

FIRST REGULAR SESSION

SENATE BILL NO. 369

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CUNNINGHAM.

Read 1st time February 28, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

0349S.05I

AN ACT

To repeal sections 160.400, 160.410, 160.415, 160.420, 167.131, 167.241, 171.171, and 177.011, RSMo, and to enact in lieu thereof nine new sections relating to school enrollment.

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

Section A. Sections 160.400, 160.410, 160.415, 160.420, 167.131, 167.241, 171.171, and 177.011, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 160.400, 160.410, 160.415, 160.420, 167.131, 167.241, 171.171, 177.011 and 177.015, to read as follows:

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

2. Charter schools may be operated [only] in a metropolitan school district or in an urban school district containing most or all of a city with a population greater than three hundred fifty thousand inhabitants [and]. **Charter schools may also be operated in any school district classified as unaccredited by the state board of education or in any accredited school district located in the same county or in an adjoining county to a school district that has been classified as unaccredited by the state board of education. Any charter school that begins operation in a school district classified as unaccredited by the state board of education or in an accredited school district located in the same county or in an adjoining county to a school district classified as unaccredited by the state board of education may continue to operate if the unaccredited district becomes classified as accredited or provisionally accredited. Charter schools may be sponsored by any of the following:**

(1) The school board of the district **or by the school board of the**

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

17 **district in collaboration with the school board of one or more**
18 **accredited school districts;**

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

23 (3) A community college located in the district; [or]

24 (4) Any private four-year college or university located in a city not within
25 a county with an enrollment of at least one thousand students, and with an
26 approved teacher preparation program;

27 **(5) The state board of education in a district classified as**
28 **unaccredited by the state board of education;**

29 **(6) The mayor of a city not within a county in a district classified**
30 **as unaccredited by the state board of education; or**

31 **(7) The school board of an accredited school district, or multiple**
32 **school boards of accredited school districts in collaboration, in a**
33 **district classified as unaccredited by the state board of education.**

34 3. The mayor of a city not within a county may request a sponsor under
35 subdivision (2), (3), or (4) of subsection 2 of this section to consider sponsoring a
36 "workplace charter school", which is defined for purposes of sections 160.400 to
37 160.420 as a charter school with the ability to target prospective students whose
38 parent or parents are employed in a business district, as defined in the charter,
39 which is located in the city.

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

43 5. The charter school shall be a Missouri nonprofit corporation
44 incorporated pursuant to chapter 355. The charter provided for herein shall
45 constitute a contract between the sponsor and the charter school.

46 6. As a nonprofit corporation incorporated pursuant to chapter 355, the
47 charter school shall select the method for election of officers pursuant to section
48 355.326 based on the class of corporation selected. Meetings of the governing
49 board of the charter school shall be subject to the provisions of sections 610.010
50 to 610.030, the open meetings law.

51 7. A sponsor of a charter school, its agents and employees are not liable
52 for any acts or omissions of a charter school that it sponsors, including acts or

53 omissions relating to the charter submitted by the charter school, the operation
54 of the charter school and the performance of the charter school.

55 8. A charter school may affiliate with a four-year college or university,
56 including a private college or university, or a community college as otherwise
57 specified in subsection 2 of this section when its charter is granted by a sponsor
58 other than such college, university or community college.

59 Affiliation status recognizes a relationship between the charter school and the
60 college or university for purposes of teacher training and staff development,
61 curriculum and assessment development, use of physical facilities owned by or
62 rented on behalf of the college or university, and other similar purposes. The
63 primary campus of the college or university must be located within the county in
64 which the school district lies wherein the charter school is located or in a county
65 adjacent to the county in which the district is located. A university, college or
66 community college may not charge or accept a fee for affiliation status.

67 9. The expenses associated with sponsorship of charter schools shall be
68 defrayed by the department of elementary and secondary education retaining one
69 and five-tenths percent of the amount of state and local funding allocated to the
70 charter school under section 160.415, not to exceed one hundred twenty-five
71 thousand dollars, adjusted for inflation. Such amount shall not be withheld when
72 the sponsor is a school district or the state board of education. The department
73 of elementary and secondary education shall remit the retained funds for each
74 charter school to the school's sponsor, provided the sponsor remains in good
75 standing by fulfilling its sponsorship obligations under sections 160.400 to
76 160.420 and 167.349 with regard to each charter school it sponsors, including
77 appropriate demonstration of the following:

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

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

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

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

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

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

97 11. No sponsor shall grant a charter under sections 160.400 to 160.420
98 and 167.349 without ensuring that a criminal background check and child abuse
99 registry check are conducted for all members of the governing board of the charter
100 schools or the incorporators of the charter school if initial directors are not named
101 in the articles of incorporation, nor shall a sponsor renew a charter without
102 ensuring a criminal background check and child abuse registry check are
103 conducted for each member of the governing board of the charter school.

104 12. No member of the governing board of a charter school shall hold any
105 office or employment from the board or the charter school while serving as a
106 member, nor shall the member have any substantial interest, as defined in
107 section 105.450, in any entity employed by or contracting with the board. No
108 board member shall be an employee of a company that provides substantial
109 services to the charter school. All members of the governing board of the charter
110 school shall be considered decision-making public servants as defined in section
111 105.450 for the purposes of the financial disclosure requirements contained in
112 sections 105.483, 105.485, 105.487, and 105.489.

113 13. A sponsor shall provide timely submission to the state board of
114 education of all data necessary to demonstrate that the sponsor is in material
115 compliance with all requirements of sections 160.400 to 160.420 and 167.349.

116 14. The state board of education shall ensure each sponsor is in
117 compliance with all requirements under sections 160.400 to 160.420 and 167.349
118 for each charter school sponsored by any sponsor. The state board shall notify
119 each sponsor of the standards for sponsorship of charter schools, delineating both
120 what is mandated by statute and what best practices dictate.

121 The state board, after a public hearing, may require remedial action for a sponsor
122 that it finds has not fulfilled its obligations of sponsorship, such remedial actions
123 including withholding the sponsor's funding and suspending for a period of up to
124 one year the sponsor's authority to sponsor a school that it currently sponsors or

125 to sponsor any additional school. If the state board removes the authority to
126 sponsor a currently operating charter school, the state board shall become the
127 interim sponsor of the school for a period of up to three years until the school
128 finds a new sponsor or until the charter contract period lapses.

160.410. 1. A charter school shall enroll:

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

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

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

12 **(4) Nonresident pupils who reside in a district classified as**
13 **unaccredited by the state board of education and who are eligible to**
14 **attend a school in a district classified as accredited by the state board**
15 **of education in the same or an adjoining county under subsections 3 to**
16 **15 of section 167.131.**

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

20 (1) A charter school may establish a geographical area around the school
21 whose residents will receive a preference for enrolling in the school, provided that
22 such preferences do not result in the establishment of racially or
23 socioeconomically isolated schools and provided such preferences conform to
24 policies and guidelines established by the state board of education; and

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

29 3. A charter school shall not limit admission based on race, ethnicity,
30 national origin, disability, gender, income level, proficiency in the English
31 language or athletic ability, but may limit admission to pupils within a given age
32 group or grade level.

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

51 (1) Missouri assessment program test performance and aggregate growth
52 over several years;
53 (2) Student reenrollment rates;
54 (3) Educator, parent, and student satisfaction data;
55 (4) Graduation rates in secondary programs; and
56 (5) Performance of students enrolled in the same public school for three
57 or more consecutive years. The impact study shall be undertaken every two years
58 to determine the impact of charter schools on the constituents they serve in the
59 districts where charter schools are operated. The impact study shall include, but
60 is not limited to, determining if changes have been made in district policy or
61 procedures attributable to the charter school and to perceived changes in
62 attitudes and expectations on the part of district personnel, school board
63 members, parents, students, the business community and other education
64 stakeholders. The department of elementary and secondary education shall make
65 the results of the studies public and shall deliver copies to the governing boards
66 of the charter schools, the sponsors of the charter schools, the school board and
67 superintendent of the districts in which the charter schools are operated.

68 5. A charter school shall make available for public inspection, and provide

69 upon request, to the parent, guardian, or other custodian of any school-age pupil
70 resident in the district in which the school is located the following information:

71 (1) The school's charter;

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

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

160.415. 1. For the purposes of calculation and distribution of state
2 school aid under section 163.031, pupils enrolled in a charter school shall be
3 included in the pupil enrollment of the school district within which each pupil
4 resides. Each charter school shall report the names, addresses, and eligibility for
5 free and reduced lunch, special education, or limited English proficiency status,
6 as well as eligibility for categorical aid, of pupils resident in a school district who
7 are enrolled in the charter school to the school district in which those pupils
8 reside. The charter school shall report the average daily attendance data, free
9 and reduced lunch count, special education pupil count, and limited English
10 proficiency pupil count to the state department of elementary and secondary
11 education. Each charter school shall promptly notify the state department of
12 elementary and secondary education and the pupil's school district when a
13 student discontinues enrollment at a charter school.

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

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

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

26 (3) If the department overpays or underpays the amount due to the
27 charter school, such overpayment or underpayment shall be repaid by the public

28 charter school or credited to the public charter school in twelve equal payments
29 in the next fiscal year.

30 (4) The amounts provided pursuant to this subsection shall be prorated
31 for partial year enrollment for a pupil.

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

37 3. A workplace charter school shall receive payment for each eligible pupil
38 as provided under subsection 2 of this section, except that if the student is not a
39 resident of the district and is participating in a voluntary interdistrict transfer
40 program, the payment for such pupils shall be the same as provided under section
41 162.1060.

42 4. A charter school that has declared itself as a local educational agency
43 shall receive from the department of elementary and secondary education an
44 annual amount equal to the product of the charter school's weighted average daily
45 attendance and the state adequacy target, multiplied by the dollar value modifier
46 for the district, plus local tax revenues per weighted average daily attendance
47 from the incidental and teachers funds in excess of the performance levy as
48 defined in section 163.011 plus all other state aid attributable to such pupils. If
49 a charter school declares itself as a local education agency, the department of
50 elementary and secondary education shall, upon notice of the declaration, reduce
51 the payment made to the school district by the amount specified in this
52 subsection and pay directly to the charter school the annual amount reduced from
53 the school district's payment.

54 5. If a school district fails to make timely payments of any amount for
55 which it is the disbursal agent, the state department of elementary and secondary
56 education shall authorize payment to the charter school of the amount due
57 pursuant to subsection 2 of this section and shall deduct the same amount from
58 the next state school aid apportionment to the owing school district. If a charter
59 school is paid more or less than the amounts due pursuant to this section, the
60 amount of overpayment or underpayment shall be adjusted equally in the next
61 twelve payments by the school district or the department of elementary and
62 secondary education, as appropriate. Any dispute between the school district and
63 a charter school as to the amount owing to the charter school shall be resolved by

64 the department of elementary and secondary education, and the department's
65 decision shall be the final administrative action for the purposes of review
66 pursuant to chapter 536. During the period of dispute, the department of
67 elementary and secondary education shall make every administrative and
68 statutory effort to allow the continued education of children in their current
69 public charter school setting.

70 6. The charter school and a local school board may agree by contract for
71 services to be provided by the school district to the charter school. The charter
72 school may contract with any other entity for services. Such services may include
73 but are not limited to food service, custodial service, maintenance, management
74 assistance, curriculum assistance, media services and libraries and shall be
75 subject to negotiation between the charter school and the local school board or
76 other entity. Documented actual costs of such services shall be paid for by the
77 charter school.

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

81 8. A charter school shall be eligible for transportation state aid pursuant
82 to section 163.161 and shall be free to contract with the local district, or any
83 other entity, for the provision of transportation to the students of the charter
84 school.

85 9. (1) The proportionate share of state and federal resources generated
86 by students with disabilities or staff serving them shall be paid in full to charter
87 schools enrolling those students by their school district where such enrollment is
88 through a contract for services described in this section. The proportionate share
89 of money generated under other federal or state categorical aid programs shall
90 be directed to charter schools serving such students eligible for that aid.

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

94 10. A charter school may [not] charge tuition, [nor] **but it may [it] not**
95 impose fees that a school district is prohibited from imposing. **A charter school**
96 **that enrolls pupils who are nonresidents of the school district in which**
97 **the charter school is located and residents of a district classified as**
98 **unaccredited by the state board of education pursuant to subsections**
99 **3 to 15 of section 167.131 may receive tuition payments from the**

100 **unaccredited district as provided in subsection 4 of section 167.131.**

101 11. A charter school is authorized to incur debt in anticipation of receipt
102 of funds. A charter school may also borrow to finance facilities and other capital
103 items. A school district may incur bonded indebtedness or take other measures
104 to provide for physical facilities and other capital items for charter schools that
105 it sponsors or contracts with. Upon the dissolution of a charter school, any
106 liabilities of the corporation will be satisfied through the procedures of chapter
107 355.

108 12. Charter schools shall not have the power to acquire property by
109 eminent domain.

110 13. The governing body of a charter school is authorized to accept grants,
111 gifts or donations of any kind and to expend or use such grants, gifts or
112 donations. A grant, gift or donation may not be accepted by the governing body
113 if it is subject to any condition contrary to law applicable to the charter school or
114 other public schools, or contrary to the terms of the charter.

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

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

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

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

38 3. Personnel employed by the charter school shall participate in the
39 retirement system of the school district in which the charter school is located,
40 subject to the same terms, conditions, requirements and other provisions
41 applicable to personnel employed by the school district. For purposes of
42 participating in the retirement system, the charter school shall be considered to
43 be a public school within the school district, and personnel employed by the
44 charter school shall be public school employees. In the event of a lapse of the
45 school district's corporate organization as described in subsections 1 and 4 of
46 section 162.081, personnel employed by the charter school shall continue to
47 participate in the retirement system and shall do so on the same terms,
48 conditions, requirements and other provisions as they participated prior to the
49 lapse.

50 4. The charter school and a local school board may agree by contract for
51 services to be provided by the school district to the charter school. The charter
52 school may contract with any other entity for services. Such services may include
53 but are not limited to food service, custodial service, maintenance, management
54 assistance, curriculum assistance, media services and libraries and shall be
55 subject to negotiation between the charter school and the local school board or
56 other entity. Documented actual costs of such services shall be paid for by the
57 charter school.

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

61 6. A charter school shall be eligible for transportation state aid pursuant
62 to section 163.161 and shall be free to contract with the local district, or any
63 other entity, for the provision of transportation to the students of the charter
64 school.

65 7. (1) The proportionate share of state and federal resources generated
66 by students with disabilities or staff serving them shall be paid in full to charter
67 schools enrolling those students by their school district where such enrollment is
68 through a contract for services described in this section. The proportionate share
69 of money generated under other federal or state categorical aid programs shall
70 be directed to charter schools serving such students eligible for that aid.

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

74 8. A charter school may [not] charge tuition, [nor] **but it may [it] not**
75 **impose fees that a school district is prohibited from imposing. A charter school**
76 **that enrolls pupils who are nonresidents of the school district in which**
77 **the charter school is located and residents of a district classified as**
78 **unaccredited by the state board of education pursuant to subsections**
79 **3 to 15 of section 167.131 may receive tuition payments from the**
80 **unaccredited district as provided in subsection 4 of section 167.131.**

81 9. A charter school is authorized to incur debt in anticipation of receipt
82 of funds. A charter school may also borrow to finance facilities and other capital
83 items. A school district may incur bonded indebtedness or take other measures
84 to provide for physical facilities and other capital items for charter schools that
85 it sponsors or contracts with. Upon the dissolution of a charter school, any
86 liabilities of the corporation will be satisfied through the procedures of chapter
87 355.

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

90 11. The governing body of a charter school is authorized to accept grants,
91 gifts or donations of any kind and to expend or use such grants, gifts or
92 donations. A grant, gift or donation may not be accepted by the governing body
93 if it is subject to any condition contrary to law applicable to the charter school or

94 other public schools, or contrary to the terms of the charter.

167.131. 1. The board of education of each district in this state that does
2 not maintain an accredited school **for a specific range of grades** pursuant to
3 the authority of the state board of education to classify schools as established in
4 section 161.092 shall pay the tuition of and provide transportation consistent with
5 the provisions of section 167.241 for each pupil resident therein who attends an
6 accredited school in another district of the same or an adjoining county.

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

21 3. **The board of education of each district in this state that has**
22 **been declared unaccredited pursuant to the authority of the state board**
23 **of education as established in section 161.092 shall pay the tuition of**
24 **and provide transportation consistent with the provisions of section**
25 **167.241 for each pupil resident therein who attends a school in another**
26 **district of the same or an adjoining county if the receiving district is**
27 **accredited without provision. The rate of tuition to be charged by the**
28 **district attended and paid by the sending district shall be as described**
29 **in subsection 4 of this section.**

30 4. **The amount of tuition to be paid by the unaccredited district**
31 **shall be as provided in subsection 2 of this section. The unaccredited**
32 **district shall also pay all other aid attributable to the pupil, including**
33 **any other weighted state aid that the district receives on account of**
34 **such child.**

35 5. **For purposes of this section, the following terms shall mean:**

36 (1) "Accredited district", any school district classified as
37 accredited by the state board of education;

38 (2) "Student transfer administrator":

39 (a) The voluntary interdistrict coordinating council, the
40 department of elementary and secondary education, or a neutral third
41 party appointed by the department in its discretion for student
42 transfers under this section:

43 a. From any school district classified as unaccredited by the
44 state board of education to any school located in an accredited school
45 district within a county with a charter form of government and with
46 more than one million inhabitants; and

47 b. From any metropolitan school district classified as
48 unaccredited by the state board of education to any school in an
49 accredited school district located in a county with a charter form of
50 government and with more than one million inhabitants; or

51 (b) The department of elementary and secondary education, or
52 a neutral third party appointed by the department in its discretion, for
53 student transfers under this section from an unaccredited school
54 district to any school in an accredited school district in the same or an
55 adjacent county except for a metropolitan school district and any
56 school district located in a county with a charter form of government
57 and with more than one million inhabitants;

58 (3) "Unaccredited district", any school district classified as
59 unaccredited by the state board of education.

60 6. The parent or guardian of a pupil residing in a district
61 classified as unaccredited by the state board of education who intends
62 to enroll the parent's or guardian's child in an accredited district,
63 charter school, nonsectarian nonpublic school, or virtual school in the
64 same or an adjoining county under the provisions of this section shall
65 send initial notification to the pupil's school district of residence and
66 the student transfer administrator. Initial notification shall be made
67 by January fifteenth for enrollment in the subsequent school year.

68 7. (1) If a parent or guardian fails to file the initial notification
69 forms by the deadline specified in subsection 6 of this section, and
70 satisfies the definition of good cause as defined in subdivision (3) of
71 this subsection, or if the request is to enroll a child in a school in an
72 accredited district in the same or an adjoining county, charter school,

73 nonsectarian nonpublic school, or virtual program under this section
74 for kindergarten or first grade or in any grade if a child is moving into
75 Missouri or moving into the public school district for the first time, the
76 parent or guardian shall be permitted to enroll the child in the other
77 district in the same manner as if the deadline had been met.

78 (2) After January fifteenth and until March fifteenth of that
79 calendar year, or the first business day after March fifteenth if March
80 fifteenth falls on a weekend, the parent or guardian requesting transfer
81 shall send notification to the district of residence and the student
82 transfer administrator, on forms prescribed by the department of
83 elementary and secondary education, that good cause, as defined in
84 subdivision (3) of this subsection, exists for failure to meet the
85 deadline. The student transfer administrator shall take action to
86 approve the request if good cause exists. A denial of a request by the
87 student transfer administrator is not subject to appeal.

88 (3) For purposes of this section, "good cause" means a change in
89 a child's residence due to a change in family residence, a change in a
90 child's parents' marital status, a guardianship or custody change,
91 placement in foster care, adoption, participation in a substance abuse
92 or mental health treatment program, or student health or safety
93 concerns; or a change in the status of a child's resident district, such
94 as removal of accreditation by the state board, permanent closure of a
95 public or nonpublic school that the child attends, or revocation of a
96 charter school's charter as provided in section 160.405. If the good
97 cause relates to a change in status of a child's school district of
98 residence, however, action by a parent or guardian must be taken to
99 file the notification within forty-five days of the last official action
100 relating to such status. Student health or safety concerns shall include,
101 but not be limited to, ongoing bullying, supported by official school
102 reports, sexual misconduct complaints, reports, or investigations, and
103 drug or alcohol concerns with peers. If the district does not agree with
104 the parent's or child's concerns, a written notice of need for relocation
105 from a medical or mental health professional shall suffice to satisfy
106 "good cause" under this subsection.

107 8. (1) The student transfer administrator shall make counselors
108 available to assist and advise parents and guardians who intend to
109 transfer their child from an unaccredited district to an accredited

110 district in the same or an adjoining county under this section or to a
111 nonsectarian nonpublic school, charter school, or virtual school located
112 in the unaccredited district or an accredited district in the same or an
113 adjoining county under this section. The student transfer
114 administrator's counselors shall advise parents and guardians on
115 education options available to the pupil and assist them in preparing
116 any necessary applications or additional paperwork.

117 (2) Each parent or guardian of a pupil who provides notice of
118 intent to transfer from an unaccredited school district to another
119 school located in an accredited school district in the same or an
120 adjoining county under this section to the student transfer
121 administrator, shall identify five educational options in which he or she
122 would like to enroll his or her child, in ranking order of preference,
123 which may include but not be limited to charter schools, virtual
124 schools, nonsectarian public schools, and accredited school districts. At
125 least one accredited district shall be listed on the form if approved by
126 the parent. This selection of educational options shall be performed on
127 forms prescribed by the department of elementary and secondary
128 education. The student transfer administrator shall enroll students in
129 one of their five identified education option preferences, based on
130 availability. If none of the parent or guardian's selections are
131 available, the student transfer administrator shall advise the parent or
132 guardian of additional options that may be available and provide
133 assistance in enrolling the pupil. If the pupil is unable to enroll in any
134 of the other options, the accredited district on the form shall be
135 responsible for enrolling the pupil. The student transfer administrator
136 shall obtain separate approval from the parent or guardian prior to
137 enrolling the child in a program consisting solely of virtual courses or
138 virtual programs.

139 (3) A pupil who enrolls in one of the five education options he or
140 she has identified may return to his or her school district of residence
141 at a later time but shall not be able to exercise the option to enroll in
142 another school pursuant to subsections 3 to 15 of this section.

143 (4) For each pupil who transfers out of an unaccredited district
144 under this section, the student transfer administrator may receive an
145 administrative fee of up to five hundred dollars, to be paid from the
146 money withheld from the school district of residence by the department

147 of elementary and secondary education.

148 **9. A parent or guardian of a pupil residing in an unaccredited**
149 **school district who intends to enroll his or her child in a charter school**
150 **operating in a school district located in the same or an adjoining**
151 **county shall:**

152 **(1) Follow admission procedures identified in section 160.410;**

153 **(2) Complete all requirements of subsections 6 to 8 of this section**
154 **to provide for an alternate enrollment option in the event a charter**
155 **school does not have capacity to enroll the pupil.**

156 **10. Any unaccredited district shall report to the department of**
157 **elementary and secondary education the number of its resident pupils**
158 **who attend an accredited district, charter school, virtual school or**
159 **nonsectarian nonpublic school in the same or an adjoining county**
160 **pursuant to this section and the amount of tuition paid on behalf of**
161 **each student. For any pupil residing in an unaccredited district who**
162 **attends an accredited district, charter school, virtual school or**
163 **nonsectarian nonpublic school in the same or an adjoining county**
164 **pursuant to this section:**

165 **(1) The department of elementary and secondary education shall**
166 **withhold the weighted state aid attributable to such pupil from the**
167 **district of residence's state aid payments; and**

168 **(2) The local county assessor and collector shall withhold all**
169 **local effort attributable to such pupils and forward it to the department**
170 **of elementary and secondary education, to distribute to the receiving**
171 **district school.**

172 **From these funds, the department shall pay the necessary tuition to the**
173 **receiving schools in two payments annually, one at the start of the**
174 **school year and one approximately halfway through the school year.**

175 **11. Any accredited district that receives nonresident pupils from**
176 **an unaccredited district by the state board of education pursuant to**
177 **this section may educate such students in the manner provided in this**
178 **subsection:**

179 **(1) A receiving school district may enroll the nonresident pupils**
180 **in its existing school facilities located within the district;**

181 **(2) A receiving school district may purchase or lease additional**
182 **facilities, including vacant school buildings located in another school**
183 **district and operate such facilities as part of the receiving**

184 district. Two or more districts may cooperate and collaborate to
185 operate such facilities together. A receiving district shall staff such
186 facilities with teachers employed by the district. The education
187 program at such facilities may include virtual courses or virtual
188 programs as one educational component provided the parent or
189 guardian has approved;

190 (3) A receiving school district may contract with a nonsectarian
191 nonpublic school to educate nonresident pupils; or

192 (4) The school board of a receiving district may offer a virtual
193 education program in which resident and nonresident pupils may
194 enroll.

195 12. Any accredited district that enrolls nonresident pupils from
196 a district classified as unaccredited by the state board of education
197 under this section shall administer the Missouri assessment program
198 for such nonresident pupils. The results shall be reported in aggregate
199 form. Any nonsectarian nonpublic school that receives and enrolls
200 pupils under this section may inform and advise such students about
201 the Missouri assessment program and may refer those transfer pupils
202 under this section to the local school district for completion of the
203 Missouri assessment program. A nonsectarian nonpublic school may
204 also, but shall not be required to, administer the Missouri assessment
205 program for any transfer pupils who enroll under this section. Any
206 such results shall be reported in aggregate form and shall not identify
207 any individual pupil.

208 13. School districts shall keep records of numbers of transfers
209 requested into and out of the district and the numbers accepted. These
210 records shall be publicly available, shall be included in the annual
211 report card under section 160.522, and if the district has a web site, the
212 district shall post the records for the three most recent years. These
213 records shall also be reported annually to the department of
214 elementary and secondary education by a date specified by the
215 department.

216 14. The student transfer administrator shall be responsible for
217 coordinating transportation in the most effective and efficient manner,
218 which may include coordinating hubs along an existing bus
219 route. Pupils who attend a charter school, virtual school, nonsectarian
220 nonpublic school, or accredited district under this section shall have

221 access to such transportation and shall be transported to their school
222 of enrollment. The student transfer administrator may contract with
223 private transportation providers. The parent or guardian of a pupil
224 residing in an unaccredited district may transport the pupil to the
225 receiving district without reimbursement. The pupil may be
226 transported by the parent to and from a point on a regular school bus
227 route of the receiving district. Nothing in this subsection shall be
228 construed to prohibit a district to be compensated for use of school
229 buses for any purpose the school district deems necessary and
230 appropriate to accomplish the ends of this section. Nothing shall
231 prohibit a receiving district or school from providing transportation
232 for such pupils for an agreed upon payment or from entering into an
233 agreement with the sending district for payment for transportation for
234 such pupils.

235 15. Student transfers from an unaccredited district under this
236 section shall continue until the district has been classified as
237 accredited by the state board of education for five consecutive
238 years. Any resident pupil of an unaccredited district who has enrolled
239 in another school district, charter school, virtual school or
240 nonsectarian nonpublic school under this section may continue to
241 attend and complete all grade levels offered in the school or district if
242 the pupil's district of residence has been classified as accredited by the
243 state board of education for five consecutive years.

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

171.171. 1. Work completed in schools accredited by the state board of
2 education shall be given full credit in requirements for entrance to and
3 classification in any educational institution supported in whole or in part by state
4 appropriation.

5 2. When a student transfers into an accredited public school
6 district from an unaccredited public or nonpublic school, or from a
7 home school, the district shall provide the student and parent or
8 guardian with a written explanation of the enrollment, credit issuance,
9 grade level placement, and appeal process along with the board policy
10 on these topics. The district shall review the student's course work,
11 achievement test scores, transcript, and any other performance data
12 from his or her previous school, including any records kept under
13 section 167.031 to determine the issuing of course credits and grade
14 level placement. If the district is unable to determine the credits
15 earned or grade level placement based on the documentation provided,
16 the district may administer some other proficiency assessment as set
17 by school board policy. If the assessment selected by the district is not
18 a recognized national or state assessment, course curricular objectives
19 shall be provided to the student and parent or guardian prior to the
20 test. Course credit shall be awarded based on a passing grade
21 determined by what is considered passing to regularly enrolled
22 students in the district. The district shall provide a determination of
23 the course credits and grade level placement to the student and his or
24 her parent or guardian within thirty calendar days of the request for
25 enrollment and provision of course documentation by the student and
26 parent or guardian.

27 3. Board of education policies for determining the issuance of
28 credits and grade level placement of transfer students shall be
29 reasonable and nondiscriminatory. Elective credit may be awarded for
30 religious course work or other course work not recognized as fulfilling
31 the district curricular objectives but which meet the documentation
32 requirements of this section or section 167.031 as applicable. The
33 district shall work with the student and the student's parents or
34 guardian to determine the best grade level placement based on the
35 credits earned and the student's age, and devise a program of studies
36 that, if completed, will earn a high school diploma.

177.011. The title of all schoolhouse sites and other school property is
2 vested in the district in which the property is located, or if the directors of both
3 school districts involved agree, a school district may own property outside of the
4 boundaries of the district and operate upon such property for school purposes;
5 provided that, such property may only be used for school purposes for students

6 residing in the school district owning such property or students who are enrolled
7 in such school district as part of a court-ordered desegregation plan **or who are**
8 **residents of a district classified as unaccredited by the state board of**
9 **education and are enrolled in an accredited district pursuant to**
10 **subsections 3 to 15 of section 167.131.** All property leased or rented for
11 school purposes shall be wholly under the control of the school board during such
12 time. No board shall lease or rent any building for school purposes while the
13 district schoolhouse is unoccupied, and no schoolhouse or school site shall be
14 abandoned or sold until another site and house are provided for the school
15 district.

177.015. Any school district that owns school buildings that have
2 **been unused for classroom instruction for two consecutive school years**
3 **shall either sell such buildings under the provisions of this chapter or**
4 **make such buildings available for use by any accredited school district,**
5 **charter school, virtual school, or nonsectarian nonpublic school, free**
6 **of charge. The terms of any sale or lease shall not include a restriction**
7 **in the deed or lease that would prohibit use of the facilities for**
8 **educational purposes.**

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