

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

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HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 604

AN ACT

To repeal sections 160.410, 160.415, 160.545, 160.2500, 161.700, 162.068, 162.081, 162.203, 163.018, 163.031, 167.125, 167.131, 167.151, 167.241, 168.133, 171.031, 171.033, 177.086, 178.530, and 210.110, RSMo, and to enact in lieu thereof thirty-eight new sections relating to elementary and secondary education, with an emergency clause for certain sections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Sections 160.410, 160.415, 160.545, 160.2500,
2 161.700, 162.068, 162.081, 162.203, 163.018, 163.031, 167.125,
3 167.131, 167.151, 167.241, 168.133, 171.031, 171.033, 177.086,
4 178.530, and 210.110, RSMo, are repealed and thirty-eight new
5 sections enacted in lieu thereof, to be known as sections
6 160.410, 160.415, 160.545, 160.2500, 161.700, 161.1080, 161.1085,
7 161.1090, 161.1095, 161.1100, 161.1105, 161.1110, 161.1115,
8 161.1120, 161.1125, 161.1130, 162.068, 162.081, 162.203, 163.018,
9 163.031, 167.125, 167.131, 167.132, 167.151, 167.241, 167.890,
10 167.895, 167.898, 168.025, 168.133, 170.020, 170.045, 171.031,
11 171.033, 177.086, 178.530, and 210.110, and to read as follows:
12 160.410. 1. A charter school shall enroll:

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

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

5 (3) Nonresident pupils who transfer from an unaccredited
6 district under section ~~[167.131]~~ 167.895, provided that the
7 charter school is an approved charter school, as defined in
8 section ~~[167.131]~~ 167.895, and subject to all other provisions of
9 section ~~[167.131]~~ 167.895;

10 (4) In the case of a charter school whose mission includes
11 student drop-out prevention or recovery, any nonresident pupil
12 from the same or an adjacent county who resides in a residential
13 care facility, a transitional living group home, or an
14 independent living program whose last school of enrollment is in
15 the school district where the charter school is established, who
16 submits a timely application; and

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

26 2. If capacity is insufficient to enroll all pupils who
27 submit a timely application, the charter school shall have an
28 admissions process that assures all applicants of an equal chance

1 of gaining admission and does not discriminate based on parents'
2 ability to pay fees or tuition except that:

3 (1) A charter school may establish a geographical area
4 around the school whose residents will receive a preference for
5 enrolling in the school, provided that such preferences do not
6 result in the establishment of racially or socioeconomically
7 isolated schools and provided such preferences conform to
8 policies and guidelines established by the state board of
9 education;

10 (2) A charter school may also give a preference for
11 admission of children whose siblings attend the school or whose
12 parents are employed at the school or in the case of a workplace
13 charter school, a child whose parent is employed in the business
14 district or at the business site of such school; [and]

15 (3) Charter schools may also give a preference for
16 admission to high-risk students, as defined in subdivision (5) of
17 subsection 2 of section 160.405, when the school targets these
18 students through its proposed mission, curriculum, teaching
19 methods, and services;

20 (4) A charter school may also give a preference for
21 admission to students who will be eligible for the free and
22 reduced price lunch program in the upcoming school year.

23 3. A charter school shall not limit admission based on
24 race, ethnicity, national origin, disability, income level,
25 except as allowed under subdivision (4) of subsection 2 of this
26 section, proficiency in the English language or athletic ability,
27 but may limit admission to pupils within a given age group or
28 grade level. Charter schools may limit admission based on gender

1 only when the school is a single-gender school. Students of a
2 charter school who have been enrolled for a full academic year
3 shall be counted in the performance of the charter school on the
4 statewide assessments in that calendar year, unless otherwise
5 exempted as English language learners. For purposes of this
6 subsection, "full academic year" means the last Wednesday in
7 September through the administration of the Missouri assessment
8 program test without transferring out of the school and
9 re-enrolling.

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

14 (1) The school's charter;

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

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

19 (4) If a charter school is operated by a management
20 company, a copy of the written contract between the governing
21 board of the charter school and the educational management
22 organization or the charter management organization for services.
23 The charter school may charge reasonable fees, not to exceed the
24 rate specified in section 610.026 for furnishing copies of
25 documents under this subsection.

26 5. When a student attending a charter school who is a
27 resident of the school district in which the charter school is
28 located moves out of the boundaries of such school district, the

1 student may complete the current semester and shall be considered
2 a resident student. The student's parent or legal guardian shall
3 be responsible for the student's transportation to and from the
4 charter school.

5 6. If a change in school district boundary lines occurs
6 under section 162.223, 162.431, 162.441, or 162.451, or by action
7 of the state board of education under section 162.081, including
8 attachment of a school district's territory to another district
9 or dissolution, such that a student attending a charter school
10 prior to such change no longer resides in a school district in
11 which the charter school is located, then the student may
12 complete the current academic year at the charter school. The
13 student shall be considered a resident student. The student's
14 parent or legal guardian shall be responsible for the student's
15 transportation to and from the charter school.

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

19 160.415. 1. For the purposes of calculation and
20 distribution of state school aid under section 163.031, pupils
21 enrolled in a charter school shall be included in the pupil
22 enrollment of the school district within which each pupil
23 resides. Each charter school shall report the names, addresses,
24 and eligibility for free and reduced price lunch, special
25 education, or limited English proficiency status, as well as
26 eligibility for categorical aid, of pupils resident in a school
27 district who are enrolled in the charter school to the school
28 district in which those pupils reside. The charter school shall

1 report the average daily attendance data, free and reduced price
2 lunch count, special education pupil count, and limited English
3 proficiency pupil count to the state department of elementary and
4 secondary education. Each charter school shall promptly notify
5 the state department of elementary and secondary education and
6 the pupil's school district when a student discontinues
7 enrollment at a charter school.

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

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

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

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

28 (4) The amounts provided pursuant to this subsection shall

1 be prorated for partial year enrollment for a pupil.

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

8 3. A workplace charter school shall receive payment for
9 each eligible pupil as provided under subsection 2 of this
10 section, except that if the student is not a resident of the
11 district and is participating in a voluntary interdistrict
12 transfer program, the payment for such pupils shall be the same
13 as provided under section 162.1060.

14 4. A charter school that has declared itself as a local
15 educational agency shall receive from the department of
16 elementary and secondary education an annual amount equal to the
17 product of the charter school's weighted average daily attendance
18 and the state adequacy target, multiplied by the dollar value
19 modifier for the district, plus local tax revenues per weighted
20 average daily attendance from the incidental and teachers funds
21 in excess of the performance levy as defined in section 163.011
22 plus all other state aid attributable to such pupils. If a
23 charter school declares itself as a local educational agency, the
24 department of elementary and secondary education shall, upon
25 notice of the declaration, reduce the payment made to the school
26 district by the amount specified in this subsection and pay
27 directly to the charter school the annual amount reduced from the
28 school district's payment.

1 5. If a school district fails to make timely payments of
2 any amount for which it is the disbursal agent, the state
3 department of elementary and secondary education shall authorize
4 payment to the charter school of the amount due pursuant to
5 subsection 2 of this section and shall deduct the same amount
6 from the next state school aid apportionment to the owing school
7 district. If a charter school is paid more or less than the
8 amounts due pursuant to this section, the amount of overpayment
9 or underpayment shall be adjusted equally in the next twelve
10 payments by the school district or the department of elementary
11 and secondary education, as appropriate. Any dispute between the
12 school district and a charter school as to the amount owing to
13 the charter school shall be resolved by the department of
14 elementary and secondary education, and the department's decision
15 shall be the final administrative action for the purposes of
16 review pursuant to chapter 536. During the period of dispute,
17 the department of elementary and secondary education shall make
18 every administrative and statutory effort to allow the continued
19 education of children in their current public charter school
20 setting.

21 6. The charter school and a local school board may agree by
22 contract for services to be provided by the school district to
23 the charter school. The charter school may contract with any
24 other entity for services. Such services may include but are not
25 limited to food service, custodial service, maintenance,
26 management assistance, curriculum assistance, media services and
27 libraries and shall be subject to negotiation between the charter
28 school and the local school board or other entity. Documented

1 actual costs of such services shall be paid for by the charter
2 school.

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

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

13 (2) Provide a term sheet setting forth the proposed
14 duration of the service contract; roles and responsibilities of
15 the governing board, the school staff, and the service provider;
16 scope of services and resources to be provided by the service
17 provider; performance evaluation measures and time lines;
18 compensation structure, including clear identification of all
19 fees to be paid to the service provider; methods of contract
20 oversight and enforcement; investment disclosure; and conditions
21 for renewal and termination of the contract;

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

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

28 (5) Ensure that the legal counsel for the charter school

1 shall report directly to the charter school's governing board;
2 and

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

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

11 9. A charter school shall be eligible for transportation
12 state aid pursuant to section 163.161 and shall be free to
13 contract with the local district, or any other entity, for the
14 provision of transportation to the students of the charter
15 school.

16 10. (1) The proportionate share of state and federal
17 resources generated by students with disabilities or staff
18 serving them shall be paid in full to charter schools enrolling
19 those students by their school district where such enrollment is
20 through a contract for services described in this section. The
21 proportionate share of money generated under other federal or
22 state categorical aid programs shall be directed to charter
23 schools serving such students eligible for that aid.

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

28 11. A charter school may not charge tuition or impose fees

1 that a school district is prohibited from charging or imposing,
2 except that a charter school may receive tuition payments from
3 districts in the same or an adjoining county for nonresident
4 students who transfer to an approved charter school, as defined
5 in section ~~[167.131]~~ 167.895, from an unaccredited district.

6 12. A charter school is authorized to incur debt in
7 anticipation of receipt of funds. A charter school may also
8 borrow to finance facilities and other capital items. A school
9 district may incur bonded indebtedness or take other measures to
10 provide for physical facilities and other capital items for
11 charter schools that it sponsors or contracts with. Except as
12 otherwise specifically provided in sections 160.400 to 160.425,
13 upon the dissolution of a charter school, any liabilities of the
14 corporation will be satisfied through the procedures of chapter
15 355. A charter school shall satisfy all its financial
16 obligations within twelve months of notice from the sponsor of
17 the charter school's closure under subsection 8 of section
18 160.405. After satisfaction of all its financial obligations, a
19 charter school shall return any remaining state and federal funds
20 to the department of elementary and secondary education for
21 disposition as stated in subdivision (17) of subsection 1 of
22 section 160.405. The department of elementary and secondary
23 education may withhold funding at a level the department
24 determines to be adequate during a school's last year of
25 operation until the department determines that school records,
26 liabilities, and reporting requirements, including a full audit,
27 are satisfied.

28 13. Charter schools shall not have the power to acquire

1 property by eminent domain.

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

8 160.545. 1. There is hereby established within the
9 department of elementary and secondary education the "A+ Schools
10 Program" to be administered by the commissioner of education.
11 The program shall consist of grant awards made to public
12 secondary schools that demonstrate a commitment to ensure that:

13 (1) All students be graduated from school;

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

17 (3) All students:

18 (a) Earn credits toward any type of college degree while in
19 high school; or

20 (b) Proceed from high school graduation to a college or
21 postsecondary vocational or technical school or high-wage job
22 with work place skill development opportunities.

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

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

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

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

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

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

1 receiving program grants.

2 3. Any nonpublic school in this state may apply to the
3 state board of education for certification that it meets the
4 requirements of this section subject to the same criteria as
5 public high schools. Every nonpublic school that applies and has
6 met the requirements of this section shall have its students
7 eligible for reimbursement of postsecondary education under
8 subsection 8 of this section on an equal basis to students who
9 graduate from public schools that meet the requirements of this
10 section. Any nonpublic school that applies shall not be eligible
11 for any grants under this section. Students of certified
12 nonpublic schools shall be eligible for reimbursement of
13 postsecondary education under subsection 8 of this section so
14 long as they meet the other requirements of such subsection. For
15 purposes of subdivision (5) of subsection 2 of this section, the
16 nonpublic school shall be included in the partnership plan
17 developed by the public school district in which the nonpublic
18 school is located. For purposes of subdivision (1) of subsection
19 2 of this section, the nonpublic school shall establish
20 measurable performance standards for the goals of the program for
21 every school and grade level over which the nonpublic school
22 maintains control.

23 4. A school district may participate in the program
24 irrespective of its accreditation classification by the state
25 board of education, provided it meets all other requirements.

26 5. By rule and regulation, the state board of education may
27 determine a local school district variable fund match requirement
28 in order for a school or schools in the district to receive a

1 grant under the program. However, no school in any district
2 shall receive a grant under the program unless the district
3 designates a salaried employee to serve as the program
4 coordinator, with the district assuming a minimum of one-half the
5 cost of the salary and other benefits provided to the
6 coordinator. Further, no school in any district shall receive a
7 grant under the program unless the district makes available
8 facilities and services for adult literacy training as specified
9 by rule of the state board of education.

10 6. For any school that meets the requirements for the
11 approval of the grants authorized by this section and specified
12 in subsection 2 of this section for three successive school
13 years, by August first following the third such school year, the
14 commissioner of education shall present a plan to the
15 superintendent of the school district in which such school is
16 located for the waiver of rules and regulations to promote
17 flexibility in the operations of the school and to enhance and
18 encourage efficiency in the delivery of instructional services in
19 the school. The provisions of other law to the contrary
20 notwithstanding, the plan presented to the superintendent shall
21 provide a summary waiver, with no conditions, for the pupil
22 testing requirements pursuant to section 160.257 in the school.
23 Further, the provisions of other law to the contrary
24 notwithstanding, the plan shall detail a means for the waiver of
25 requirements otherwise imposed on the school related to the
26 authority of the state board of education to classify school
27 districts pursuant to subdivision (9) of section 161.092 and such
28 other rules and regulations as determined by the commissioner of

1 education, except such waivers shall be confined to the school
2 and not other schools in the school district unless such other
3 schools meet the requirements of this subsection. However, any
4 waiver provided to any school as outlined in this subsection
5 shall be void on June thirtieth of any school year in which the
6 school fails to meet the requirements for the approval of the
7 grants authorized by this section as specified in subsection 2 of
8 this section.

9 7. For any school year, grants authorized by subsections 1,
10 2, and 5 of this section shall be funded with the amount
11 appropriated for this program, less those funds necessary to
12 reimburse eligible students pursuant to subsection 8 or 9 of this
13 section.

14 8. The department of higher education shall, by rule,
15 establish a procedure for the reimbursement of the cost of
16 tuition, books and fees to any public community college or
17 vocational or technical school or within the limits established
18 in subsection ~~[10]~~ 11 of this section for any two-year private
19 vocational or technical school for any student:

20 (1) Who has attended a high school in the state for at
21 least ~~[three]~~ two years ~~[prior to graduation]~~ that meets the
22 requirements of subsection 2 of this section and who has
23 graduated from such a school; except that, students who are
24 active duty military dependents, and students who are
25 ~~[dependants]~~ dependents of retired military who relocate to
26 Missouri within one year of the date of the parent's retirement
27 from active duty~~[,]~~ who~~[,]~~ in the school year immediately
28 preceding graduation,~~]~~ meet all other requirements of this

1 subsection and are attending a school that meets the requirements
2 of subsection 2 of this section shall be exempt from the
3 ~~[three-year]~~ two-year attendance requirement of this subdivision;
4 and

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

8 (3) Who has earned a minimal grade average while in high
9 school or through the semester immediately before taking the
10 course for which reimbursement is sought as determined by rule of
11 the department of higher education, and other requirements for
12 the reimbursement authorized by this subsection as determined by
13 rule and regulation of the department; and

14 (4) Who is a citizen or permanent resident of the United
15 States.

16 9. The department of higher education shall, by rule,
17 establish a procedure for the reimbursement of the cost of
18 tuition, and fees for any dual-credit or dual-enrollment course
19 offered to a student in high school in association with an
20 institution of higher education or vocational or technical
21 school, subject to the requirements of subsection 11 of this
22 section, for any student who meets the requirements established
23 in subsection 8 of this section immediately before taking the
24 course for which reimbursement is sought.

25 10. The commissioner of education shall develop a procedure
26 for evaluating the effectiveness of the program described in this
27 section. Such evaluation shall be conducted annually with the
28 results of the evaluation provided to the governor, speaker of

1 the house, and president pro tempore of the senate.

2 [10.] 11. For a two-year private vocational or technical
3 school to obtain reimbursements under subsection 8 or 9 of this
4 section, the following requirements shall be satisfied:

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

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

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

17 (4) The reimbursements provided to any two-year private
18 vocational or technical school shall not violate the provisions
19 of Article IX, Section 8, or Article I, Section 7, of the
20 Missouri Constitution or the first amendment of the United States
21 Constitution.

22 12. The department of higher education shall distribute
23 reimbursements in the following manner:

24 (1) To community college or vocational or technical school
25 students;

26 (2) After all students from subdivision (1) of this
27 subsection have been reimbursed, to any dual-credit or dual-
28 enrollment student on the basis of financial need.

1 160.2500. 1. This section shall be known and may be cited
2 as the "Missouri Student Religious Liberties Act".

3 2. A public school district shall not discriminate against
4 [students or parents] any person on the basis of a religious
5 viewpoint or religious expression. A school district shall treat
6 a student's voluntary expression of a religious viewpoint, if
7 any, on an otherwise permissible subject in the same manner the
8 district treats a student's voluntary expression of a secular or
9 other viewpoint on an otherwise permissible subject and shall not
10 discriminate against the student based on a religious viewpoint
11 expressed by the student on an otherwise permissible subject.

12 3. Students may express their beliefs about religion in
13 homework, artwork, and other written and oral assignments free
14 from discrimination based on the religious content of their
15 submissions. Homework and classroom assignments shall be judged
16 by ordinary academic standards of substance and relevance and
17 against other legitimate pedagogical concerns identified by the
18 school district. Students shall not be penalized or rewarded on
19 account of the religious content of their work. If an assignment
20 requires a student's viewpoints to be expressed in course work,
21 artwork or other written or oral assignments, a public school
22 district shall not penalize or reward a student on the basis of
23 religious content or a religious viewpoint. In such an
24 assignment, a student's academic work that expresses a religious
25 viewpoint shall be evaluated based on ordinary academic standards
26 of substance and relevance to the course curriculum or
27 requirements of the course work or assignment.

28 4. Students in public schools may pray or engage in

1 religious activities or religious expression before, during and
2 after the school day in the same manner and to the same extent
3 that students may engage in nonreligious activities or
4 expression, provided that such religious expression or religious
5 activities are not disruptive of scheduled instructional time or
6 other educational activities and do not impede access to school
7 facilities or mobility on school premises. Students may organize
8 prayer groups, religious clubs, or other religious gatherings
9 before, during and after school to the same extent that students
10 are permitted to organize other noncurricular student activities
11 and groups. Religious groups shall be given the same access to
12 school facilities for assembling as is given to other
13 noncurricular groups without discrimination based on the
14 religious content of the student's expression. If student groups
15 that meet for nonreligious activities are permitted to advertise
16 or announce meetings of the groups, the school district shall not
17 discriminate against groups that meet for prayer or other
18 religious speech. A school district may disclaim school
19 sponsorship of noncurricular groups and events in a manner that
20 neither favors nor disfavors groups that meet to engage in prayer
21 or religious speech.

22 5. Students in public schools may wear clothing,
23 accessories and jewelry that display religious messages or
24 religious symbols in the same manner and to the same extent that
25 other types of clothing, accessories and jewelry that display
26 messages or symbols are permitted, as specified in subsection 7
27 of section 167.166.

28 6. (1) To ensure that the school district does not

1 discriminate against a student's publicly stated voluntary
2 expression of a religious viewpoint, if any, and to eliminate any
3 actual or perceived affirmative school sponsorship or attribution
4 to the district of a student's expression of a religious
5 viewpoint, if any, a school district shall adopt a policy, which
6 shall include the establishment of a limited public forum for
7 student speakers at all school events at which a student is to
8 publicly speak. The policy regarding the limited public forum
9 shall also require the school district to:

10 (a) Provide the forum in a manner that does not
11 discriminate against a student's voluntary expression of a
12 religious viewpoint, if any, on an otherwise permissible subject;

13 (b) Provide a method, based on neutral criteria, for the
14 selection of student speakers at school events and graduation
15 ceremonies;

16 (c) Ensure that a student speaker does not engage in
17 obscene, vulgar, offensively lewd or indecent speech; and

18 (d) State, in writing, orally, or both, that the student's
19 speech does not reflect the endorsement, sponsorship, position or
20 expression of the district.

21 (2) The school district disclaimer required by paragraph
22 (d) of subdivision (1) of this subsection shall be provided at
23 all graduation ceremonies. The school district shall also
24 continue to provide the disclaimer at any other event in which a
25 student speaks publicly for as long as a need exists to dispel
26 confusion over the district's nonsponsorship of the student's
27 speech.

28 (3) Student expression on an otherwise permissible subject

1 shall not be excluded from the limited public forum because the
2 subject is expressed from a religious viewpoint.

3 (4) All public school districts shall adopt and implement a
4 local policy regarding a limited public forum and voluntary
5 student expression of religious viewpoints.

6 7. The provisions of this section shall not be construed to
7 authorize this state or any of its political subdivisions to
8 either:

9 (1) Require any person to participate in prayer or in any
10 other religious activity; or

11 (2) Violate the constitutional rights of any person.

12 8. The provisions of this section shall not be construed to
13 limit the authority of any public school to do any of the
14 following:

15 (1) Maintain order and discipline on the campus of the
16 public school in a content and viewpoint neutral manner;

17 (2) Protect the safety of students, employees and visitors
18 of the public school;

19 (3) Adopt and enforce policies and procedures regarding
20 student speech at school, provided that the policies and
21 procedures do not violate the rights of students as guaranteed by
22 law.

23 9. The provisions of section 1.140 are applicable to this
24 section.

25 161.700. 1. This section shall be known as the "Holocaust
26 Education and Awareness Commission Act".

27 2. There is hereby created a permanent state commission
28 known as the "Holocaust Education and Awareness Commission". The

1 commission shall be housed in the department of elementary and
2 secondary education and shall promote implementation of holocaust
3 education and awareness programs in Missouri in order to
4 encourage understanding of the holocaust and discourage bigotry.

5 3. The commission shall be composed of twelve members to be
6 appointed by the governor with advice and consent of the senate.
7 The makeup of the commission shall be:

8 (1) The commissioner of higher education;

9 (2) The commissioner of elementary and secondary education;

10 (3) The president of the University of Missouri system; and

11 (4) Nine members of the public, representative of the
12 diverse religious and ethnic heritage groups populating Missouri.

13 4. The holocaust education and awareness commission may
14 receive such funds as appropriated from public moneys or
15 contributed to it by private sources. It may sponsor programs or
16 publications to educate the public about the crimes of genocide
17 in an effort to deter indifference to crimes against humanity and
18 human suffering wherever they occur.

19 5. The term "holocaust" shall be defined as the period from
20 1933 through 1945 when six million Jews and millions of others
21 were murdered [in Nazi concentration camps] by Nazi Germany and
22 its collaborators as part of a structured, state-sanctioned
23 program of genocide.

24 6. The commission may employ an executive director and such
25 other persons to carry out its functions.

26 161.1080. Sections 161.1080 to 161.1130 shall be known and
27 may be cited as the "School Turnaround Act".

28 161.1085. For purposes of sections 161.1080 to 161.1130,

1 the following terms mean:

2 (1) "Department", the department of elementary and
3 secondary education;

4 (2) "Governing board", the board of education of a district
5 or the governing board of a charter school that has declared
6 itself a local educational agency;

7 (3) "Initial remedial year", the year in which a district
8 school or charter school is designated as a school in need of
9 intervention under section 161.1090;

10 (4) "Local educational agency", any school district and any
11 charter school that has declared itself a local educational
12 agency;

13 (5) "School", a public school under the control of a local
14 educational agency;

15 (6) "School in need of intervention", a school that has
16 been designated as in need of intervention by the department
17 according to an outcome-based measure as determined by the
18 department under section 161.1090, which may include, but shall
19 not be required to include, schools identified for intervention
20 under the state's Every Student Succeeds Act plan;

21 (7) "Statewide assessment", any test of student achievement
22 in English language arts, mathematics, or science, including any
23 such test administered in a computer-adaptive format, that is
24 administered statewide under section 160.518.

25 161.1090. 1. Subject to appropriation, the department
26 shall establish a school turnaround program to assist schools
27 designated by the department as in need of intervention in
28 accordance with the provisions of sections 161.1080 to 161.1130.

1 2. The department shall use an outcome-based measure to set
2 criteria for the designation of schools in need of intervention.

3 3. No more than one month after statewide assessment
4 results are made public, the department shall designate specific
5 schools as in need of intervention. The department shall
6 designate a school as in need of intervention only if sufficient
7 funds are available in the school turnaround fund established in
8 section 161.1105 to pay an independent school turnaround expert.

9 4. The department shall determine the specific criteria
10 that a school shall be required to meet in order to exit the
11 school turnaround program based on the same outcome-based measure
12 that was used to designate the school as in need of intervention.

13 5. The department shall not designate any school as in need
14 of intervention before September 1, 2020.

15 6. Nothing in this section shall prohibit the criteria
16 established under this section from satisfying a school's
17 requirement for intervention under the Every Student Succeeds
18 Act.

19 161.1095. 1. Before October first of an initial remedial
20 year, the governing board of any local educational agency with a
21 school in need of intervention shall establish a school
22 turnaround committee composed of the following members:

23 (1) One member of the governing board;

24 (2) The school principal;

25 (3) Three parents of students enrolled in the school,
26 appointed by the local parent-teacher association;

27 (4) Four teachers at the school, appointed by the
28 principal; and

1 (5) The district's chief financial officer or equivalent.

2 2. Before October fifteenth of an initial remedial year,
3 the governing board of any local educational agency with a school
4 in need of intervention shall partner with the school turnaround
5 committee to select an independent school turnaround expert from
6 the experts identified by the department under section 161.1100.

7 3. The governing board shall not select an independent
8 school turnaround expert that is:

9 (1) The local educational agency with the school in need of
10 intervention; or

11 (2) An employee of the local educational agency with the
12 school in need of intervention.

13 4. A school turnaround committee shall partner with the
14 independent school turnaround expert selected under subsection 2
15 of this section to develop and implement a school turnaround plan
16 that includes:

17 (1) The findings of the analysis conducted by the
18 independent school turnaround expert on the data described in
19 subdivision (1) of subsection 1 of section 161.1100;

20 (2) Recommendations regarding changes to the school's
21 personnel, culture, curriculum, assessments, instructional
22 practices, digital tools and other methods for teaching and
23 learning, governance, leadership, finances, policies, or other
24 areas that may be necessary to implement the school turnaround
25 plan;

26 (3) Measurable student achievement goals and objectives;

27 (4) A professional development plan that identifies a
28 strategy to address problems of instructional practice;

1 (5) A leadership development plan focused on proven
2 strategies to turn around schools in need of intervention that
3 align with administrator standards developed under section
4 168.410;

5 (6) A detailed budget specifying how the school turnaround
6 plan will be funded;

7 (7) A plan to assess and monitor progress;

8 (8) A plan to communicate and report data on progress to
9 stakeholders; and

10 (9) A time line for implementation.

11 5. Any local educational agency with a school in need of
12 intervention shall:

13 (1) Prioritize funding and resources to the school in need
14 of intervention; and

15 (2) Grant the school in need of intervention streamlined
16 authority over staff, schedule, policies, budget, and academic
17 programs to implement the school turnaround plan.

18 6. Before March first of an initial remedial year, a school
19 turnaround committee shall submit the school turnaround plan to
20 the governing board for approval.

21 7. Except as provided in subsection 8 of this section,
22 before April first of an initial remedial year, the governing
23 board shall submit the school turnaround plan to the department
24 for approval.

25 8. If the governing board does not approve the school
26 turnaround plan submitted under subsection 6 of this section, the
27 school turnaround committee may submit a new or revised school
28 turnaround plan to the governing board for approval. In order to

1 allow additional time for the governing board to consider a new
2 or revised school turnaround plan, the rules may extend the April
3 first deadline for the governing board to submit the school
4 turnaround plan to the department. The department shall not
5 approve a school turnaround plan unless such plan has been
6 approved by the governing board of the school in need of
7 intervention.

8 161.1100. 1. Before August 30, 2020, the department shall
9 identify two or more approved independent school turnaround
10 experts, through a request for proposals process, that a school
11 in need of intervention may select from to partner with, to:

12 (1) Collect and analyze data on the school's student
13 achievement, personnel, culture, curriculum, assessments,
14 instructional practices, digital tools and other methods for
15 teaching and learning, governance, leadership, finances, and
16 policies;

17 (2) Recommend changes to the school's culture, curriculum,
18 assessments, instructional practices, governance, finances,
19 policies, or other areas based on data collected under
20 subdivision (1) of this subsection;

21 (3) Develop and implement, in partnership with the school
22 turnaround committee, a school turnaround plan that meets the
23 criteria described in section 161.1095;

24 (4) Monitor the effectiveness of a school turnaround plan
25 through reliable means of evaluation including, but not limited
26 to, on-site visits, observations, surveys, analysis of student
27 achievement data, and interviews;

28 (5) Provide ongoing implementation support and project

1 management for a school turnaround plan;

2 (6) Provide high-quality professional development and
3 coaching personalized for school staff that is designed to build:

4 (a) The leadership capacity of the school principal;

5 (b) The instructional capacity of school staff; and

6 (c) The collaborative practices of teacher and leadership
7 teams;

8 (7) Provide job-embedded professional learning and coaching
9 for all instructional staff on a weekly basis, at a minimum;

10 (8) Provide job-embedded professional learning and coaching
11 for the school principal at least twice monthly, focused on
12 proven strategies to turn around schools in need of intervention
13 that are aligned with administrator standards developed under
14 section 168.410; and

15 (9) Leverage support from community partners to coordinate
16 an efficient delivery of supports to students both inside and
17 outside the classroom.

18 2. In identifying independent school turnaround experts
19 under subsection 1 of this section, the department shall identify
20 experts who:

21 (1) Have a credible track record of improving student
22 academic achievement in public schools with various demographic
23 characteristics, as measured by statewide assessments;

24 (2) Have experience designing, implementing, and evaluating
25 data-driven instructional systems in public schools;

26 (3) Have experience coaching public school administrators
27 and teachers on designing and implementing data-driven school
28 improvement plans;

1 (4) Have experience collaborating with the various
2 education entities that govern public schools;

3 (5) Have experience delivering high-quality professional
4 development and coaching in instructional effectiveness to public
5 school administrators and teachers;

6 (6) Are willing to be compensated for professional services
7 based on performance as described in section 161.1105; and

8 (7) Are willing to partner with any school in need of
9 intervention in the state, regardless of location.

10 161.1105. 1. The department shall award contracts to
11 independent school turnaround experts. Governing boards shall
12 not be required to pay independent school turnaround experts.

13 2. When awarding a contract to an independent school
14 turnaround expert selected by the governing board under section
15 161.1095, the department shall ensure that a contract between the
16 governing board and the independent school turnaround expert
17 specifies that the department shall:

18 (1) Pay an independent school turnaround expert no more
19 than fifty percent of the expert's professional fees during the
20 time period the school turnaround expert is providing services to
21 the school in need of intervention; and

22 (2) Pay the remainder of the independent school turnaround
23 expert's professional fees upon the independent school turnaround
24 expert successfully helping a school in need of intervention meet
25 exit criteria as determined by the department under section
26 161.1090 within four school years after a school is designated as
27 needing intervention.

28 3. In negotiating a contract with an independent school

1 turnaround expert, the department shall offer:

2 (1) An average of six hundred and fifty thousand dollars
3 for the entirety of the project;

4 (2) Differentiated amounts of funding based on student
5 enrollment; and

6 (3) A higher amount of funding for schools that are in the
7 lowest-performing one percent of schools statewide according to
8 the outcome-based measure determined by the department under
9 section 161.1090.

10 4. There is hereby created in the state treasury the
11 "School Turnaround Fund". The fund shall consist of all moneys
12 that may be appropriated to it by the general assembly and any
13 gifts, contributions, grants, or bequests received from federal,
14 private, or other sources. The state treasurer shall be
15 custodian of the fund. In accordance with sections 30.170 and
16 30.180, the state treasurer may approve disbursements of public
17 moneys in accordance with distribution requirements and
18 procedures developed by the department of elementary and
19 secondary education. The fund shall be a dedicated fund and,
20 upon appropriation, moneys in the fund shall be used solely for
21 payments to independent school turnaround experts and for
22 administrative expenses for the school turnaround program.
23 Notwithstanding the provisions of section 33.080 to the contrary,
24 any moneys remaining in the fund at the end of the biennium shall
25 not revert to the credit of the general revenue fund. The state
26 treasurer shall invest moneys in the fund in the same manner as
27 other funds are invested. Any interest and moneys earned on such
28 investments shall be credited to the fund.

1 161.1110. 1. The department shall review a school
2 turnaround plan submitted for approval under section 161.1095
3 within thirty days of submission.

4 2. The department shall approve a school turnaround plan
5 that:

6 (1) Is timely;

7 (2) Is well-developed; and

8 (3) Meets the criteria described in section 161.1095.

9 3. The department shall promulgate rules to establish an
10 appeals process for a governing board that does not receive
11 approval of its school turnaround plan from the department under
12 section 161.1095.

13 4. The department shall ensure that the rules require the
14 appeals process, described in subsection 3 of this section, be
15 resolved before May fifteenth of the initial remedial year.

16 5. There is hereby created in the state treasury the
17 "School Intervention Fund". The fund shall consist of all moneys
18 that may be appropriated to it by the general assembly and any
19 gifts, contributions, grants, or bequests received from federal,
20 private, or other sources for the purpose of distributing grants
21 to local educational agencies as described in this section. The
22 state treasurer shall be custodian of the fund. In accordance
23 with sections 30.170 and 30.180, the state treasurer may approve
24 disbursements of public moneys in accordance with distribution
25 requirements and procedures developed by the department of
26 elementary and secondary education. The fund shall be a
27 dedicated fund and, upon appropriation, moneys in the fund shall
28 be used solely for the administration of grants to local

1 educational agencies as described in this section.
2 Notwithstanding the provisions of section 33.080 to the contrary,
3 any moneys remaining in the fund at the end of the biennium shall
4 not revert to the credit of the general revenue fund. The state
5 treasurer shall invest moneys in the fund in the same manner as
6 other funds are invested. Any interest and moneys earned on such
7 investments shall be credited to the fund.

8 6. The department shall award grants from the school
9 intervention fund to local educational agencies for the purpose
10 of funding interventions identified in approved school turnaround
11 plans. A local educational agency shall be eligible for a grant
12 only if it provides matching funds or an in-kind contribution of
13 goods or services in an amount equal to the grant award it would
14 receive from the department.

15 161.1115. 1. A school in need of intervention that does
16 not meet the exit criteria determined by the department under
17 section 161.1090 within four school years after the day on which
18 the school is designated a school in need of intervention may
19 petition the department for an extension to continue school
20 improvement efforts for up to two years.

21 2. The department shall grant an extension under subsection
22 1 of this section only if the school in need of intervention:

23 (1) Has demonstrated at least fifty percent of the
24 improvement necessary to exit the turnaround process; or

25 (2) Submits an appeal to the department.

26 3. The department may extend the contract of an independent
27 school turnaround expert for a school in need of intervention
28 that is granted an extension under this section.

1 4. A school that has been granted an extension under this
2 section is eligible for continued funding under subsection 3 of
3 this section.

4 5. The department shall promulgate rules establishing
5 additional interventions for:

6 (1) A school in need of intervention that:

7 (a) Does not meet the predetermined exit criteria within
8 four school years after the day on which the school is designated
9 in need of intervention; and

10 (b) Is not granted an extension under this section; and

11 (2) A school in need of intervention that:

12 (a) Is granted an extension under this section; and

13 (b) Does not meet the predetermined exit criteria within
14 four school years after the day on which the school in need of
15 intervention is granted an extension.

16 161.1120. 1. For purposes of this section, the term
17 "eligible school" means a school in need of intervention that:

18 (1) Meets predetermined exit criteria within four school
19 years after the day on which the school is designated a school in
20 need of intervention; or

21 (2) If granted an extension under section 161.1115, meets
22 predetermined exit criteria within the extension period.

23 2. Subject to appropriation, the department shall establish
24 a statewide program to be known as the "School Recognition and
25 Reward Program" to provide incentives to schools and teachers to
26 improve schools in need of intervention.

27 3. There is hereby created in the state treasury the
28 "School Recognition and Reward Fund". The fund shall consist of

1 all moneys that may be appropriated to it by the general assembly
2 and any gifts, contributions, grants, or bequests received from
3 federal, private, or other sources for the purpose of
4 distributing grants to local educational agencies as described in
5 this section. The state treasurer shall be custodian of the
6 fund. In accordance with sections 30.170 and 30.180, the state
7 treasurer may approve disbursements of public moneys in
8 accordance with distribution requirements and procedures
9 developed by the department of elementary and secondary
10 education. The fund shall be a dedicated fund and, upon
11 appropriation, moneys in the fund shall be used solely for the
12 administration of grants to local educational agencies as
13 described in this section. Notwithstanding the provisions of
14 section 33.080 to the contrary, any moneys remaining in the fund
15 at the end of the biennium shall not revert to the credit of the
16 general revenue fund. The state treasurer shall invest moneys in
17 the fund in the same manner as other funds are invested. Any
18 interest and moneys earned on such investments shall be credited
19 to the fund.

20 4. The department shall award grants from the school
21 recognition and reward fund to local educational agencies with
22 eligible schools. The department shall require, as a condition
23 of awarding a grant, that the local educational agency use the
24 grant moneys to reward eligible schools, teachers employed by
25 eligible schools, or both the eligible schools and the teachers.

26 161.1125. Before November 30, 2021, and before November
27 thirtieth of each year thereafter, the department shall report to
28 the joint committee on education on the implementation of

1 sections 161.1080 to 161.1130.

2 161.1130. The department shall promulgate rules to
3 implement the provisions of sections 161.1080 to 161.1130. Any
4 rule or portion of a rule, as that term is defined in section
5 536.010, that is created under the authority delegated in
6 sections 161.1080 to 161.1130 shall become effective only if it
7 complies with and is subject to all of the provisions of chapter
8 536, and, if applicable, section 536.028. Sections 161.1080 to
9 161.1130 and chapter 536 are nonseverable, and if any of the
10 powers vested with the general assembly pursuant to chapter 536
11 to review, to delay the effective date, or to disapprove and
12 annul a rule are subsequently held unconstitutional, then the
13 grant of rulemaking authority and any rule proposed or adopted
14 after August 28, 2019, shall be invalid and void.

15 162.068. 1. (1) By July 1, 2012, every school district
16 shall adopt a written policy on information that the district
17 provides about former employees, both certificated and
18 noncertificated, to other public schools. By July 1, 2014, every
19 charter school shall adopt a written policy on information that
20 the charter school provides about former employees, both
21 certificated and noncertificated, to other public schools. The
22 policy shall include who is permitted to respond to requests for
23 information from potential employers and the information the
24 district or charter school would provide when responding to such
25 a request. The policy shall require that notice of this
26 provision be provided to all current employees and to all
27 potential employers who contact the school district or charter
28 school regarding the possible employment of an employee.

1 (2) The policy described under this subsection shall
2 require the district or charter school to disclose, to any public
3 school that contacts such district or charter school about a
4 former employee, information regarding any violation of the
5 published regulations of the board of education of the district
6 or the governing body of the charter school by the former
7 employee if such violation related to sexual misconduct with a
8 student and was determined to be an actual violation by the board
9 of the district or the governing body of the charter school after
10 a contested case due process hearing conducted pursuant to board
11 policy.

12 2. Any school district or charter school that employs a
13 person about whom the children's division conducts an
14 investigation involving allegations of sexual misconduct with a
15 student and reaches a finding of substantiated shall immediately
16 suspend the employment of such person, notwithstanding any other
17 provision of law, but the district or charter school may return
18 the person to his or her employment if the child abuse and
19 neglect review board's finding that the allegation is
20 substantiated is reversed by a court on appeal and becomes final.
21 Nothing shall preclude a school district or charter school from
22 otherwise lawfully terminating the employment of any employee
23 about whom there has been a finding of unsubstantiated resulting
24 from an investigation by the children's division involving
25 allegations of sexual misconduct with a student.

26 3. Any employee who is permitted to respond to requests for
27 information regarding former employees under a policy adopted by
28 his or her school district or charter school under [subsection 2

1 of] this section and who communicates only the information which
2 such policy directs, and who acts in good faith and without
3 malice shall be immune against any civil action for damages
4 brought by the former employee arising out of the communication
5 of such information. If any such action is brought, the employee
6 may, at his or her option, request the attorney general to defend
7 him or her in such suit and the attorney general shall provide
8 such defense, except that if the attorney general represents the
9 school district or the department of elementary and secondary
10 education in a pending licensing matter under section 168.071 the
11 attorney general shall not represent the school district
12 employee.

13 4. Notwithstanding the provisions of subsection 2 of this
14 section, if a district or charter school that has employed any
15 employee whose job involves contact with children receives
16 allegations of sexual misconduct, as provided in section 566.083,
17 concerning the employee and, as a result of such allegations or
18 as a result of such allegations being substantiated by the child
19 abuse and neglect review board, dismisses the employee or allows
20 the employee to resign in lieu of being fired and fails to
21 disclose the allegations of sexual misconduct when furnishing a
22 reference for the former employee or responding to a potential
23 employer's request for information regarding such employee, the
24 district or charter school shall be directly liable for damages
25 to any student of a subsequent employing district or charter
26 school who is found by a court of competent jurisdiction to be a
27 victim of the former employee's sexual misconduct, and the
28 district or charter school shall bear third-party liability to

1 the employing district or charter school for any legal liability,
2 legal fees, costs, and expenses incurred by the employing
3 district or charter school caused by the failure to disclose such
4 information to the employing district or charter school.

5 5. If a school district or charter school has previously
6 employed a person about whom the children's division has
7 conducted an investigation involving allegations of sexual
8 misconduct with a student and has reached a finding of
9 substantiated and another public school contacts the district or
10 charter school for a reference for the former employee, the
11 district or charter school shall disclose the results of the
12 children's division's investigation to the public school.

13 6. Any school district or charter school employee, acting
14 in good faith, who reports alleged sexual misconduct on the part
15 of a teacher or other school employee shall not be discharged or
16 otherwise discriminated against in any fashion because of such
17 reporting.

18 7. Any school district or charter school shall, before
19 offering employment to any teacher who was employed by a Missouri
20 school district or charter school, contact the department of
21 elementary and secondary education to determine the school
22 district or charter school that previously employed such
23 employee. School districts and charter school contacting the
24 department under this subsection shall request, from the most
25 recent, information as outlined in this section regarding the
26 former employee.

27 162.081. 1. Whenever any school district in this state
28 fails or refuses in any school year to provide for the minimum

1 school term required by section 163.021 or is classified
2 unaccredited, the state board of education shall, upon a
3 district's initial classification or reclassification as
4 unaccredited:

5 (1) Review the governance of the district to establish the
6 conditions under which the existing school board shall continue
7 to govern; or

8 (2) Determine the date the district shall lapse and
9 determine an alternative governing structure for the district.

10 2. If at the time any school district in this state shall
11 be classified as unaccredited, the department of elementary and
12 secondary education shall conduct at least two public hearings at
13 a location in the unaccredited school district regarding the
14 accreditation status of the school district. The hearings shall
15 provide an opportunity to convene community resources that may be
16 useful or necessary in supporting the school district as it
17 attempts to return to accredited status, continues under revised
18 governance, or plans for continuity of educational services and
19 resources upon its attachment to a neighboring district. The
20 department may request the attendance of stakeholders and
21 district officials to review the district's plan to return to
22 accredited status, if any; offer technical assistance; and
23 facilitate and coordinate community resources. Such hearings
24 shall be conducted at least twice annually for every year in
25 which the district remains unaccredited or provisionally
26 accredited.

27 3. Upon classification of a district as unaccredited, the
28 state board of education may:

1 (1) Allow continued governance by the existing school
2 district board of education under terms and conditions
3 established by the state board of education; or

4 (2) Lapse the corporate organization of all or part of the
5 unaccredited district and:

6 (a) Appoint a special administrative board for the
7 operation of all or part of the district. If a special
8 administrative board is appointed for the operation of a part of
9 a school district, the state board of education shall determine
10 an equitable apportionment of state and federal aid for the part
11 of the district and the school district shall provide local
12 revenue in proportion to the weighted average daily attendance of
13 the part. The number of members of the special administrative
14 board shall not be less than five, the majority of whom shall be
15 residents of the district. The members of the special
16 administrative board shall reflect the population characteristics
17 of the district and shall collectively possess strong experience
18 in school governance, management and finance, and leadership.
19 The state board of education may appoint members of the
20 district's elected school board to the special administrative
21 board, but members of the elected school board shall not comprise
22 more than forty-nine percent of the special administrative
23 board's membership. Within fourteen days after the appointment
24 by the state board of education, the special administrative board
25 shall organize by the election of a president, vice president,
26 secretary and a treasurer, with their duties and organization as
27 enumerated in section 162.301. The special administrative board
28 shall appoint a superintendent of schools to serve as the chief

1 executive officer of the school district, or a subset of schools,
2 and to have all powers and duties of any other general
3 superintendent of schools in a seven-director school district.
4 Any special administrative board appointed under this section
5 shall be responsible for the operation of the district or part of
6 the district until such time that the district is classified by
7 the state board of education as provisionally accredited for at
8 least two successive academic years, after which time the state
9 board of education may provide for a transition pursuant to
10 section 162.083; or

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

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

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

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

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

28 (c) Attach the territory of the lapsed district to another

1 district or districts for school purposes; or

2 (d) Establish one or more school districts within the
3 territory of the lapsed district, with a governance structure
4 specified by the state board of education, with the option of
5 permitting a district to remain intact for the purposes of
6 assessing, collecting, and distributing property taxes, to be
7 distributed equitably on a weighted average daily attendance
8 basis, but to be divided for operational purposes, which shall
9 take effect sixty days after the adjournment of the regular
10 session of the general assembly next following the state board's
11 decision unless a statute or concurrent resolution is enacted to
12 nullify the state board's decision prior to such effective date.

13 4. If a district remains under continued governance by the
14 school board under subdivision (1) of subsection 3 of this
15 section and either has been unaccredited for three consecutive
16 school years and failed to attain accredited status after the
17 third school year or has been unaccredited for two consecutive
18 school years and the state board of education determines its
19 academic progress is not consistent with attaining accredited
20 status after the third school year, then the state board of
21 education shall proceed under subdivision (2) of subsection 3 of
22 this section in the following school year.

23 5. A special administrative board or any other form of
24 governance appointed under this section shall retain the
25 authority granted to a board of education for the operation of
26 the lapsed school district under the laws of the state in effect
27 at the time of the lapse and may enter into contracts with
28 accredited school districts or other education service providers

1 in order to deliver high-quality educational programs to the
2 residents of the district. If a student graduates while
3 attending a school building in the district that is operated
4 under a contract with an accredited school district as specified
5 under this subsection, the student shall receive his or her
6 diploma from the accredited school district. The authority of
7 the special administrative board or any other form of governance
8 appointed under this section shall expire at the end of the third
9 full school year following its appointment, unless extended by
10 the state board of education. If the lapsed district is
11 reassigned, the [special administrative board] governing board
12 prior to lapse shall provide an accounting of all funds, assets
13 and liabilities of the lapsed district and transfer such funds,
14 assets, and liabilities of the lapsed district as determined by
15 the state board of education. Neither the special administrative
16 board nor any other form of governance appointed under this
17 section nor its members or employees shall be deemed to be the
18 state or a state agency for any purpose, including section
19 105.711, et seq. The state of Missouri, its agencies and
20 employees shall be absolutely immune from liability for any and
21 all acts or omissions relating to or in any way involving the
22 lapsed district, [the] a special administrative board, [its] any
23 other form of governance appointed under this section, or the
24 members or employees of the lapsed district, a special
25 administrative board, or any other form of governance appointed
26 under this section. Such immunities, and immunity doctrines as
27 exist or may hereafter exist benefitting boards of education,
28 their members and their employees shall be available to the

1 special administrative board[, its] or any other form of
2 governance appointed under this section and the members and
3 employees of the special administrative board or any other form
4 of governance appointed under this section members and employees.

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

11 7. If additional teachers are needed by a district as a
12 result of increased enrollment due to the annexation of territory
13 of a lapsed or dissolved district, such district shall grant an
14 employment interview to any permanent teacher of the lapsed or
15 dissolved district upon the request of such permanent teacher.

16 8. In the event that a school district with an enrollment
17 in excess of five thousand pupils lapses, no school district
18 shall have all or any part of such lapsed school district
19 attached without the approval of the board of the receiving
20 school district.

21 9. If the state board of education reasonably believes that
22 a school district is unlikely to provide for the minimum school
23 term required by section 163.021 because of financial difficulty,
24 the state board of education may, prior to the start of the
25 school term:

26 (1) Allow continued governance by the existing district
27 school board under terms and conditions established by the state
28 board of education; or

1 (2) Lapse the corporate organization of the district and
2 implement one of the options available under subdivision (2) of
3 subsection 3 of this section.

4 10. The provisions of subsection 9 of this section shall
5 not apply to any district solely on the basis of financial
6 difficulty resulting from paying tuition and providing
7 transportation for transfer students under sections 167.895 and
8 167.898.

9 162.203. 1. Board members initially elected or appointed
10 under section 162.291, 162.459, 162.471, or 162.581 after August
11 28, 1993, in addition to the qualifications prescribed in those
12 sections, shall successfully complete orientation and training
13 requirements within one year of the date of the election or
14 appointment. The orientation and training shall consist of at
15 least ~~[sixteen]~~ eighteen hours and thirty minutes with the cost
16 of such training to be paid by the district.

17 2. The orientation and training required under subsection 1
18 of this section shall include two hours and thirty minutes of
19 training that provides up-to-date and reliable information on
20 identifying signs of sexual abuse in children and danger signals
21 of potentially abusive relationships between children and adults.
22 The training shall emphasize how to establish an atmosphere of
23 trust so that students feel their school has concerned adults
24 with whom students can feel comfortable discussing matters
25 related to abuse. If, before August 28, 2019, a board member
26 completed the orientation and training requirements of this
27 section as they existed before August 28, 2019, the board member
28 shall not be required to complete any additional training other

1 than the refresher training described in subsection 3 of this
2 section.

3 3. Any school board member serving a term as of August 28,
4 2019, or elected or appointed after August 28, 2019, shall
5 complete at least one hour of refresher training each year of any
6 term in office; except that, the refresher training shall not be
7 required in the year in which the member completes the initial
8 orientation and training under subsection 1 of this section. The
9 refresher training shall address concepts covered in the initial
10 training including, but not limited to, the prevention of sexual
11 abuse of children.

12 4. All programs providing the orientation and training
13 required under the provisions of this section shall be offered by
14 a statewide association organized for the benefit of members of
15 boards of education or be approved by the state board of
16 education.

17 163.018. 1. (1) Notwithstanding the definition of
18 "average daily attendance" in subdivision (2) of section 163.011
19 to the contrary, pupils between the ages of three and five who
20 are eligible for free and reduced price lunch and attend an early
21 childhood education program;

22 (a) That is operated by and in a district or by a charter
23 school that has declared itself as a local educational agency
24 providing full-day kindergarten and that meets standards
25 established by the state board of education; or

26 (b) That is under contract with a district or charter
27 school that has declared itself as a local educational agency and
28 that meets standards established by the state board of education;

1 shall be included in the district's or charter school's
2 calculation of average daily attendance. The total number of
3 such pupils included in the district's or charter school's
4 calculation of average daily attendance shall not exceed four
5 percent of the total number of pupils who are eligible for free
6 and reduced price lunch between the ages of five and eighteen who
7 are included in the district's or charter school's calculation of
8 average daily attendance.

9 (2) If a pupil described under subdivision (1) of this
10 subsection leaves an early childhood education program during the
11 school year, a district or charter school shall be allowed to
12 fill the vacant enrollment spot with another pupil between the
13 ages of three and five who is eligible for free and reduced price
14 lunch without affecting the district's or charter school's
15 calculation of average daily attendance.

16 2. In establishing standards for any early childhood
17 education program that is under contract with a district or
18 charter school that has declared itself as a local educational
19 agency, the state board of education shall consider:

20 (1) Whether a program offers full-day and full-year
21 programming;

22 (2) Whether a program has teacher-to-child ratios
23 consistent with reasonable standards set by early childhood
24 education program accrediting agencies;

25 (3) Whether a program offers professional development
26 supports for educators and the type of supports offered;

27 (4) Whether a program uses appropriately credentialed
28 educators;

1 (5) Whether a program uses an early childhood education
2 curriculum that has been approved by the department of elementary
3 and secondary education and whether the curriculum is
4 developmentally appropriate; and

5 (6) Any other factor that the state board of education
6 determines to be significant in ensuring that children achieve
7 high levels of kindergarten readiness.

8
9 The state board of education shall require that staff members of
10 any early childhood education program that is under contract with
11 a district or charter school that has declared itself as a local
12 educational agency undergo background checks as described in
13 section 168.133.

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

18 163.031. 1. The department of elementary and secondary
19 education shall calculate and distribute to each school district
20 qualified to receive state aid under section 163.021 an amount
21 determined by multiplying the district's weighted average daily
22 attendance by the state adequacy target, multiplying this product
23 by the dollar value modifier for the district, and subtracting
24 from this product the district's local effort and subtracting
25 payments from the classroom trust fund under section 163.043.

26 2. Other provisions of law to the contrary notwithstanding:

27 (1) For districts with an average daily attendance of more
28 than three hundred fifty in the school year preceding the payment

1 year:

2 (a) For the 2008-09 school year, the state revenue per
3 weighted average daily attendance received by a district from the
4 state aid calculation under subsections 1 and 4 of this section,
5 as applicable, and the classroom trust fund under section 163.043
6 shall not be less than the state revenue received by a district
7 in the 2005-06 school year from the foundation formula, line 14,
8 gifted, remedial reading, exceptional pupil aid, fair share, and
9 free textbook payment amounts multiplied by the dollar value
10 modifier, and dividing this product by the weighted average daily
11 attendance computed for the 2005-06 school year;

12 (b) For each year subsequent to the 2008-09 school year,
13 the amount shall be no less than that computed in paragraph (a)
14 of this subdivision, multiplied by the weighted average daily
15 attendance pursuant to section 163.036, less any increase in
16 revenue received from the classroom trust fund under section
17 163.043;

18 (2) For districts with an average daily attendance of three
19 hundred fifty or less in the school year preceding the payment
20 year:

21 (a) For the 2008-09 school year, the state revenue received
22 by a district from the state aid calculation under subsections 1
23 and 4 of this section, as applicable, and the classroom trust
24 fund under section 163.043 shall not be less than the greater of
25 state revenue received by a district in the 2004-05 or 2005-06
26 school year from the foundation formula, line 14, gifted,
27 remedial reading, exceptional pupil aid, fair share, and free
28 textbook payment amounts multiplied by the dollar value modifier;

1 (b) For each year subsequent to the 2008-09 school year,
2 the amount shall be no less than that computed in paragraph (a)
3 of this subdivision;

4 (3) The department of elementary and secondary education
5 shall make an addition in the payment amount specified in
6 subsection 1 of this section to assure compliance with the
7 provisions contained in this subsection.

8 3. School districts that meet the requirements of section
9 163.021 shall receive categorical add-on revenue as provided in
10 this subsection. The categorical add-on for the district shall
11 be the sum of: seventy-five percent of the district allowable
12 transportation costs under section 163.161; the career ladder
13 entitlement for the district, as provided for in sections 168.500
14 to 168.515; the vocational education entitlement for the
15 district, as provided for in section 167.332; and the district
16 educational and screening program entitlements as provided for in
17 sections 178.691 to 178.699. The categorical add-on revenue
18 amounts may be adjusted to accommodate available appropriations.

19 4. For any school district meeting the eligibility criteria
20 for state aid as established in section 163.021, but which is
21 considered an option district under section 163.042 and therefore
22 receives no state aid, the commissioner of education shall
23 present a plan to the superintendent of the school district for
24 the waiver of rules and the duration of said waivers, in order to
25 promote flexibility in the operations of the district and to
26 enhance and encourage efficiency in the delivery of instructional
27 services as provided in section 163.042.

28 5. (1) No less than seventy-five percent of the state

1 revenue received under the provisions of subsections 1 and 2 of
2 this section shall be placed in the teachers' fund, and the
3 remaining percent of such moneys shall be placed in the
4 incidental fund. No less than seventy-five percent of one-half
5 of the funds received from the school district trust fund
6 distributed under section 163.087 shall be placed in the
7 teachers' fund. One hundred percent of revenue received under
8 the provisions of section 163.161 shall be placed in the
9 incidental fund. One hundred percent of revenue received under
10 the provisions of sections 168.500 to 168.515 shall be placed in
11 the teachers' fund.

12 (2) A school district shall spend for certificated
13 compensation and tuition expenditures each year:

14 (a) An amount equal to at least seventy-five percent of the
15 state revenue received under the provisions of subsections 1 and
16 2 of this section;

17 (b) An amount equal to at least seventy-five percent of
18 one-half of the funds received from the school district trust
19 fund distributed under section 163.087 during the preceding
20 school year; and

21 (c) Beginning in fiscal year 2008, as much as was spent per
22 the second preceding year's weighted average daily attendance for
23 certificated compensation and tuition expenditures the previous
24 year from revenue produced by local and county tax sources in the
25 teachers' fund, plus the amount of the incidental fund to
26 teachers' fund transfer calculated to be local and county tax
27 sources by dividing local and county tax sources in the
28 incidental fund by total revenue in the incidental fund.

1 In the event a district fails to comply with this provision, the
2 amount by which the district fails to spend funds as provided
3 herein shall be deducted from the district's state revenue
4 received under the provisions of subsections 1 and 2 of this
5 section for the following year, provided that the state board of
6 education may exempt a school district from this provision if the
7 state board of education determines that circumstances warrant
8 such exemption.

9 6. (1) If a school district's annual audit discloses that
10 students were inappropriately identified as eligible for free and
11 reduced price lunch, special education, or limited English
12 proficiency and the district does not resolve the audit finding,
13 the department of elementary and secondary education shall
14 require that the amount of aid paid pursuant to the weighting for
15 free and reduced price lunch, special education, or limited
16 English proficiency in the weighted average daily attendance on
17 the inappropriately identified pupils be repaid by the district
18 in the next school year and shall additionally impose a penalty
19 of one hundred percent of such aid paid on such pupils, which
20 penalty shall also be paid within the next school year. Such
21 amounts may be repaid by the district through the withholding of
22 the amount of state aid.

23 (2) In the 2017-18 school year and in each subsequent
24 school year, if a district experiences a decrease in its gifted
25 program enrollment of twenty percent or more from the previous
26 school year, an amount equal to the product of the difference
27 between the number of students enrolled in the gifted program in
28 the current school year and the number of students enrolled in

1 the gifted program in the previous school year multiplied by six
2 hundred eighty dollars shall be subtracted from the district's
3 current year payment amount. The provisions of this subdivision
4 shall apply to districts entitled to receive state aid payments
5 under both subsections 1 and 2 of this section but shall not
6 apply to any school district with an average daily attendance of
7 three hundred fifty or less.

8 7. Notwithstanding any provision of law to the contrary, in
9 any fiscal year during which the total formula appropriation is
10 insufficient to fully fund the entitlement calculation of this
11 section, the department of elementary and secondary education
12 shall adjust the state adequacy target in order to accommodate
13 the appropriation level for the given fiscal year. In no manner
14 shall any payment modification be rendered for any district
15 qualified to receive payments under subsection 2 of this section
16 based on insufficient appropriations.

17 8. Notwithstanding any provision of law to the contrary,
18 school districts that receive revenue from the tax authorized
19 under sections 148.030, 148.140, 148.620, and 148.720 shall,
20 beginning January 1, 2020, and every January first thereafter,
21 report the amount of said revenue received by the district to the
22 department. The department shall, based on the data submitted by
23 the district, determine the total amount of revenue the district
24 would have received from the tax authorized under sections
25 148.030, 148.140, 148.620, and 148.720 absent the provisions of
26 section 148.720, and remit the following amount to each
27 applicable district not less than thirty days after the
28 conclusion of each calendar year. The amount remitted to each

1 district shall be the total of the revenue received by the
2 district from the tax authorized under sections 148.030, 148.140,
3 148.620, and 148.720 during the applicable calendar year times
4 one and five thousand six hundred and twenty-five ten thousandths
5 minus the total of the revenue received by the district from the
6 tax authorized under sections 148.030, 148.140, 148.620, and
7 148.720 during the same calendar year. This payment shall be in
8 addition to payments authorized under subsections 1, 2, and 7 of
9 this section and shall be made from the annual appropriation to
10 fund this section.

11 167.125. 1. (1) For the purposes of this section, the
12 term "attendance center" shall mean a public school building or
13 buildings or part of a school building that constitutes one unit
14 for accountability purposes under the Missouri school improvement
15 program.

16 (2) For any pupil residing in any unincorporated area
17 located in any county of the first classification with more than
18 one hundred one thousand but fewer than one hundred fifteen
19 thousand inhabitants that also borders on any county with a
20 charter form of government and with more than nine hundred fifty
21 thousand inhabitants and any county with a charter form of
22 government and with more than three hundred thousand but fewer
23 than four hundred fifty thousand inhabitants, and for any pupil
24 residing in any village with more than three hundred twenty but
25 fewer than three hundred sixty inhabitants and located in any
26 county of the third classification without a township form of
27 government and with more than twenty-three thousand but fewer
28 than twenty-six thousand inhabitants and with a village with more

1 than two hundred but fewer than two hundred fifty inhabitants as
2 the county seat, and for any pupil residing in an unincorporated
3 area of a county of the third classification without a township
4 form of government and with more than nine thousand but fewer
5 than ten thousand inhabitants and with a city of the fourth
6 classification with more than five hundred fifty but fewer than
7 six hundred fifty inhabitants as the county seat, the
8 commissioner of education or his or her designee shall, upon
9 proper application by the parent or guardian of the pupil, assign
10 the pupil and any sibling of the pupil to another school district
11 if the pupil is eligible as described under subsection 2 of this
12 section and the following conditions are met:

13 (a) The actual driving distance from the pupil's residence
14 to the attendance center in the district of residence is fifteen
15 miles or more by the shortest route available as determined by
16 the commissioner or his or her designee;

17 (b) The attendance center to which the pupil would be
18 assigned in the receiving district is at least five miles closer
19 in actual driving distance by the shortest route available to the
20 pupil's residence than the current attendance center in the
21 district of residence as determined by the commissioner or his or
22 her designee; and

23 (c) The attendance of the pupil will not cause the
24 classroom in the receiving district to exceed the maximum number
25 of pupils per class as determined by the receiving district.

26 2. (1) For pupils applying to the commissioner of
27 education under this section, the commissioner, or his or her
28 designee, shall assign pupils in the order in which applications

1 are received, provided the applications are properly completed
2 and the conditions of subsection 1 of this section are met.

3 (2) Once granted, the hardship assignment shall continue
4 until the pupil, and any sibling of the pupil who attends the
5 same attendance center, completes his or her course of study in
6 the receiving district or the parent or guardian withdraws the
7 pupil. If a parent or guardian withdraws a pupil from a hardship
8 assignment, the granting of a subsequent application is
9 discretionary.

10 (3) A pupil shall be eligible to apply to the commissioner
11 of education to be assigned to another district under this
12 section if the pupil has been enrolled in and attending a public
13 school in his or her district of residence during the school year
14 prior to the application. Any pupil shall be eligible to apply
15 to the commissioner of education to be assigned to another
16 district under this section if the pupil has been enrolled in and
17 attending a public school in a district other than his or her
18 district of residence and paid nonresident tuition for such
19 enrollment during the school year prior to the application, or,
20 in the case where a pupil is applying under subdivision (2) of
21 subsection 1 of this section, if the pupil has applied for
22 enrollment in a public school in a district other than his or her
23 district of residence but whose application was denied. Pupils
24 who reside in the district who become eligible for kindergarten
25 or first grade shall also be eligible to apply to the
26 commissioner of education to be assigned to another district.

27 (4) A pupil who is not currently enrolled in a public
28 school district shall become eligible to apply to the

1 commissioner of education to be assigned to another district
2 after the pupil has enrolled in and completed a full school year
3 in a public school in his or her district of residence.

4 3. The board of education of the district in which the
5 pupil resides shall pay the tuition of the pupil assigned. The
6 tuition amount shall not exceed the pro rata cost of instruction.
7 However, if the tuition of the receiving district is greater than
8 the tuition of the pupil's district of residence, the pupil's
9 parent or guardian shall pay the difference in tuition.

10 4. A receiving district shall not be required to alter its
11 transportation route to accommodate pupils that are assigned to
12 the receiving district under the provisions of this section.

13 167.131. 1. The board of education of each district in
14 this state that does not maintain [an accredited] a high school
15 [pursuant to the authority of the state board of education to
16 classify schools as established in section 161.092] offering work
17 through the twelfth grade shall pay [the] tuition [of] as
18 calculated by the receiving district under subsection 2 of this
19 section and provide transportation consistent with the provisions
20 of section 167.241 for each pupil resident therein who has
21 completed the work of the highest grade offered in the schools of
22 the district and who attends an accredited public high school in
23 another district of the same or an adjoining county [or who
24 attends an approved charter school in the same or an adjoining
25 county].

26 2. The rate of tuition to be charged by the district
27 attended and paid by the sending district is the per pupil cost
28 of maintaining the district's grade level grouping which includes

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

24 [3. For purposes of this section, "approved charter school"
25 means a charter school that has existed for less than three years
26 or a charter school with a three-year average score of seventy
27 percent or higher on its annual performance report.]

28 167.132. 1. For purposes of this section, the following

1 terms mean:

2 (1) "Receiving approved charter school", an approved
3 charter school, as defined under section 167.895, receiving
4 transfer students under section 167.895;

5 (2) "Receiving district", a school district receiving
6 transfer students under section 167.895;

7 (3) "Sending district", a school district from which
8 students are transferring to a receiving district or approved
9 charter school, as allowed under section 167.895;

10 (4) "State adequacy target", the same meaning given to the
11 term under section 163.011.

12 2. Notwithstanding any other provision of law, the tuition
13 rate paid by a sending district to the receiving district or the
14 receiving approved charter school for transfer students shall be
15 the lesser of:

16 (1) The tuition rate set by the receiving district or the
17 receiving approved charter school under the policy adopted in
18 accordance with section 167.895; or

19 (2) The state adequacy target plus the average sum produced
20 per child by the local tax effort above the state adequacy target
21 of the sending district.

22 167.151. 1. The school board of any district, in its
23 discretion, may admit to the school pupils not entitled to free
24 instruction and prescribe the tuition fee to be paid by them,
25 except as provided in sections 167.121 [and], 167.131, 167.132,
26 and 167.895.

27 2. Orphan children, children with only one parent living,
28 and children whose parents do not contribute to their support—if

1 the children are between the ages of six and twenty years and are
2 unable to pay tuition—may attend the schools of any district in
3 the state in which they have a permanent or temporary home
4 without paying a tuition fee.

5 3. Any person who pays a school tax in any other district
6 than that in which he resides may send his children to any public
7 school in the district in which the tax is paid and receive as a
8 credit on the amount charged for tuition the amount of the school
9 tax paid to the district; except that any person who owns real
10 estate of which eighty acres or more are used for agricultural
11 purposes and upon which his residence is situated may send his
12 children to public school in any school district in which a part
13 of such real estate, contiguous to that upon which his residence
14 is situated, lies and shall not be charged tuition therefor; so
15 long as thirty-five percent of the real estate is located in the
16 school district of choice. The school district of choice shall
17 count the children in its average daily attendance for the
18 purpose of distribution of state aid through the foundation
19 formula.

20 4. Any owner of agricultural land who, pursuant to
21 subsection 3 of this section, has the option of sending his
22 children to the public schools of more than one district shall
23 exercise such option as provided in this subsection. Such person
24 shall send written notice to all school districts involved
25 specifying to which school district his children will attend by
26 June thirtieth in which such a school year begins. If
27 notification is not received, such children shall attend the
28 school in which the majority of his property lies. Such person

1 shall not send any of his children to the public schools of any
2 district other than the one to which he has sent notice pursuant
3 to this subsection in that school year or in which the majority
4 of his property lies without paying tuition to such school
5 district.

6 5. If a pupil is attending school in a district other than
7 the district of residence and the pupil's parent is teaching in
8 the school district or is a regular employee of the school
9 district which the pupil is attending, then the district in which
10 the pupil attends school shall allow the pupil to attend school
11 upon payment of tuition in the same manner in which the district
12 allows other pupils not entitled to free instruction to attend
13 school in the district. The provisions of this subsection shall
14 apply only to pupils attending school in a district which has an
15 enrollment in excess of thirteen thousand pupils and not in
16 excess of fifteen thousand pupils and which district is located
17 in a county of the first classification with a charter form of
18 government which has a population in excess of six hundred
19 thousand persons and not in excess of nine hundred thousand
20 persons.

21 167.241. 1. Except as otherwise provided under this
22 section, transportation for pupils whose tuition the district of
23 residence is required to pay by section 167.131 or who are
24 assigned as provided in section 167.121 shall be provided by the
25 district of residence[; however,].

26 2. In the case of pupils covered by section 167.131, the
27 district of residence shall be required to provide transportation
28 only to [approved charter schools as defined in section 167.131,]

1 school districts accredited by the state board of education
2 pursuant to the authority of the state board of education to
3 classify schools as established in section 161.092, and those
4 school districts designated by the board of education of the
5 district of residence.

6 3. (1) For purposes of this subsection, "approved charter
7 school" has the same meaning given to the term under section
8 167.895.

9 (2) For pupils covered by section 167.895, the district of
10 residence shall be required to provide transportation only to
11 school districts or approved charter schools designated by the
12 department of elementary and secondary education or its designee.
13 For pupils covered by section 167.895, the department of
14 elementary and secondary education or its designee shall
15 designate at least one accredited district or approved charter
16 school to which the district of residence shall provide
17 transportation. If the designated district or charter school
18 reaches full student capacity and is unable to receive additional
19 students, the department of elementary and secondary education or
20 its designee shall designate at least one additional accredited
21 district or approved charter school to which the district of
22 residence shall provide transportation.

23 167.890. 1. The department of elementary and secondary
24 education shall compile and maintain student performance data
25 scores of all students enrolled in districts other than their
26 resident districts as provided under section 167.895 and make
27 such data available on the Missouri comprehensive data system.
28 No personally identifiable data shall be accessible on the

1 database.

2 2. The department of elementary and secondary education may
3 promulgate all necessary rules and regulations for the
4 administration of this section. Any rule or portion of a rule,
5 as that term is defined in section 536.010, that is created under
6 the authority delegated in this section shall become effective
7 only if it complies with and is subject to all of the provisions
8 of chapter 536, and, if applicable, section 536.028. This
9 section and chapter 536 are nonseverable, and if any of the
10 powers vested with the general assembly pursuant to chapter 536
11 to review, to delay the effective date, or to disapprove and
12 annul a rule are subsequently held unconstitutional, then the
13 grant of rulemaking authority and any rule proposed or adopted
14 after the effective date of this section shall be invalid and
15 void.

16 167.895. 1. For purposes of this section and section
17 167.898, the following terms mean:

18 (1) "Approved charter school", a charter school that has
19 existed for less than three years or a charter school with a
20 three-year average score consistent with a classification of
21 accredited without provisions on its annual performance report;

22 (2) "Attendance center", a public school building, public
23 school buildings, or part of a public school building that offers
24 education in a grade or grades not higher than the twelfth grade
25 and that constitutes one unit for accountability and reporting
26 purposes for the department of elementary and secondary
27 education;

28 (3) "Available receiving district", a school district able

1 to receive transfer students under this section;

2 (4) "Receiving district", a school district receiving
3 transfer students under this section;

4 (5) "Sending district", a school district from which
5 students are transferring to a receiving district or approved
6 charter school, as allowed under this section.

7 2. (1) Any student may transfer to another public school
8 in the student's district of residence if such student is
9 enrolled in and has attended, for the full semester immediately
10 prior to requesting the transfer, an attendance center:

11 (a) That is located within an unaccredited district; and

12 (b) That has an annual performance report score consistent
13 with a classification of unaccredited.

14
15 However, no such transfer shall result in a class size and
16 assigned enrollment in a receiving school that exceeds the
17 standards for class size and assigned enrollment as promulgated
18 in the Missouri school improvement program's resource standards.
19 If the student chooses to attend a magnet school, an academically
20 selective school, or a school with a competitive entrance process
21 within his or her district of residence that has admissions
22 requirements, the student shall meet the admissions requirements
23 in order to attend.

24 (2) The school board of each unaccredited district shall
25 determine the capacity at each of the district's attendance
26 centers that has an annual performance report score consistent
27 with a classification of accredited. The district's school board
28 shall be responsible for coordinating transfers within the

1 district as allowed under this subsection.

2 (3) The school board of each unaccredited district shall
3 annually report to the department of elementary and secondary
4 education or its designee the number of available slots in
5 attendance centers within the district that have annual
6 performance report scores consistent with a classification of
7 accredited, the number of students who request to transfer within
8 the district, and the number of such transfer requests that are
9 granted.

10 3. (1) Any student who is eligible to transfer within his
11 or her district under subsection 2 of this section but who is
12 unable to do so due to a lack of capacity in the attendance
13 centers in his or her district of residence may apply to the
14 department of elementary and secondary education or its designee
15 to transfer to:

16 (a) An attendance center:

17 a. That is located within an accredited district that is
18 located in the same or an adjoining county; and

19 b. That has an annual performance report score consistent
20 with a classification of accredited; or

21 (b) An approved charter school located in another district
22 in the same or an adjoining county.

23 (2) A student who is eligible to begin kindergarten or
24 first grade at an attendance center:

25 (a) That is located within an unaccredited district;

26 (b) That has an annual performance report score consistent
27 with a classification of unaccredited; and

28 (c) That offers classes above the second grade level

1 may apply to the department of elementary and secondary education
2 or its designee for a transfer to a school described under
3 paragraph (a) or (b) of subdivision (1) of this subsection if he
4 or she resides in the attendance area of the attendance center
5 described under this subdivision on March first preceding the
6 school year of first attendance. A student who does not apply by
7 March first for enrollment in any school year after the 2019-20
8 school year shall be required to enroll and attend the attendance
9 center described under this subdivision for one semester to
10 become eligible.

11 (3) If a student who is eligible to transfer under this
12 subsection chooses to apply to attend a magnet school, an
13 academically selective school, or a school with a competitive
14 entrance process that has admissions requirements, the student
15 shall furnish proof that he or she meets the admissions
16 requirements.

17 (4) Any student who does not maintain residency in the
18 attendance area of his or her attendance center in the district
19 of residence shall lose eligibility to transfer.

20 (5) Except as provided under subsection 7 of this section,
21 any student who transfers but later withdraws shall lose
22 eligibility to transfer.

23 (6) The transfer provisions of this subsection shall not
24 apply to a district created under sections 162.815 to 162.840 or
25 to any early childhood programs or early childhood special
26 education programs.

27 4. (1) No student enrolled in and attending an attendance
28 center that does not offer classes above the second grade level

1 shall be eligible to transfer under this section.

2 (2) No student who is eligible to begin kindergarten or
3 first grade at an attendance center that does not offer classes
4 above the second grade level shall be eligible to transfer under
5 this section.

6 5. (1) (a) No provisionally accredited district shall be
7 eligible to receive transfer students.

8 (b) Except as provided under paragraph (c) of this
9 subdivision, no attendance center that has an annual performance
10 report score consistent with a classification of provisionally
11 accredited shall be eligible to receive transfer students.

12 (c) A transfer student who chooses to attend an attendance
13 center that has an annual performance report score consistent
14 with a classification of provisionally accredited and that is
15 located within his or her unaccredited district of residence
16 shall be allowed to transfer to such attendance center if there
17 is an available slot.

18 (2) (a) No unaccredited district shall be eligible to
19 receive transfer students.

20 (b) No attendance center that has an annual performance
21 report score consistent with a classification of unaccredited
22 shall be eligible to receive transfer students.

23 (3) No district or attendance center that has received two
24 consecutive annual performance reports consistent with a
25 classification of provisionally accredited for the years
26 immediately preceding the year in which it seeks to enroll
27 transfer students shall be eligible to receive any transfer
28 students, irrespective of its state board of education

1 classification designation; except that, any student who was
2 granted a transfer to such a district or attendance center prior
3 to the effective date of this section may remain enrolled in that
4 district or attendance center.

5 6. Notwithstanding the provisions of subsection 5 of this
6 section, a student may transfer to an attendance center:

7 (1) That is located within an unaccredited or provisionally
8 accredited district; and

9 (2) That has an annual performance report score consistent
10 with a classification of accredited

11
12 if the attendance center applies for and is granted a waiver by
13 the department of elementary and secondary education or its
14 designee to allow the attendance center to accept transfer
15 students.

16 7. If a receiving district becomes unaccredited or
17 provisionally accredited, or if an approved charter school loses
18 its status as an approved charter school, any students who
19 previously transferred to the district or charter school shall
20 receive the opportunity to remain enrolled in the district or
21 charter school or to transfer to another district or approved
22 charter school without losing their eligibility to transfer.

23 8. For a receiving district, no acceptance of a transfer
24 student shall require any of the following actions, unless the
25 board of education of the receiving district has approved the
26 action:

27 (1) The hiring of additional classroom teachers;

28 (2) The construction of additional classrooms; or

1 (3) A class size and assigned enrollment in a receiving
2 school that exceeds the standards for class size and assigned
3 enrollment as promulgated in the Missouri school improvement
4 program's resource standards.

5 9. (1) By July 15, 2019, the board of education of each
6 available receiving district and the governing board of each
7 approved charter school eligible to receive transfer students
8 under this section shall set the number of transfer students the
9 district or charter school is able to receive for the 2019-20
10 school year.

11 (2) By February first annually, the board of education of
12 each available receiving district and the governing board of each
13 approved charter school eligible to receive transfer students
14 under this section shall set the number of transfer students the
15 district or charter school is able to receive for the following
16 school year.

17 (3) An available receiving district or approved charter
18 school eligible to receive transfer students under this section
19 shall publish the number set under this subsection and shall not
20 be required to accept any transfer students under this section
21 that would cause it to exceed the published number.

22 10. (1) Each available receiving district shall adopt a
23 policy establishing a tuition rate for transfer students by
24 February first annually.

25 (2) Each approved charter school eligible to receive
26 transfer students under this section shall adopt a policy
27 establishing a tuition rate for transfer students by February
28 first annually.

1 (3) A sending district shall pay the receiving district or
2 the approved charter school the amount specified under section
3 167.132 for each transfer student.

4 11. A student whose transfer application has been denied by
5 a receiving district shall have the right to appeal the decision
6 of the receiving district to the department of elementary and
7 secondary education. The appeal shall be taken within fifteen
8 days after the decision of the department and may be taken by
9 filing notice of appeal with the department. Such appeal shall
10 be heard as provided in chapter 536.

11 12. If an unaccredited district becomes classified as
12 provisionally accredited or accredited without provisions by the
13 state board of education, or if an attendance center within an
14 unaccredited district improves its annual performance report
15 score from a score that is consistent with a classification of
16 unaccredited to a score that is consistent with a classification
17 of provisionally accredited or accredited, any resident student
18 of the unaccredited district who has transferred to an approved
19 charter school or to an accredited district in the same or an
20 adjoining county, as allowed under subsection 3 of this section,
21 shall be permitted to continue his or her educational program in
22 the receiving district or charter school through the completion
23 of middle school, junior high school, or high school, whichever
24 occurs first; except that, a student who attends any school
25 serving students through high school graduation but starting at
26 grades lower than ninth grade shall be permitted to complete high
27 school in the school to which he or she has transferred.

28 13. Notwithstanding the provisions of subsection 10 of this

1 section, if costs associated with the provision of special
2 education and related services to a student with a disability
3 exceed the tuition amount established under this section, the
4 unaccredited district shall remain responsible for paying the
5 excess cost to the receiving district. If the receiving district
6 is a component district of a special school district, the
7 unaccredited district, including any metropolitan school
8 district, shall contract with the special school district for the
9 entirety of the costs to provide special education and related
10 services, excluding transportation in accordance with this
11 section. The special school district may contract with an
12 unaccredited district, including any metropolitan district, for
13 the provision of transportation of a student with a disability or
14 the unaccredited district may provide transportation on its own.

15 14. A special school district shall continue to provide
16 special education and related services, with the exception of
17 transportation under this section, to a student with a disability
18 transferring from an attendance center with an annual performance
19 report score consistent with a classification of unaccredited
20 that is within a component district to an attendance center with
21 an annual performance report score consistent with a
22 classification of accredited that is within the same or a
23 different component district within the special school district.

24 15. If any metropolitan school district is classified as
25 unaccredited, it shall remain responsible for the provision of
26 special education and related services, including transportation,
27 to students with disabilities. A special school district in an
28 adjoining county to a metropolitan school district may contract

1 with the metropolitan school district for the reimbursement of
2 special education services under sections 162.705 and 162.710
3 provided by the special school district for transfer students who
4 are residents of the unaccredited district.

5 16. Regardless of whether transportation is identified as a
6 related service within a student's individualized education
7 program, a receiving district that is not part of a special
8 school district shall not be responsible for providing
9 transportation to a student transferring under this section. An
10 unaccredited district may contract with a receiving district that
11 is not part of a special school district under sections 162.705
12 and 162.710 for transportation of students with disabilities.

13 17. If a seven-director school district or urban school
14 district is classified as unaccredited, it may contract with a
15 receiving district that is not part of a special school district
16 in the same or an adjoining county for the reimbursement of
17 special education and related services under sections 162.705 and
18 162.710 provided by the receiving district for transfer students
19 who are residents of the unaccredited district.

20 167.898. 1. (1) By July 15, 2019, and by January first
21 annually, each accredited district, any portion of which is
22 located in the same county as or in an adjoining county to an
23 unaccredited district, shall report to the department of
24 elementary and secondary education or its designee the number of
25 available enrollment slots by grade level.

26 (2) By July 15, 2019, and by January first annually, each
27 unaccredited district shall report to the department of
28 elementary and secondary education or its designee the number of

1 available enrollment slots in the schools of its district that
2 have received annual performance report scores consistent with a
3 classification of accredited.

4 (3) By July 15, 2019, and by January first annually, each
5 approved charter school that is eligible to receive transfer
6 students under section 167.895 shall report to the department of
7 elementary and secondary education or its designee the number of
8 available enrollment slots.

9 2. The department of elementary and secondary education or
10 its designee shall make information and assistance available to
11 parents or guardians who intend to transfer their child to an
12 accredited district or to an approved charter school as described
13 under section 167.895.

14 3. The parent or guardian of a student who intends to
15 transfer his or her child to an accredited district or to an
16 approved charter school as described under section 167.895 for
17 enrollment in that district or charter school in any school year
18 after the 2019-20 school year shall send initial notification to
19 the department of elementary and secondary education or its
20 designee by March first for enrollment in the subsequent school
21 year.

22 4. The department of elementary and secondary education or
23 its designee shall assign those students who seek to transfer to
24 an accredited district or to an approved charter school as
25 described under section 167.895. When assigning transfer
26 students to approved charter schools, the department of
27 elementary and secondary education or its designee shall
28 coordinate with each approved charter school and its admissions

1 process if capacity is insufficient to enroll all students who
2 submit a timely application. An approved charter school shall
3 not be required to institute a lottery procedure for determining
4 the admission of resident students. The department of elementary
5 and secondary education or its designee shall give first priority
6 to students who live in the same household with any family member
7 within the first or second degree of consanguinity or affinity
8 who already attends a school with an annual performance report
9 score consistent with a classification of accredited and who
10 apply to attend the same school. If insufficient grade-
11 appropriate enrollment slots are available for a student to be
12 able to transfer, the student shall receive first priority the
13 following school year. The department of elementary and
14 secondary education or its designee shall consider the following
15 factors in assigning school districts and charter schools:

- 16 (1) The student's or parent's choice of the receiving
17 school district or charter school;
18 (2) The best interests of the student;
19 (3) The availability of transportation funding, as provided
20 under section 167.241; and
21 (4) Distance and travel time to a receiving school.

22
23 The department of elementary and secondary education or its
24 designee shall not consider student academic performance, free
25 and reduced price lunch status, or athletic ability in assigning
26 a student to a school. The parent or guardian may make an
27 application for a specific building assignment within the
28 district or approved charter school. Final building assignment

1 shall be determined by the receiving school district or approved
2 charter school.

3 5. (1) The department of elementary and secondary
4 education or its designee may deny a transfer to a student who in
5 the most recent school year has been suspended from school two or
6 more times or who has been suspended for an act of school
7 violence under subsection 2 of section 160.261. A student whose
8 transfer is initially precluded under this subsection may be
9 permitted to transfer on a provisional basis as a probationary
10 transfer student, subject to no further disruptive behavior, upon
11 a statement from the student's current school that the student is
12 not disruptive. A student who is denied a transfer under this
13 subsection has the right to an in-person meeting with an employee
14 of the department of elementary and secondary education or its
15 designee.

16 (2) The department of elementary and secondary education
17 shall promulgate rules to provide common standards for
18 determining disruptive behavior that shall include, but not be
19 limited to, criteria under section 160.261. Any rule or portion
20 of a rule, as that term is defined in section 536.010, that is
21 created under the authority delegated in this section shall
22 become effective only if it complies with and is subject to all
23 of the provisions of chapter 536 and, if applicable, section
24 536.028. This section and chapter 536 are nonseverable, and if
25 any of the powers vested with the general assembly pursuant to
26 chapter 536 to review, to delay the effective date, or to
27 disapprove and annul a rule are subsequently held
28 unconstitutional, then the grant of rulemaking authority and any

1 rule proposed or adopted after the effective date of this section
2 shall be invalid and void.

3 168.025. 1. For purposes of this section, "teacher
4 externship" means an experience in which a teacher, supervised by
5 his or her school or school district, gains practical experience
6 at a business located in Missouri through observation and
7 interaction with employers and employees.

8 2. The department of economic development and the
9 department of elementary and secondary education shall develop
10 and recommend:

11 (1) Requirements for teacher externships that can be
12 considered the equivalent of the completion of credit hours in
13 graduate-level courses for purposes of salary schedules; and

14 (2) An equivalency schedule that sets forth the number of
15 credit hours in graduate-level courses that shall be considered
16 equivalent to and awarded for each type of teacher externship.

17 To classify teacher externships and determine the number of
18 credit hours that would be appropriate for each type, the length
19 of the teacher externship, the practical experience gained, or
20 any other factor deemed relevant may be considered.

21 3. The department of economic development and the
22 department of elementary and secondary education shall adopt and
23 publish on their websites, before July 1, 2020, requirements for
24 teacher externships that can be considered the equivalent of the
25 completion of credit hours in graduate-level courses for purposes
26 of salary schedules and an equivalency schedule as described in
27 subsection 2 of this section. Any teacher externship that meets
28 the published requirements shall be known as and considered a

1 certified teacher externship for purposes of this section.

2 4. If a school district or charter school uses a salary
3 schedule in which a teacher receives a higher salary if he or she
4 has earned credit hours in graduate-level courses, the school
5 district or charter school shall consider any teacher who has
6 completed a certified teacher externship to have completed credit
7 hours in graduate-level courses on its salary schedule in the
8 manner prescribed by the equivalency schedule developed under
9 this section and compensate the teacher accordingly.

10 5. The department of elementary and secondary education and
11 the department of economic development may promulgate rules to
12 implement the provisions of this section. Any rule or portion of
13 a rule, as that term is defined in section 536.010, that is
14 created under the authority delegated in this section shall
15 become effective only if it complies with and is subject to all
16 of the provisions of chapter 536 and, if applicable, section
17 536.028. This section and chapter 536 are nonseverable, and if
18 any of the powers vested with the general assembly pursuant to
19 chapter 536 to review, to delay the effective date, or to
20 disapprove and annul a rule are subsequently held
21 unconstitutional, then the grant of rulemaking authority and any
22 rule proposed or adopted after August 28, 2019, shall be invalid
23 and void.

24 6. Under section 23.253 of the Missouri sunset act:

25 (1) The provisions of the new program authorized under this
26 section shall automatically sunset five years after the effective
27 date of this section unless reauthorized by an act of the general
28 assembly;

1 (2) If such program is reauthorized, the program authorized
2 under this section shall automatically sunset ten years after the
3 effective date of the reauthorization of this section; and

4 (3) This section shall terminate on September first of the
5 calendar year immediately following the calendar year in which
6 the program authorized under this section is sunset.

7 168.133. 1. As used in this section, "screened volunteer"
8 shall mean any person who assists a school by providing
9 uncompensated service and who may periodically be left alone with
10 students. The school district shall ensure that a criminal
11 background check is conducted for all screened volunteers, who
12 shall complete the criminal background check prior to being left
13 alone with a student. Screened volunteers include, but are not
14 limited to, persons who regularly assist in the office or
15 library, mentor or tutor students, coach or supervise a school-
16 sponsored activity before or after school, or chaperone students
17 on an overnight trip. Screened volunteers may only access
18 student education records when necessary to assist the district
19 and while supervised by staff members. Volunteers that are not
20 screened shall not be left alone with a student or have access to
21 student records.

22 2. The school district shall ensure that a criminal
23 background check is conducted on any person employed after
24 January 1, 2005, authorized to have contact with pupils and prior
25 to the individual having contact with any pupil. Such persons
26 include, but are not limited to, administrators, teachers, aides,
27 paraprofessionals, assistants, secretaries, custodians, cooks,
28 screened volunteers, and nurses. The school district shall also

1 ensure that a criminal background check is conducted for school
2 bus drivers. The district may allow such drivers to operate
3 buses pending the result of the criminal background check. For
4 bus drivers, the school district shall be responsible for
5 conducting the criminal background check on drivers employed by
6 the school district. For drivers employed by a pupil
7 transportation company under contract with the school district,
8 the criminal background check shall be conducted pursuant to
9 section 43.540 and conform to the requirements established in the
10 National Child Protection Act of 1993, as amended by the
11 Volunteers for Children Act. Personnel who have successfully
12 undergone a criminal background check and a check of the family
13 care safety registry as part of the professional license
14 application process under section 168.021 and who have received
15 clearance on the checks within one prior year of employment shall
16 be considered to have completed the background check requirement.
17 A criminal background check under this section shall include a
18 search of any information publicly available in an electronic
19 format through a public index or single case display.

20 [2.] 3. In order to facilitate the criminal history
21 background check, the applicant shall submit a set of
22 fingerprints collected pursuant to standards determined by the
23 Missouri highway patrol. The fingerprints shall be used by the
24 highway patrol to search the criminal history repository and
25 shall be forwarded to the Federal Bureau of Investigation for
26 searching the federal criminal history files.

27 [3.] 4. The applicant shall pay the fee for the state
28 criminal history record information pursuant to section 43.530

1 and sections 210.900 to 210.936 and pay the appropriate fee
2 determined by the Federal Bureau of Investigation for the federal
3 criminal history record when he or she applies for a position
4 authorized to have contact with pupils pursuant to this section.
5 The department shall distribute the fees collected for the state
6 and federal criminal histories to the Missouri highway patrol.

7 [4.] 5. The department of elementary and secondary
8 education shall facilitate an annual check of employed persons
9 holding current active certificates under section 168.021 against
10 criminal history records in the central repository under section
11 43.530, the sexual offender registry under sections 589.400 to
12 [589.475] 589.426, and child abuse central registry under
13 sections 210.109 to 210.183. The department of elementary and
14 secondary education shall facilitate procedures for school
15 districts to submit personnel information annually for persons
16 employed by the school districts who do not hold a current valid
17 certificate who are required by subsection 1 of this section to
18 undergo a criminal background check, sexual offender registry
19 check, and child abuse central registry check. The Missouri
20 state highway patrol shall provide ongoing electronic updates to
21 criminal history background checks of those persons previously
22 submitted, both those who have an active certificate and those
23 who do not have an active certificate, by the department of
24 elementary and secondary education. This shall fulfill the
25 annual check against the criminal history records in the central
26 repository under section 43.530.

27 [5.] 6. The school district may adopt a policy to provide
28 for reimbursement of expenses incurred by an employee for state

1 and federal criminal history information pursuant to section
2 43.530.

3 [6.] 7. If, as a result of the criminal history background
4 check mandated by this section, it is determined that the holder
5 of a certificate issued pursuant to section 168.021 has pled
6 guilty or nolo contendere to, or been found guilty of a crime or
7 offense listed in section 168.071, or a similar crime or offense
8 committed in another state, the United States, or any other
9 country, regardless of imposition of sentence, such information
10 shall be reported to the department of elementary and secondary
11 education.

12 [7.] 8. Any school official making a report to the
13 department of elementary and secondary education in conformity
14 with this section shall not be subject to civil liability for
15 such action.

16 [8.] 9. For any teacher who is employed by a school
17 district on a substitute or part-time basis within one year of
18 such teacher's retirement from a Missouri school, the state of
19 Missouri shall not require such teacher to be subject to any
20 additional background checks prior to having contact with pupils.
21 Nothing in this subsection shall be construed as prohibiting or
22 otherwise restricting a school district from requiring additional
23 background checks for such teachers employed by the school
24 district.

25 [9.] 10. A criminal background check and fingerprint
26 collection conducted under subsections 1 [and 2] to 3 of this
27 section shall be valid for at least a period of one year and
28 transferrable from one school district to another district. A

1 school district may, in its discretion, conduct a new criminal
2 background check and fingerprint collection under subsections 1
3 [and 2] to 3 for a newly hired employee at the district's
4 expense. A teacher's change in type of certification shall have
5 no effect on the transferability or validity of such records.

6 [10.] 11. Nothing in this section shall be construed to
7 alter the standards for suspension, denial, or revocation of a
8 certificate issued pursuant to this chapter.

9 [11.] 12. The state board of education may promulgate rules
10 for criminal history background checks made pursuant to this
11 section. Any rule or portion of a rule, as that term is defined
12 in section 536.010, that is created under the authority delegated
13 in this section shall become effective only if it complies with
14 and is subject to all of the provisions of chapter 536 and, if
15 applicable, section 536.028. This section and chapter 536 are
16 nonseverable and if any of the powers vested with the general
17 assembly pursuant to chapter 536 to review, to delay the
18 effective date, or to disapprove and annul a rule are
19 subsequently held unconstitutional, then the grant of rulemaking
20 authority and any rule proposed or adopted after January 1, 2005,
21 shall be invalid and void.

22 170.020. 1. (1) The department of elementary and
23 secondary education, through its school counseling section, shall
24 be authorized to establish a voluntary pilot program, beginning
25 in the 2020-2021 school year, to provide for social and emotional
26 health education in elementary schools in the state. The purpose
27 of the pilot program shall be to determine whether and how to
28 implement an elementary social and emotional health education

1 program statewide.

2 (2) The department, through its employees who work in the
3 school counseling section, is authorized to select from among
4 applications submitted by the public elementary schools a minimum
5 of sixteen public elementary schools for participation in the
6 pilot program. If fewer than sixteen schools apply for
7 participation in the program, the department shall select as many
8 eligible schools possible for partnership in the pilot program.
9 The department shall develop an application process for public
10 elementary schools to apply to participate in the pilot program.
11 The local school board for each elementary school selected to be
12 in the pilot program shall agree to implement and fully fund an
13 elementary social and emotional health program in such school
14 and to continue to provide such elementary social and emotional
15 health education program for a period no shorter than three
16 years. The local school district may employ a social and
17 emotional health teacher to provide such program for the
18 elementary school.

19 (3) The department, through its employees who work in the
20 school counseling section, and local school districts shall
21 collaborate to establish the instructional model for each
22 elementary social and emotional health education program. Such
23 instructional model shall be grade-appropriate and include
24 instruction in an organized classroom, including instruction on
25 how to set and achieve positive goals, how to utilize coping
26 strategies to handle stress, and shall have an increased emphasis
27 on protective factors, such as problem-solving skills, social
28 support and social connectedness through positive relationships

1 and teamwork.

2 (4) The department, through its school counseling section,
3 shall provide for a program evaluation regarding the success and
4 impact of the pilot program upon completion of the third year of
5 the pilot program and shall report the results of such evaluation
6 to the relevant house and senate committees on health and mental
7 health, and education.

8 2. The department shall maintain an adequate number of
9 full-time employees, certified in social and emotional health
10 education and distributed regionally throughout the state, to
11 provide accountability for program delivery of social and
12 emotional health education, to continue to develop and maintain
13 pertinent social and emotional health education instructional
14 model and standards, to assist local school districts on matters
15 related to social and emotional health education, and to
16 coordinate regional and state-wide activities supporting K-12
17 social and emotional health education programming.

18 3. Nothing in this section shall be construed to require
19 public elementary schools to participate in the pilot program.

20 170.045. 1. In school year 2020-21 and in each school year
21 thereafter, each school district shall provide trauma-informed,
22 developmentally-appropriate sexual abuse training to students in
23 all grades not lower than sixth grade. School districts must
24 include in the training the following:

25 (1) Instruction providing students with the knowledge and
26 tools to recognize sexual abuse;

27 (2) Instruction providing students with the knowledge and
28 tools to report an incident of sexual abuse;

1 (3) Actions that a student who is a victim of sexual abuse
2 could take to obtain assistance and intervention; and

3 (4) Available resources for students affected by sexual
4 abuse.

5 2. The department of elementary and secondary education
6 shall provide guidance and training materials school districts
7 may use to comply with the provisions of this section. The
8 training materials shall be developed in consultation with the
9 task force on the prevention of sexual abuse of children as
10 established in section 210.1200.

11 3. The school district shall notify parents or guardians in
12 advance of the training required under this section, of the
13 content of the instruction, and the parent or guardian's right to
14 have the student excused from the instruction. Upon written
15 request of the parent or guardian of a student, the student shall
16 be excused from instruction.

17 4. The department of elementary and secondary education may
18 promulgate rules to implement the provisions of this section.
19 Any rule or portion of a rule, as that term is defined in section
20 536.010, that is created under the authority delegated in this
21 section shall become effective only if it complies with and is
22 subject to all of the provisions of chapter 536 and, if
23 applicable, section 536.028. This section and chapter 536 are
24 nonseverable, and if any of the powers vested with the general
25 assembly pursuant to chapter 536 to review, to delay the
26 effective date, or to disapprove and annul a rule are
27 subsequently held unconstitutional, then the grant of rulemaking
28 authority and any rule proposed or adopted after August 28, 2019,

1 shall be invalid and void.

2 171.031. 1. Each school board shall prepare annually a
3 calendar for the school term, specifying the opening date, days
4 of planned attendance, and providing a minimum term of at least
5 one hundred seventy-four days for schools with a five-day school
6 week or one hundred forty-two days for schools with a four-day
7 school week, and one thousand forty-four hours of actual pupil
8 attendance. In school year 2019-20 and subsequent years, one
9 thousand forty-four hours of actual pupil attendance shall be
10 required for the school term with no minimum number of school
11 days. In addition, such calendar shall include six make-up days
12 for possible loss of attendance due to inclement weather as
13 defined in subsection 1 of section 171.033. In school year
14 2019-20 and subsequent years, such calendar shall include
15 thirty-six make-up hours for possible loss of attendance due to
16 inclement weather, as defined in subsection 1 of section 171.033,
17 with no minimum number of make-up days.

18 2. Each local school district may set its opening date each
19 year, which date shall be no earlier than [ten] fourteen calendar
20 days prior to the first Monday in September. No public school
21 district shall select an earlier start date unless, for calendars
22 for school years before school year 2020-21, the district follows
23 the procedure set forth in subsection 3 of this section. The
24 procedure set forth in subsection 3 of this section shall be
25 unavailable to school districts in preparing their calendars for
26 school year 2020-21 and for subsequent years.

27 3. For calendars for school years before school year 2020-
28 21, a district may set an opening date that is more than [ten]

1 fourteen calendar days prior to the first Monday in September
2 only if the local school board first gives public notice of a
3 public meeting to discuss the proposal of opening school on a
4 date more than [ten] fourteen days prior to the first Monday in
5 September, and the local school board holds said meeting and, at
6 the same public meeting, a majority of the board votes to allow
7 an earlier opening date. If all of the previous conditions are
8 met, the district may set its opening date more than [ten]
9 fourteen calendar days prior to the first Monday in September.
10 The condition provided in this subsection must be satisfied by
11 the local school board each year that the board proposes an
12 opening date more than [ten] fourteen days before the first
13 Monday in September.

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

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

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

28 171.033. 1. "Inclement weather", for purposes of this

1 section, shall be defined as ice, snow, extreme cold, excessive
2 heat, flooding, or a tornado[, but such term shall not include
3 excessive heat].

4 2. (1) A district shall be required to make up the first
5 six days of school lost or cancelled due to inclement weather and
6 half the number of days lost or cancelled in excess of six days
7 if the makeup of the days is necessary to ensure that the
8 district's students will attend a minimum of one hundred
9 forty-two days and a minimum of one thousand forty-four hours for
10 the school year except as otherwise provided in this section.
11 Schools with a four-day school week may schedule such make-up
12 days on Fridays.

13 (2) Notwithstanding subdivision (1) of this subsection, in
14 school year 2019-20 and subsequent years, a district shall be
15 required to make up the first thirty-six hours of school lost or
16 cancelled due to inclement weather and half the number of hours
17 lost or cancelled in excess of thirty-six if the makeup of the
18 hours is necessary to ensure that the district's students attend
19 a minimum of one thousand forty-four hours for the school year,
20 except as otherwise provided under subsections 3 and 4 of this
21 section.

22 3. (1) In the 2009-10 school year and subsequent years, a
23 school district may be exempt from the requirement to make up
24 days of school lost or cancelled due to inclement weather in the
25 school district when the school district has made up the six days
26 required under subsection 2 of this section and half the number
27 of additional lost or cancelled days up to eight days, resulting
28 in no more than ten total make-up days required by this section.

1 (2) In school year 2019-20 and subsequent years, a school
2 district may be exempt from the requirement to make up school
3 lost or cancelled due to inclement weather in the school district
4 when the school district has made up the thirty-six hours
5 required under subsection 2 of this section and half the number
6 of additional lost or cancelled hours up to forty-eight,
7 resulting in no more than sixty total make-up hours required by
8 this section.

9 4. The commissioner of education may provide, for any
10 school district that cannot meet the minimum school calendar
11 requirement of at least one hundred seventy-four days for schools
12 with a five-day school week or one hundred forty-two days for
13 schools with a four-day school week and one thousand forty-four
14 hours of actual pupil attendance or, in school year 2019-20 and
15 subsequent years, one thousand forty-four hours of actual pupil
16 attendance, upon request, a waiver to be excused from such
17 requirement. This waiver shall be requested from the
18 commissioner of education and may be granted if the school was
19 closed due to circumstances beyond school district control,
20 including inclement weather or fire.

21 5. (1) Except as otherwise provided in this subsection, in
22 school year 2020-21 and subsequent years, a district shall not be
23 required to make up any hours of school lost or cancelled due to
24 exceptional or emergency circumstances during a school year if
25 the district has an alternative methods of instruction plan
26 approved by the department of elementary and secondary education
27 for such school year. Exceptional or emergency circumstances
28 shall include, but not be limited to, inclement weather, a

1 utility outage, or an outbreak of a contagious disease. The
2 department of elementary and secondary education shall not
3 approve any such plan unless the district demonstrates that the
4 plan will not negatively impact teaching and learning in the
5 district.

6 (2) If school is closed due to exceptional or emergency
7 circumstances and the district has an approved alternative
8 methods of instruction plan, the district shall notify students
9 and parents on each day of the closure whether the alternative
10 methods of instruction plan is to be implemented for that day.
11 If the plan is to be implemented on any day of the closure, the
12 district shall ensure that each student receives assignments for
13 that day in hard copy form or receives instruction through
14 virtual learning or another method of instruction.

15 (3) A district with an approved alternative methods of
16 instruction plan shall not use alternative methods of instruction
17 as provided for in the plan for more than thirty-six hours during
18 a school year. A district that has used such alternative methods
19 of instruction for thirty-six hours during a school year shall be
20 required, notwithstanding subsections 2 and 3 of this section, to
21 make up any subsequent hours of school lost or cancelled due to
22 exceptional or emergency circumstances during such school year.

23 (4) The department of elementary and secondary education
24 shall give districts with approved alternative methods of
25 instruction plans credit for the hours in which they use
26 alternative methods of instruction by considering such hours as
27 hours in which school was actually in session.

28 (5) Any district wishing to use alternative methods of

1 instruction under this subsection shall submit an application to
2 the department of elementary and secondary education. The
3 application shall describe:

4 (a) The manner in which the district intends to strengthen
5 and reinforce instructional content while supporting student
6 learning outside the classroom environment;

7 (b) The process the district intends to use to communicate
8 to students and parents the decision to implement alternative
9 methods of instruction on any day of a closure;

10 (c) The manner in which the district intends to communicate
11 the purpose and expectations for a day in which alternative
12 methods of instruction will be implemented to students and
13 parents;

14 (d) The assignments and materials to be used within the
15 district for days in which alternative methods of instruction
16 will be implemented to effectively facilitate teaching and
17 support learning for the benefit of the students;

18 (e) The manner in which student attendance will be
19 determined for a day in which alternative methods of instruction
20 will be implemented. The method chosen shall be linked to
21 completion of lessons and activities;

22 (f) The instructional methods, which shall include
23 instruction through electronic means and instruction through
24 other means for students who have no access to internet services
25 or a computer;

26 (g) Instructional plans for students with individualized
27 education programs; and

28 (h) The role and responsibility of certified personnel to

1 be available to communicate with students.

2 6. For the 2018-2019 school year, a district shall be
3 exempt from the requirements of subsections 2 and 3 of this
4 section, and only be required to make up the first six days of
5 school lost or cancelled due to inclement weather.

6 177.086. 1. Any school district authorizing the
7 construction of facilities which may exceed an expenditure of
8 [fifteen] fifty thousand dollars shall publicly advertise, once a
9 week for two consecutive weeks, in a newspaper of general
10 circulation, qualified pursuant to chapter 493, located within
11 the city in which the school district is located, or if there be
12 no such newspaper, in a qualified newspaper of general
13 circulation in the county, or if there be no such newspaper, in a
14 qualified newspaper of general circulation in an adjoining
15 county, and may advertise in business, trade, or minority
16 newspapers, for bids on said construction.

17 2. No bids shall be entertained by the school district
18 which are not made in accordance with the specifications
19 furnished by the district and all contracts shall be let to the
20 lowest responsible bidder complying with the terms of the
21 letting, provided that the district shall have the right to
22 reject any and all bids.

23 3. All bids must be submitted sealed and in writing, to be
24 opened publicly at time and place of the district's choosing.

25 178.530. 1. The state board of education shall establish
26 standards and annually inspect, as a basis for approval, all
27 public prevocational, vocational schools, State Technical College
28 of Missouri, departments and classes receiving state or federal

1 moneys for giving training in agriculture, industrial, home
2 economics and commercial subjects and all schools, departments
3 and classes receiving state or federal moneys for the preparation
4 of teachers and supervisors of such subjects. The public
5 prevocational and vocational schools, State Technical College of
6 Missouri, departments, and classes, and the training schools,
7 departments and classes are entitled to the state or federal
8 moneys so long as they are approved by the state board of
9 education, as to site, plant, equipment, qualifications of
10 teachers, admission of pupils, courses of study and methods of
11 instruction. All disbursements of state or federal moneys for
12 the benefit of the approved prevocational and vocational schools,
13 State Technical College of Missouri, departments and classes
14 shall be made semiannually. The school board of each approved
15 school or the governing body of State Technical College of
16 Missouri shall file a report with the state board of education at
17 the times and in the form that the state board requires. Upon
18 receipt of a satisfactory report, the state board of education
19 shall certify to the commissioner of administration for his
20 approval the amount of the state and federal moneys due the
21 school district or State Technical College of Missouri. The
22 amount due the school district shall be certified by the
23 commissioner of administration and proper warrant therefor shall
24 be issued to the district treasurer or State Technical College of
25 Missouri.

26 2. Notwithstanding the provisions of subsection 1 of this
27 section, the state board of education shall establish standards
28 for agricultural education that may be adopted by a private

1 school accredited by an agency recognized by the United States
2 Department of Education as an accreditor of private schools that
3 wishes to provide quality vocational programming outside the
4 requirements of, but consistent with, the federal Vocational
5 Education Act. Such standards shall be sufficient to qualify a
6 private school to apply to the state chapter for approval of a
7 local chapter of a federally chartered national agricultural
8 education association on a form developed for that purpose by the
9 department of elementary and secondary education without
10 eligibility to receive state or federal funding for agricultural
11 vocational education. The provisions of this subsection shall
12 not be construed to create eligibility for a private school to
13 receive state or federal funding for agricultural vocational
14 education, but shall not prohibit a private school from receiving
15 state or federal funds for which such private school would
16 otherwise be eligible for agricultural vocational education. Any
17 such private school shall reimburse the department annually for
18 the cost of oversight and maintenance of the program.

19 3. (1) The department of elementary and secondary
20 education, through its agricultural education section, shall be
21 authorized to establish a pilot program, beginning in the 2020-
22 2021 school year, to provide for agricultural education in
23 elementary schools in the state. The purpose of the pilot
24 program shall be to determine whether and how to implement an
25 elementary agricultural education program statewide.

26 (2) The department, through its employees who work in the
27 agricultural education section, is authorized to select from
28 among applications submitted by the public elementary schools a

1 minimum of sixteen public elementary schools for participation in
2 the pilot program. The department shall develop an application
3 process for public elementary schools to apply to participate in
4 the pilot program. The local school board for each elementary
5 school selected to be in the pilot program shall agree to
6 implement and fully fund an elementary agricultural education
7 program in such school and to continue to provide such elementary
8 agricultural education program for a period no shorter than three
9 years. The local school district may employ an agricultural
10 education teacher to provide such program for the elementary
11 school.

12 (3) The department, through its employees who work in the
13 agricultural education section, and local school districts shall
14 collaborate to establish the instructional model for each
15 elementary agricultural education program. Such instructional
16 model shall be grade-appropriate and include instruction in an
17 organized classroom, collaborative learning experiences through
18 investigation and inquiry, including laboratory and site-based
19 learning activities, and personal, leadership, and career
20 development opportunities.

21 (4) The department, through its agricultural education
22 section, shall provide for a program evaluation regarding the
23 success and impact of the pilot program upon completion of the
24 third year of the pilot program and shall report the results of
25 such evaluation to the relevant house and senate committees on
26 agriculture and education.

27 4. The department shall maintain an adequate number of
28 full-time employees, certified in agricultural education and

1 distributed regionally throughout the state, to provide
2 accountability for program delivery of agricultural education, to
3 continue to develop and maintain pertinent agricultural education
4 instructional models and standards, to assist local school
5 districts on matters related to agricultural education, and to
6 coordinate regional and state-wide activities supporting K-12
7 agricultural education programming.

8 5. Nothing in this section shall be construed to require
9 public elementary schools to participate in the pilot program.

10 210.110. As used in sections 210.109 to 210.165, and
11 sections 210.180 to 210.183, the following terms mean:

12 (1) "Abuse", any physical injury, sexual abuse, or
13 emotional abuse inflicted on a child other than by accidental
14 means by those responsible for the child's care, custody, and
15 control, except that discipline including spanking, administered
16 in a reasonable manner, shall not be construed to be abuse.

17 Victims of abuse shall also include any victims of sex
18 trafficking or severe forms of trafficking as those terms are
19 defined in 22 U.S.C. 78 Section 7102(9)-(10);

20 (2) "Assessment and treatment services for children", an
21 approach to be developed by the children's division which will
22 recognize and treat the specific needs of at-risk and abused or
23 neglected children. The developmental and medical assessment may
24 be a broad physical, developmental, and mental health screening
25 to be completed within thirty days of a child's entry into
26 custody and in accordance with the periodicity schedule set forth
27 by the American Academy of Pediatrics thereafter as long as the
28 child remains in care. Screenings may be offered at a

1 centralized location and include, at a minimum, the following:

2 (a) Complete physical to be performed by a pediatrician
3 familiar with the effects of abuse and neglect on young children;

4 (b) Developmental, behavioral, and emotional screening in
5 addition to early periodic screening, diagnosis, and treatment
6 services, including a core set of standardized and recognized
7 instruments as well as interviews with the child and appropriate
8 caregivers. The screening battery may be performed by a licensed
9 mental health professional familiar with the effects of abuse and
10 neglect on young children, who will then serve as the liaison
11 between all service providers in ensuring that needed services
12 are provided. Such treatment services may include in-home
13 services, out-of-home placement, intensive twenty-four-hour
14 treatment services, family counseling, parenting training and
15 other best practices.

16
17 Children whose screenings indicate an area of concern may
18 complete a comprehensive, in-depth health, psychodiagnostic, or
19 developmental assessment within sixty days of entry into custody;

20 (3) "Central registry", a registry of persons where the
21 division has found probable cause to believe prior to August 28,
22 2004, or by a preponderance of the evidence after August 28,
23 2004, or a court has substantiated through court adjudication
24 that the individual has committed child abuse or neglect or the
25 person has pled guilty or has been found guilty of a crime
26 pursuant to section 565.020, 565.021, 565.023, 565.024, 565.050,
27 566.030, 566.060, or 567.050 if the victim is a child less than
28 eighteen years of age, or any other crime pursuant to chapter 566

1 if the victim is a child less than eighteen years of age and the
2 perpetrator is twenty-one years of age or older, a crime under
3 section 568.020, 568.030, 568.045, 568.050, 568.060, 568.080,
4 568.090, 573.023, 573.025, 573.035, 573.037, 573.040, 573.200, or
5 573.205, or an attempt to commit any such crimes. Any persons
6 placed on the registry prior to August 28, 2004, shall remain on
7 the registry for the duration of time required by section
8 210.152;

9 (4) "Child", any person, regardless of physical or mental
10 condition, under eighteen years of age;

11 (5) "Children's services providers and agencies", any
12 public, quasi-public, or private entity with the appropriate and
13 relevant training and expertise in delivering services to
14 children and their families as determined by the children's
15 division, and capable of providing direct services and other
16 family services for children in the custody of the children's
17 division or any such entities or agencies that are receiving
18 state moneys for such services;

19 (6) "Director", the director of the Missouri children's
20 division within the department of social services;

21 (7) "Division", the Missouri children's division within the
22 department of social services;

23 (8) "Family assessment and services", an approach to be
24 developed by the children's division which will provide for a
25 prompt assessment of a child who has been reported to the
26 division as a victim of abuse or neglect by a person responsible
27 for that child's care, custody or control and of that child's
28 family, including risk of abuse and neglect and, if necessary,

1 the provision of community-based services to reduce the risk and
2 support the family;

3 (9) "Family support team meeting" or "team meeting", a
4 meeting convened by the division or children's services provider
5 in behalf of the family and/or child for the purpose of
6 determining service and treatment needs, determining the need for
7 placement and developing a plan for reunification or other
8 permanency options, determining the appropriate placement of the
9 child, evaluating case progress, and establishing and revising
10 the case plan;

11 (10) "Investigation", the collection of physical and verbal
12 evidence to determine if a child has been abused or neglected;

13 (11) "Jail or detention center personnel", employees and
14 volunteers working in any premises or institution where
15 incarceration, evaluation, care, treatment or rehabilitation is
16 provided to persons who are being held under custody of the law;

17 (12) "Neglect", failure to provide, by those responsible
18 for the care, custody, and control of the child, the proper or
19 necessary support, education as required by law, nutrition or
20 medical, surgical, or any other care necessary for the child's
21 well-being. Victims of neglect shall also include any victims of
22 sex trafficking or severe forms of trafficking as those terms are
23 defined in 22 U.S.C. 78 Section 7102(9)-(10);

24 (13) "Preponderance of the evidence", that degree of
25 evidence that is of greater weight or more convincing than the
26 evidence which is offered in opposition to it or evidence which
27 as a whole shows the fact to be proved to be more probable than
28 not;

1 (14) "Probable cause", available facts when viewed in the
2 light of surrounding circumstances which would cause a reasonable
3 person to believe a child was abused or neglected;

4 (15) "Report", the communication of an allegation of child
5 abuse or neglect to the division pursuant to section 210.115;

6 (16) "Those responsible for the care, custody, and control
7 of the child", includes, but is not limited to:

8 (a) The parents or legal guardians of a child;

9 (b) Other members of the child's household;

10 (c) Those exercising supervision over a child for any part
11 of a twenty-four-hour day;

12 (d) Any adult person who has access to the child based on
13 relationship to the parents of the child or members of the
14 child's household or the family; [or]

15 (e) Any person who takes control of the child by deception,
16 force, or coercion; or

17 (f) School personnel, contractors, and volunteers, if the
18 relationship with the child was established through the school or
19 through school related activities, even if the alleged abuse or
20 neglect occurred outside of school hours or off school grounds.

21 Section B. Because of the importance of improving and
22 sustaining Missouri's elementary and secondary education system
23 and establishing standards for student transfers to school
24 districts, and because of the high number of school days lost due
25 to inclement weather this year, the enactment of sections 167.895
26 and 167.898 and the repeal and reenactment of section 171.033 of
27 this act is deemed necessary for the immediate preservation of
28 the public health, welfare, peace and safety, and is hereby

1 declared to be an emergency act within the meaning of the
2 constitution, and the enactment of sections 167.895 and 167.898
3 and the repeal and reenactment of section 171.033 of this act
4 shall be in full force and effect upon its passage and approval.