

FIRST REGULAR SESSION

SENATE BILL NO. 491

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAYER.

Read 1st time February 25, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

1786S.01I

AN ACT

To repeal section 162.081, RSMo, and to enact in lieu thereof one new section relating to lapse of school districts.

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

Section A. Section 162.081, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 162.081, to read as follows:

162.081. 1. Whenever any school district in this state fails or refuses in
2 any school year to provide for the minimum school term required by section
3 163.021, RSMo, or is classified unaccredited for two successive school years by the
4 state board of education, its corporate organization shall lapse **on a date**
5 **determined by the state board of education**. The corporate organization of
6 any school district that is classified as unaccredited shall lapse [on] **not prior**
7 **to June thirtieth** of the second full school year of such unaccredited classification
8 after the school year during which the unaccredited classification is initially
9 assigned. The territory theretofore embraced within any district that lapses
10 pursuant to this section or any portion thereof may be attached to any district for
11 school purposes by the state board of education; but no school district, except a
12 district classified as unaccredited pursuant to section 163.023, RSMo, and section
13 160.538, RSMo, shall lapse where provision is lawfully made for the attendance
14 of the pupils of the district at another school district that is classified as
15 provisionally accredited or accredited by the state board of education.

16 2. Prior to or at the time any school district in this state shall lapse, but
17 after the school district has been classified as unaccredited, the department of
18 elementary and secondary education shall conduct a public hearing at a location
19 in the unaccredited school district **regarding the accreditation of status of**

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

20 **the school district.** [The purpose of the hearing shall be to:

21 (1) Review any plan by the district to return to accredited status; or

22 (2) Offer any technical assistance that can be provided to the district.]

23 3. Except as otherwise provided in section 162.1100, in a metropolitan
24 school district or an urban school district containing most or all of a city with a
25 population greater than three hundred fifty thousand inhabitants and in any
26 other school district if the local board of education does not anticipate a return
27 to accredited status, the state board of education may appoint a special
28 administrative board to supervise the financial operations, maintain and preserve
29 the financial assets or, if warranted, continue operation of the educational
30 programs within the district or what provisions might otherwise be made in the
31 best interest of the education of the children of the district. The special
32 administrative board shall consist of two persons who are residents of the school
33 district, who shall serve without compensation, and a professional administrator,
34 who shall chair the board and shall be compensated, as determined by the state
35 board of education, in whole or in part with funds from the district.

36 4. Upon lapse of the district, the state board of education may:

37 (1) Appoint a special administrative board, if such a board has not already
38 been appointed, and authorize the special administrative board to retain the
39 authority granted to a board of education for the operation of all or part of the
40 district;

41 (2) Attach the territory of the lapsed district to another district or
42 districts for school purposes; [or]

43 (3) Establish one or more school districts within the territory of the lapsed
44 district, with a governance structure consistent with the laws applicable to
45 districts of a similar size, with the option of permitting a district to remain intact
46 for the purposes of assessing, collecting, and distributing property taxes, to be
47 distributed equitably on a weighted average daily attendance basis, but to be
48 divided for operational purposes, which shall take effect sixty days after the
49 adjournment of the regular session of the general assembly next following the
50 state board's decision unless a statute or concurrent resolution is enacted to
51 nullify the state board's decision prior to such effective date; **or**

52 (4) **Allow continued governance by the existing school district**
53 **board of education under terms and conditions established by the state**
54 **board of education.**

55 The special administrative board may retain the authority granted to a board of

56 education for the operation of the lapsed school district under the laws of the
57 state in effect at the time of the lapse.

58 5. The authority of the special administrative board shall expire at the
59 end of the third full school year following its appointment, unless extended by the
60 state board of education. If the lapsed district is reassigned, the special
61 administrative board shall provide an accounting of all funds, assets and
62 liabilities of the lapsed district and transfer such funds, assets, and liabilities of
63 the lapsed district as determined by the state board of education.

64 6. Upon recommendation of the special administrative board, the state
65 board of education may assign the funds, assets and liabilities of the lapsed
66 district to another district or districts. Upon assignment, all authority of the
67 special administrative board shall transfer to the assigned districts.

68 7. Neither the special administrative board nor any district or other entity
69 assigned territory, assets or funds from a lapsed district shall be considered a
70 successor entity for the purpose of employment contracts, unemployment
71 compensation payment pursuant to section 288.110, RSMo, or any other purpose.

72 8. If additional teachers are needed by a district as a result of increased
73 enrollment due to the annexation of territory of a lapsed or dissolved district,
74 such district shall grant an employment interview to any permanent teacher of
75 the lapsed or dissolved district upon the request of such permanent teacher.

76 9. (1) The governing body of a school district, upon an initial declaration
77 by the state board of education that such district is provisionally accredited, may,
78 and, upon an initial declaration by the state board of education that such district
79 is unaccredited, shall develop a plan to be submitted to the voters of the school
80 district to divide the school district if the district cannot attain accreditation
81 within three years of the initial declaration that such district is unaccredited. In
82 the case of such a district being declared unaccredited, such plan shall be
83 presented to the voters of the district before the district lapses. In the case of
84 such a district being declared provisionally accredited, such plan may be
85 presented before the close of the current accreditation cycle.

86 (2) The plan may provide that the school district shall remain intact for
87 the purposes of assessing, collecting and distributing taxes for support of the
88 schools, and the governing body of the district shall develop a plan for the
89 distribution of such taxes equitably on a per-pupil basis if the district selects this
90 option.

91 (3) The makeup of the new districts shall be racially balanced as far as

92 the proportions of students allow.

93 (4) If a majority of the district's voters approve the plan, the state board
94 of education shall cooperate with the local board of education to implement the
95 plan, which may include use of the provisions of this section to provide an orderly
96 transition to new school districts and achievement of accredited status for such
97 districts.

98 10. In the event that a school district with an enrollment in excess of five
99 thousand pupils lapses, no school district shall have all or any part of such lapsed
100 school district attached without the approval of the board of the receiving school
101 district.

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Bill

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