 awarded under subsection 3 of section 163.031, for the fiscal years 2011, 2012, and 2013,
18 school districts may expend up to ten percent of the amount of their categorical payments
19 for expenses not attributable to the specific categorical except that such expenditure shall
20 not affect federal funds.**

165.011. 1. The following funds are created for the accounting of all school moneys:
2 teachers' fund, incidental fund, capital projects fund and debt service fund. The treasurer of the
3 school district shall open an account for each fund specified in this section, and all moneys
4 received from the county school fund and all moneys derived from taxation for teachers' wages
5 shall be placed to the credit of the teachers' fund. All tuition fees, state moneys received under
6 section 163.031, RSMo, and all other moneys received from the state except as herein provided

7 shall be placed to the credit of the teachers' and incidental funds at the discretion of the district
8 board of education, except as provided in subsection 6 of section 163.031, RSMo. Money
9 received from other districts for transportation and money derived from taxation for incidental
10 expenses shall be credited to the incidental fund. All money derived from taxation or received
11 from any other source for the erection of buildings or additions thereto and the remodeling or
12 reconstruction of buildings and the furnishing thereof, for the payment of lease-purchase
13 obligations, for the purchase of real estate, or from sale of real estate, schoolhouses or other
14 buildings of any kind, or school furniture, from insurance, from sale of bonds other than
15 refunding bonds shall be placed to the credit of the capital projects fund. All moneys derived
16 from the sale or lease of sites, buildings, facilities, furnishings, and equipment by a school
17 district as authorized under section 177.088, RSMo, shall be credited to the capital projects fund.
18 Money derived from taxation for the retirement of bonds and the payment of interest thereon
19 shall be credited to the debt service fund, which shall be maintained as a separate bank account.
20 Receipts from delinquent taxes shall be allocated to the several funds on the same basis as
21 receipts from current taxes, except that where the previous years' obligations of the district would
22 be affected by such distribution, the delinquent taxes shall be distributed according to the tax
23 levies made for the years in which the obligations were incurred. All refunds received shall be
24 placed to the credit of the fund from which the original expenditures were made. Money donated
25 to the school districts shall be placed to the credit of the fund where it can be expended to meet
26 the purpose for which it was donated and accepted. Money received from any other source
27 whatsoever shall be placed to the credit of the fund or funds designated by the board.

28 2. The school board may transfer any portion of the unrestricted balance remaining in
29 the incidental fund to the teachers' fund. Any district that uses an incidental fund transfer to pay
30 for more than twenty-five percent of the annual certificated compensation obligation of the
31 district and has an incidental fund balance on June thirtieth in any year in excess of fifty percent
32 of the combined incidental teachers' fund expenditures for the fiscal year just ended shall be
33 required to transfer the excess from the incidental fund to the teachers' fund. If a balance remains
34 in the debt service fund, after the total outstanding indebtedness for which the fund was levied
35 is paid, the board may transfer the unexpended balance to the capital projects fund. If a balance
36 remains in the bond proceeds after completion of the project for which the bonds were issued,
37 the balance shall be transferred from the incidental or capital projects fund to the debt service
38 fund. After making all placements of interest otherwise provided by law, a school district may
39 transfer from the capital projects fund to the incidental fund the interest earned from
40 undesignated balances in the capital projects fund. A school district may borrow from one of the
41 following funds: teachers' fund, incidental fund, or capital projects fund, as necessary to meet

42 obligations in another of those funds; provided that the full amount is repaid to the lending fund
43 within the same fiscal year.

44 3. Tuition shall be paid from either the teachers' or incidental funds. Employee benefits
45 for certificated staff shall be paid from the teachers' fund.

46 4. Other provisions of law to the contrary notwithstanding, the school board of a school
47 district that meets the provisions of subsection 6 of section 163.031, RSMo, may transfer from
48 the incidental fund to the capital projects fund the sum of:

49 (1) The amount to be expended for transportation equipment that is considered an
50 allowable cost under state board of education rules for transportation reimbursements during the
51 current year; plus

52 (2) Any amount necessary to satisfy obligations of the capital projects fund for
53 state-approved area vocational-technical schools; plus

54 (3) Current year obligations for lease-purchase obligations entered into prior to January
55 1, 1997; plus

56 (4) The amount necessary to repay costs of one or more guaranteed energy savings
57 performance contracts to renovate buildings in the school district, provided that the contract is
58 only for energy conservation measures as defined in section 640.651, RSMo, and provided that
59 the contract specifies that no payment or total of payments shall be required from the school
60 district until at least an equal total amount of energy and energy-related operating savings and
61 payments from the vendor pursuant to the contract have been realized by the school district; plus

62 (5) An amount not to exceed the greater of:

63 (a) One hundred sixty-two thousand three hundred twenty-six dollars; or

64 (b) Seven percent of the state adequacy target multiplied by the district's weighted
65 average daily attendance, provided that transfer amounts in excess of current year obligations of
66 the capital projects fund authorized under this subdivision may be transferred only by a
67 resolution of the school board approved by a majority of the board members in office when the
68 resolution is voted on and identifying the specific capital projects to be funded directly by the
69 district by the transferred funds and an estimated expenditure date.

70 5. Beginning in the 2006-07 school year, a district meeting the provisions of subsection
71 6 of section 163.031, RSMo, and not making the transfer under subdivision (5) of subsection 4
72 of this section, nor making payments or expenditures related to obligations made under section
73 177.088, RSMo, may transfer from the incidental fund to the debt service fund or the capital
74 projects fund the greater of:

75 (1) The state aid received in the 2005-06 school year as a result of no more than eighteen
76 cents of the sum of the debt service and capital projects levy used in the foundation formula and

77 placed in the respective debt service or capital projects fund, whichever fund had the designated
78 tax levy; or

79 (2) Five percent of the state adequacy target multiplied by the district's weighted average
80 daily attendance.

81 6. Beginning in the 2006-07 school year, the department of elementary and secondary
82 education shall deduct from a school district's state aid calculated pursuant to section 163.031,
83 RSMo, an amount equal to the amount of any transfer of funds from the incidental fund to the
84 capital projects fund or debt service fund performed during the previous year in violation of this
85 section; except that the state aid shall be deducted over no more than five school years following
86 the school year of an unlawful transfer based on a plan from the district approved by the
87 commissioner of elementary and secondary education.

88 7. A school district may transfer unrestricted funds from the capital projects fund to the
89 incidental fund in any year in which that year's June thirtieth combined incidental and teachers'
90 funds unrestricted balance compared to the combined incidental and teachers' funds expenditures
91 would be less than ten percent without such transfer.

92 **8. During fiscal years 2011, 2012, and 2013, a school district having unobligated**
93 **funds in its capital projects fund may make one transfer per fiscal year up to the amount**
94 **of unobligated funds from its capital projects fund to its incidental fund upon adoption of**
95 **a resolution by the board of education noting the financial condition of the district and the**
96 **purposes of the transfer.**

167.128. 1. Notwithstanding the provisions of section 167.121, a student who rides
2 **a bus to a school in his or her district of residence with a travel time of more than one hour**
3 **each way may, with the approval of the receiving district, enroll in the receiving district**
4 **to attend a school if the travel time to that school is one-half or less of the travel time to the**
5 **school in the student's residence district.**

6 **2. The state aid generated by a student under subsection 1 of this section shall be**
7 **awarded to the receiving district.**

8 **3. The receiving district may provide transportation to a student under subsection**
9 **1 of this section within the boundaries of the receiving district.**

168.104. The following words and phrases when used in sections 168.102 to 168.130,
2 except in those instances where the context indicates otherwise, mean:

3 (1) "Board of education", the school board or board of directors of a school district,
4 except a metropolitan school district, having general control of the affairs of the district;

5 (2) "Demotion", any reduction in salary or transfer to a position carrying a lower salary,
6 except on request of a teacher, other than any change in salary applicable to all teachers or all
7 teachers in a classification;

8 (3) "Indefinite contract", every contract heretofore or hereafter entered into between a
9 school district and a permanent teacher;

10 (4) "Permanent teacher", any teacher who has been employed or who is hereafter
11 employed as a teacher in the same school district for five successive years and who has continued
12 or who thereafter continues to be employed as a teacher by the school district or any supervisor
13 of teachers who was employed as a teacher in the same school district for at least five successive
14 years prior to becoming a supervisor of teachers and who continues thereafter to be employed
15 as a certificated employee by the school district; except that, when a permanent teacher resigns
16 or is permanently separated from employment by a school district, and is afterwards reemployed
17 by the same school district, reemployment for the first school year does not constitute an
18 indefinite contract but if he is employed for the succeeding year, the employment constitutes an
19 indefinite contract; and except that any teacher employed under a part-time contract by a school
20 district shall accrue credit toward permanent status on a prorated basis. Any permanent teacher
21 who is promoted with his consent to a supervisory position including principal or assistant
22 principal, or is first employed by a district in a supervisory position including principal or
23 assistant principal, shall not have permanent status in such position but shall retain tenure in the
24 position previously held within the district, or, after serving two years as principal or assistant
25 principal, shall have tenure as a permanent teacher of that system;

26 (5) "Probationary teacher", any teacher as herein defined who has been employed in the
27 same school district for five successive years or less. In the case of any probationary teacher who
28 has been employed in any other school system as a teacher for two or more years, the board of
29 education shall waive one year of his probationary period;

30 (6) "School district", every school district in this state, except metropolitan school
31 district as defined in section 162.571, RSMo;

32 (7) "Teacher", any employee of a school district, except a metropolitan school district,
33 regularly required to be certified under laws relating to the certification of teachers, except
34 superintendents and assistant superintendents but including certified teachers who teach at the
35 prekindergarten level in a nonmetropolitan public school within a prekindergarten program [in
36 which no fees are charged to parents or guardians] **and are paid on a school district salary**
37 **schedule.**

168.106. The contract between a school district and a permanent teacher shall be known
2 as an indefinite contract and shall continue in effect for an indefinite period, subject only to:

- 3 (1) Compulsory or optional retirement when the teacher reaches the age of retirement
4 provided by law, or regulation established by the local board of education;
- 5 (2) Modification by a succeeding indefinite contract or contracts in the manner
6 hereinafter provided;
- 7 (3) The death of the teacher;
- 8 (4) Resignation of the teacher with the written consent of the school board;
- 9 (5) Termination by the board of education after a hearing as hereinafter provided; [and]
- 10 (6) The revocation of the teacher's certificate; **and**
- 11 (7) **A decision by the teacher to follow the teacher choice compensation package**
12 **under sections 168.745 to 168.750 in a district and give up the right to an indefinite**
13 **contract.**

- 168.110. 1. The board of education of a school district may modify an indefinite
2 contract annually on or before the fifteenth day of May in the following particulars:
- 3 (1) Determination of the date of beginning and length of the next school year; **and**
- 4 (2) Fixing the amount of annual compensation for the following school year as provided by
5 the salary schedule adopted by the board of education applicable to all teachers, **which schedule**
6 **may contain elements in addition to highest degree held and years of service as long as such**
7 **elements are equitably compensated among teachers covered by those elements, which may**
8 **include but are not limited to additional areas of certification, certification in high need**
9 **subjects, additional duty pay for serving as a mentor or master teacher, and demonstrated**
10 **ability to improve student learning performance.**
- 11 2. The modifications shall be effective at the beginning of the next school year. All
12 teachers affected by the modification shall be furnished written copies of the modifications
13 within thirty days after their adoption by the board of education.

- 168.221. 1. The first five years of employment of all teachers entering the employment
2 of the metropolitan school district shall be deemed a period of probation during which period all
3 appointments of teachers shall expire at the end of each school year. During the probationary
4 period any probationary teacher whose work is unsatisfactory shall be furnished by the
5 superintendent of schools with a written statement setting forth the nature of his incompetency.
6 If improvement satisfactory to the superintendent is not made within one semester after the
7 receipt of the statement, the probationary teacher shall be dismissed. The semester granted the
8 probationary teacher in which to improve shall not in any case be a means of prolonging the
9 probationary period beyond five years and six months from the date on which the teacher entered
10 the employ of the board of education. The superintendent of schools on or before the fifteenth
11 day of April in each year shall notify probationary teachers who will not be retained by the

12 school district of the termination of their services. Any probationary teacher who is not so
13 notified shall be deemed to have been appointed for the next school year. Any principal who
14 prior to becoming a principal had attained permanent employee status as a teacher shall upon
15 ceasing to be a principal have a right to resume his or her permanent teacher position with the
16 time served as a principal being treated as if such time had been served as a teacher for the
17 purpose of calculating seniority and pay scale. The rights and duties and remuneration of a
18 teacher who was formerly a principal shall be the same as any other teacher with the same level
19 of qualifications and time of service.

20 2. After completion of satisfactory probationary services, appointments of teachers shall
21 become permanent, subject to removal for any one or more causes herein described and to the
22 right of the board to terminate the services of all who attain the age of compulsory retirement
23 fixed by the retirement system. In determining the duration of the probationary period of
24 employment in this section specified, the time of service rendered as a substitute teacher shall
25 not be included.

26 3. No teacher whose appointment has become permanent may be removed except for one
27 or more of the following causes: immorality, inefficiency in line of duty, violation of the
28 published regulations of the school district, violation of the laws of Missouri governing the
29 public schools of the state, or physical or mental condition which incapacitates him for
30 instructing or associating with children, and then only by a vote of not less than a majority of all
31 the members of the board, upon written charges presented by the superintendent of schools, to
32 be heard by the board after thirty days' notice, with copy of the charges served upon the person
33 against whom they are preferred, who shall have the privilege of being present **at the hearing,**
34 together with counsel, offering evidence and making defense thereto. Notifications received by
35 an employee during a vacation period shall be considered as received on the first day of the
36 school term following. At the request of any person so charged the hearing shall be public.
37 **During anytime in which powers granted to the district's board of education are vested in**
38 **a special administrative board, the special administrative board may appoint a hearing**
39 **officer to conduct the hearing. The hearing officer shall conduct the hearing as a contested**
40 **case under chapter 536 and shall issue a written recommendation to the board rendering**
41 **the charges against the teacher. The board shall render a decision on the charges upon the**
42 **review of the hearing officer's recommendations and the record from the hearing.** The
43 action and decision of the board upon the charges shall be final. Pending the hearing of the
44 charges, the person charged may be suspended if the rules of the board so prescribe, but in the
45 event the board does not by a majority vote of all the members remove the teacher upon charges
46 presented by the superintendent, the person shall not suffer any loss of salary by reason of the

47 suspension. Inefficiency in line of duty is cause for dismissal only after the teacher has been
48 notified in writing at least one semester prior to the presentment of charges against him by the
49 superintendent. The notification shall specify the nature of the inefficiency with such
50 particularity as to enable the teacher to be informed of the nature of his inefficiency.

51 4. No teacher whose appointment has become permanent shall be demoted nor shall his
52 salary be reduced unless the same procedure is followed as herein stated for the removal of the
53 teacher because of inefficiency in line of duty, and any teacher whose salary is reduced or who
54 is demoted may waive the presentment of charges against him by the superintendent and a
55 hearing thereon by the board. The foregoing provision shall apply only to permanent teachers
56 prior to the compulsory retirement age under the retirement system. Nothing herein contained
57 shall in any way restrict or limit the power of the board of education to make reductions in the
58 number of teachers or principals, or both, because of insufficient funds, decrease in pupil
59 enrollment, or abolition of particular subjects or courses of instruction, except that the abolition
60 of particular subjects or courses of instruction shall not cause those teachers who have been
61 teaching the subjects or giving the courses of instruction to be placed on leave of absence as
62 herein provided who are qualified to teach other subjects or courses of instruction, if positions
63 are available for the teachers in the other subjects or courses of instruction.

64 5. Whenever it is necessary to decrease the number of teachers because of insufficient
65 funds or a substantial decrease of pupil population within the school district, the board of
66 education upon recommendation of the superintendent of schools may cause the necessary
67 number of teachers beginning with those serving probationary periods to be placed on leave of
68 absence without pay, but only in the inverse order of their appointment. Nothing herein stated
69 shall prevent a readjustment by the board of education of existing salary schedules. No teacher
70 placed on a leave of absence shall be precluded from securing other employment during the
71 period of the leave of absence. Each teacher placed on leave of absence shall be reinstated in
72 inverse order of his placement on leave of absence. Such reemployment shall not result in a loss
73 of status or credit for previous years of service. No new appointments shall be made while there
74 are available teachers on leave of absence who are seventy years of age or less and who are
75 adequately qualified to fill the vacancy unless the teachers fail to advise the superintendent of
76 schools within thirty days from the date of notification by the superintendent of schools that
77 positions are available to them that they will return to employment and will assume the duties
78 of the position to which appointed not later than the beginning of the school year next following
79 the date of the notice by the superintendent of schools.

80 6. If any regulation which deals with the promotion of teachers is amended by increasing
81 the qualifications necessary to be met before a teacher is eligible for promotion, the amendment

82 shall fix an effective date which shall allow a reasonable length of time within which teachers
83 may become qualified for promotion under the regulations.

84 7. A teacher whose appointment has become permanent may give up the right to a
85 permanent appointment to participate in the teacher choice compensation package under sections
86 168.745 to 168.750.

168.745. 1. There is hereby created the "Teacher Choice Compensation Package" to
2 permit performance-based salary stipends upon the decision of the teacher [in a metropolitan
3 school district] as described in section 168.747 to reward teachers for objectively demonstrated
4 superior performance.

5 2. There is hereby created the "Teacher Choice Compensation Fund" in the state treasury.
6 The fund shall be administered by the department of elementary and secondary education. The
7 state treasurer shall be custodian of the fund and may approve disbursements from the fund in
8 accordance with sections 30.170 and 30.180, RSMo.

9 3. The teacher choice compensation fund shall consist of all moneys transferred to it
10 under this section, and all moneys otherwise appropriated to or donated to it. Notwithstanding
11 the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at
12 the end of the biennium shall not revert to the credit of the general revenue fund. The state
13 treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any
14 interest and moneys earned on such investments shall be credited to the fund.

15 4. The general assembly shall annually appropriate five million dollars to the fund
16 created in this section.

168.747. 1. To be eligible for the teacher choice compensation package **in a**
2 **metropolitan school district**, all classroom personnel [in a metropolitan school district] reported
3 as a code forty, fifty, or sixty through the core data system of the department of elementary and
4 secondary education shall opt out of his or her indefinite contract under section 168.221 for the
5 duration of employment with the district. A teacher may decide to end his or her eligibility for
6 the teacher choice stipend but may not resume permanent teacher status with that district. A
7 probationary teacher may opt out of consideration for a permanent contract in the second or
8 subsequent years of employment by the district to participate in the teacher choice compensation
9 package but may not return to permanent status in that district or resume the process for
10 qualification for an indefinite contract in that district. A teacher who has chosen the teacher
11 choice compensation package and changes employment to another district may choose to resume
12 the process for qualification for an indefinite contract in that district[. The teacher choice
13 compensation package shall only be available for teachers in a metropolitan school district] **or**
14 **may choose to remain in the teacher choice compensation package of the district, provided**

15 the district's board of education has resolved, by majority vote, to allow classroom
16 personnel to participate.

17 2. To be eligible for the teacher choice compensation package in a seven director
18 or urban school district, the adoption of a resolution by the vote of a majority of the
19 members of the board of education shall be required. If such a vote occurs in a seven
20 director or urban school district, classroom personnel reported as a code forty, fifty, or
21 sixty through the core data system of the department of elementary and secondary
22 education shall opt out of his or her indefinite contract under section 168.106 for the
23 duration of employment with the district. A teacher may decide to end his or her eligibility
24 for the teacher choice stipend but may not resume permanent teacher status with that
25 district. A probationary teacher may opt out of consideration for a permanent contract
26 in the second or subsequent years of employment by the district to participate in the
27 teacher choice compensation package but may not return to permanent status in that
28 district or resume the process for qualification for an indefinite contract in that district.
29 A teacher who has chosen the teacher choice compensation package and changes
30 employment to another district may choose to resume the process for qualification for an
31 indefinite contract in that district or:

32 (1) If the new district of employment is a metropolitan school district, may choose
33 to remain in the teacher choice compensation package; or

34 (2) If the new district of employment is a seven director or urban school district,
35 may choose to remain in the teacher choice compensation package, provided the district's
36 board of education has resolved by majority vote to allow classroom personnel to
37 participate.

38 3. Teachers shall qualify annually in October for the stipends described in section
39 168.749. Stipends shall be offered [in five thousand dollar increments,] up to fifteen thousand
40 dollars, but shall not exceed fifty percent of a teacher's base salary, before deductions for
41 retirement but including designated pay for additional duties such as coaching, sponsoring, or
42 mentoring. Any stipend received under section 168.749 shall be in addition to the base salary
43 to which the teacher would otherwise be entitled. Teachers receiving the stipend shall receive
44 any pay and benefits received by teachers of similar training, experience, and duties. Such
45 stipends shall not be considered compensation for retirement purposes.

46 [3.] 4. Subject to appropriation, the department of elementary and secondary education
47 shall make a payment to the district in the amount of the stipend, to be delivered as a lump sum
48 in January following the October of qualification. If the amount appropriated is not enough to

49 fund the total of five thousand dollar increment payments, the department may prorate the
50 payments.

51 [4.] 5. Every person employed by the district in a teaching position, regardless of the
52 certification status of the person, who qualifies under any of the indicators listed in section
53 168.749 is eligible for the teacher choice compensation package. Teachers who are employed
54 less than full-time are eligible for teacher choice stipends on a prorated basis. Any teacher who
55 is dismissed for cause who has otherwise qualified for a teacher choice stipend shall forfeit the
56 stipend for that year.

**171.015. 1. The board of education of any school district, upon adoption of a
2 resolution by the vote of a majority of all its members to authorize such action, may adopt
3 a year-round educational program for the public schools of the school district. The vote
4 shall take place at a public meeting of the board of education.**

5 **2. The school calendar for a school district that has adopted a year-round
6 educational program shall include an opening date and ending date for the school year.**

7 **3. Upon adoption of a year-round educational program, the board of education
8 shall notify the commissioner of education within seven business days.**

9 **4. Any school district that adopts a year-round educational program shall meet all
10 other educational requirements.**

11 **5. For purposes of this section, the term "year-round educational program" shall
12 mean an educational program in which all students attend school no fewer than the
13 number of days required for a school term, as provided in subdivision (9) of section
14 160.011, between July 1 and June 30 of each school year and in which no vacation,
15 including summer, lasts more than four weeks.**

**171.017. 1. The board of education of any school district, upon adoption of a
2 resolution by the vote of a majority of all its members to authorize such action, may offer
3 two start dates for kindergarten for children who have attained the statutorily required
4 age of eligibility for kindergarten. The school district may group children according to
5 their date of birth to begin kindergarten on one of the start dates.**

6 **2. Any school district that adopts such a resolution shall offer:**

7 **(1) One start date for kindergarten that occurs on the opening date of the school
8 year; and**

9 **(2) One start date for kindergarten that occurs approximately halfway through the
10 school year.**

11 **3. Any school district that adopts such a resolution shall allow parents to have their
12 child or children start kindergarten on the start date of choice.**

171.031. 1. Each school board shall prepare annually a calendar for the school term, specifying the opening date and providing a minimum term of [at least one hundred seventy-four days for schools with a five-day school week or one hundred forty-two days for schools with a four-day school week, and one thousand forty-four hours of] **hours of** actual pupil attendance **as required under section 160.011**. [In addition, such calendar shall include six make-up days for possible loss of attendance due to inclement weather as defined in subsection 1 of section 171.033.]

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

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

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

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

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

7. No school day [for schools with a five-day school week] shall be longer than [seven] **eight** hours [except for vocational schools which may adopt an eight-hour day in a metropolitan school district and a school district in a first class county adjacent to a city not within a county, and any school that adopts a four-day school week in accordance with section 171.029].

171.033. 1. "Inclement weather", for purposes of this section, shall be defined as ice,
2 snow, extreme cold, flooding, or a tornado, but such term shall not include excessive heat.

3 2. A district shall be required to make up the first [six days] **thirty-six hours** of school
4 lost or canceled due to inclement weather and half the number of [days] **hours** lost or canceled
5 in excess of [six days] **thirty-six hours** if the makeup [of the days] is necessary to ensure that
6 the district's students will attend [a] **the** minimum [of one hundred forty-two days and a
7 minimum of one thousand forty-four] hours for the school year **as required in section 160.011**
8 [except as otherwise provided in this section. Schools with a four-day school week may schedule
9 such make-up days on Fridays].

10 3. [In the 2008-09 school year a school district may be exempt from the requirement to
11 make up days of school lost or canceled due to inclement weather in the school district when the
12 school district has made up the six days required under subsection 2 of this section and half the
13 number of additional lost or canceled days up to eight days, resulting in no more than ten total
14 make-up days required by this section.

15 4. In the 2009-10 school year and subsequent years,] A school district may be exempt
16 from the requirement to make up [days of] school lost or canceled due to inclement weather in
17 the school district when the school district has made up the [six days] **thirty-six hours** required
18 under subsection 2 of this section and half the number of additional lost or canceled [days] **hours**
19 up to [eight days] **forty-eight hours**, resulting in no more than [ten] **sixty** total make-up [days]
20 **hours** required by this section.

21 5. The commissioner of education may provide, for any school district in which schools
22 are in session for twelve months of each calendar year that cannot meet the minimum school
23 calendar requirement [of at least one hundred seventy-four days for schools with a five-day
24 school week or one hundred forty-two days for schools with a four-day school week and one
25 thousand forty-four hours of] **for hours of** actual pupil attendance **as required under section**
26 **160.011**, upon request, a waiver to be excused from such requirement. This waiver shall be
27 requested from the commissioner of education and may be granted if the school was closed due
28 to circumstances beyond school district control, including inclement weather, flooding or fire.

177.161. In metropolitan school districts, all contracts for the erection of school
2 buildings and all contracts for repairs and alterations or additions to school property or materials,
3 equipment or apparatus to be furnished exceeding the sum of [five] **fifteen** thousand dollars shall
4 be made by the board of education, after public letting, to the lowest responsible bidder
5 complying with the terms of the letting. The necessary specifications and drawings shall be
6 prepared for all such work, and bids therefor shall be solicited by advertisement as the board of
7 education provides. No bid shall be entertained by the board of education which is not made in

8 accordance with the specifications and drawings furnished and all contracts shall be let to the
9 lowest responsible bidder complying with the terms of the letting. The board of education shall
10 have the right to reject any and all bids. Contracts involving the expenditure of less than [five]
11 **fifteen** thousand dollars for work to be done and materials or equipment to be furnished may be
12 made directly by the superintendent of schools, or by the other officer or employee of the board
13 of education that he designates with the approval of the board, without public letting and without
14 advertising for or inviting bids. The board of education may, however, use its own employees
15 to alter, maintain and repair school buildings, to maintain and repair apparatus or equipment, or
16 to make improvements of school grounds without the letting of contracts whenever the total cost
17 of labor on the job does not exceed the amount of [twenty] **fifteen** thousand dollars.

177.171. The board of education shall cause advertisements to be made under regulations
2 that it provides for proposals for furnishing the supplies required in the schools and by the board.
3 Every contract shall be awarded to the lowest responsible bidder complying with the terms of
4 the letting; but the board shall have and reserve the right to reject any and all bids. The board
5 may authorize the purchase of supplies not exceeding [five] **fifteen** thousand dollars in amount
6 without letting of contract. The board shall make distribution of supplies through the agencies
7 and in the manner that it deems proper. The board may contract for textbooks or school
8 apparatus for such term of years as it deems proper. **Upon approval of the board, contracts**
9 **involving the expenditures of less than fifteen thousand dollars for supplies may be made**
10 **directly by the superintendent of schools, or by the other officer or employee of the board**
11 **of education that said superintendent designates, with approval of the board, without**
12 **public letting and without advertising for or inviting bids.**

178.697. 1. Funding for sections 178.691 to 178.699 shall be made available pursuant
2 to section 163.031, RSMo, and shall be subject to appropriations made for this purpose.

3 2. Costs of contractual arrangements shall be the obligation of the school district of
4 residence of each preschool child. Costs of contractual arrangements shall not exceed an amount
5 equal to an amount reimbursable to the school districts under the provisions of sections 178.691
6 to 178.699. [No program shall be approved or contract entered into which requires any additional
7 payment by participants or their parents or guardians.]

8 3. Payments for participants for programs outlined in section 178.693 shall be uniform
9 for all districts or public agencies.

10 **4. Families with children under the age of kindergarten entry shall be eligible to**
11 **receive annual health and development screenings and parents shall be eligible to receive**
12 **prenatal visits under sections 178.691 to 178.699. Priority for Parents as Teachers service**
13 **delivery, which includes but is not limited to home visits, group meetings, screenings and**

14 service referrals, delivery shall be given to high needs families in accordance with criteria
15 set forth by the department of elementary and secondary education. Local school districts
16 may establish cost sharing strategies to supplement funding for Parents as Teachers
17 program services. The provisions of this subsection shall expire on December 31, 2015
18 unless reauthorized by an act of the general assembly.

Section 1. For school districts that levy separate tax rates on each subclass of real
2 property and personal property in the aggregate, if voters approve a ballot prior to August
3 28, 2010 that presents separate stated tax rates to be applied to the different subclasses of
4 real property and personal property in the aggregate, or increases the separate rates that
5 may be levied on the different subclasses of real property and personal property in the
6 aggregate by different amounts, then the tax rate that shall be used for the single rate
7 calculation under subsection 2 of section 137.073 shall be a blended rate, which shall be
8 calculated in the manner described in subdivision (1) of subsection 6 of section 137.073.

Section 2. 1. For each school year beginning July 1, 2010, the department of social
2 services shall provide all state licensed child-care providers who receive state or federal
3 funds under section 210.027 and all public school districts in this state with written
4 information regarding eligibility criteria and application procedures for the state
5 children's health insurance program (SCHIP) authorized in sections 208.631 to 208.657,
6 to be distributed by the child-care providers or school districts to parents and guardians
7 at the time of enrollment of their children in child-care or school, as applicable.

8 2. The department of elementary and secondary education shall add a form for a
9 parent or guardian to voluntarily return to the school indicating yes or no whether each
10 child in the family has health care insurance. If any such child does not have health care
11 insurance, and the parent or guardian's household income does not exceed the highest
12 income level under 42 U.S.C. Section 1397CC, as amended, the school district shall provide
13 a notice to such parent or guardian that the uninsured child may qualify for health
14 insurance under SCHIP.

15 3. The notice described in subsection 2 shall be developed by the department of
16 social services and shall include information on enrolling the child in the program. No
17 notices relating to the state children's health insurance program shall be provided to a
18 parent or guardian under this section other than the notices developed by the department
19 of social services under this section.

20 4. Notwithstanding any other provision of law to the contrary, no penalty shall be
21 assessed upon any parent or guardian who fails to provide or provides any inaccurate
22 information required under this section.

23 **5. The department of elementary and secondary education and the department of**
24 **social services may adopt rules to implement the provisions of this section. Any rule or**
25 **portion of a rule, as that term is defined in section 536.010, that is created under the**
26 **authority delegated in this section shall become effective only if it complies with and is**
27 **subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This**
28 **section and chapter 536 are nonseverable and if any of the powers vested with the general**
29 **assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove**
30 **and annul a rule are subsequently held unconstitutional, then the grant of rulemaking**
31 **authority and any rule proposed or adopted after August 28, 2010, shall be invalid and**
32 **void.**

33 **6. The department of elementary and secondary education, in collaboration with**
34 **the department of social services, shall report annually to the governor and the house**
35 **budget committee chair and the senate appropriations committee chair on the following:**

36 **(1) The number of families in each district receiving free lunch and reduced**
37 **lunches;**

38 **(2) The number of families who indicate the absence of health care insurance on**
39 **the application for free and reduced lunches;**

40 **(3) The number of families who received information on the state children's health**
41 **insurance program under this section; and**

42 **(4) The number of families who received the information in subdivision (3) of this**
43 **subsection and applied to the state children's health insurance program.**

2 [171.029. 1. The school board of any school district in the state, upon
3 adoption of a resolution by the vote of a majority of all its members to authorize
4 such action, may establish a four-day school week or other calendar consisting
5 of less than one hundred seventy-four days in lieu of a five-day school week.
6 Upon adoption of a four-day school week or other calendar consisting of less than
7 one hundred seventy-four days, the school shall file a calendar with the
8 department of elementary and secondary education in accordance with section
9 171.031. Such calendar shall include, but not be limited to, a minimum term of
10 one hundred forty-two days and one thousand forty-four hours of actual pupil
11 attendance.

12 2. If a school district that attends less than one hundred seventy-four days
13 meets at least two fewer performance standards on two successive annual
14 performance reports than it met on its last annual performance report received
15 prior to implementing a calendar year of less than one hundred seventy-four days,
16 it shall be required to revert to a one hundred seventy-four-day school year in the
17 school year following the report of the drop in the number of performance
standards met. When the number of performance standards met reaches the

18 earlier number, the district may return to the four-day week or other calendar
19 consisting of less than one hundred seventy-four days in the next school year.]
20

Section B. The repeal and reenactment of section 168.221 of section A of this act shall
2 be effective July 1, 2011.

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