

SECOND REGULAR SESSION

SENATE BILL NO. 677

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PEARCE.

Read 1st time January 17, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

5303S.011

AN ACT

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

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Section A. Section 162.081, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 162.081, to read as follows: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 or is classified unaccredited [for two successive school years] by the state
4 board of education, its corporate organization shall lapse **on a date determined**
5 **by the state board of education. The state board of education, in**
6 **setting the date for lapse, may establish the conditions under which the**
7 **existing school district board shall continue to govern, or determine an**
8 **alternative governing structure for the district.** [The corporate
9 organization of any school district that is classified as unaccredited shall lapse
10 on June thirtieth of the second full school year of such unaccredited classification
11 after the school year during which the unaccredited classification is initially
12 assigned. The territory theretofore embraced within any district that lapses
13 pursuant to this section or any portion thereof may be attached to any district for
14 school purposes by the state board of education; but no school district, except a
15 district classified as unaccredited pursuant to section 163.023 and section 160.538
16 shall lapse where provision is lawfully made for the attendance of the pupils of
17 the district at another school district that is classified as provisionally accredited
18 or accredited by the state board of education.]

19 2. Prior to or at the time any school district in this state shall lapse, [but

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

20 after the school district has been classified as unaccredited,] the department of
21 elementary and secondary education shall conduct a public hearing at a location
22 in the unaccredited school district **regarding the accreditation status of the**
23 **school district.** [The purpose of the hearing shall be to:

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

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

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

39 4.] 3. Upon lapse of the district, the state board of education may:

40 (1) Appoint a special administrative board, [if such a board has not
41 already been appointed, and authorize the special administrative board to retain
42 the authority granted to a board of education] **determining the number of**
43 **members and specifying the board's duties** for the operation of all or part
44 of the district;

45 (2) **Determine an alternative governing structure for the district**
46 **including, at a minimum:**

47 (a) **A rationale for the decision to use an alternative form of**
48 **governance and in the absence of the district's achievement of full**
49 **accreditation, the state board of education shall review and recertify**
50 **the alternative form of governance every three years;**

51 (b) **A method for the residents of the district to provide public**
52 **comment after a stated period of time or upon achievement of specified**
53 **academic objectives;**

54 (c) **Expectations for progress on academic achievement, which**
55 **shall include an anticipated timeline for the district to reach full**

56 **accreditation; and**

57 **(d) Annual reports to the general assembly and the governor on**
58 **the progress towards accreditation of any district that has been**
59 **declared unaccredited and is placed under an alternative form of**
60 **governance, including a review of the effectiveness of the alternative**
61 **governance;**

62 **(3)** Attach the territory of the lapsed district to another district or
63 districts for school purposes; or

64 **[(3)] (4)** Establish one or more school districts within the territory of the
65 lapsed district, with a governance structure [consistent with the laws applicable
66 to districts of a similar size] **specified by the state board of education**, with
67 the option of permitting a district to remain intact for the purposes of assessing,
68 collecting, and distributing property taxes, to be distributed equitably on a
69 weighted average daily attendance basis, but to be divided for operational
70 purposes, which shall take effect sixty days after the adjournment of the regular
71 session of the general assembly next following the state board's decision unless
72 a statute or concurrent resolution is enacted to nullify the state board's decision
73 prior to such effective date. [The special administrative board may retain the
74 authority granted to a board of education for the operation of the lapsed school
75 district under the laws of the state in effect at the time of the lapse.]

76 **[5.] 4.** The authority of the special administrative board shall expire at
77 the end of the third full school year following its appointment, unless extended
78 by the state board of education. If the lapsed district is reassigned, the special
79 administrative board shall provide an accounting of all funds, assets and
80 liabilities of the lapsed district and transfer such funds, assets, and liabilities of
81 the lapsed district as determined by the state board of education.

82 **[6.** Upon recommendation of the special administrative board, the state
83 board of education may assign the funds, assets and liabilities of the lapsed
84 district to another district or districts. Upon assignment, all authority of the
85 special administrative board shall transfer to the assigned districts.

86 **7.] 5.** Neither the special administrative board nor any district or other
87 entity assigned territory, assets or funds from a lapsed district shall be
88 considered a successor entity for the purpose of employment contracts,
89 unemployment compensation payment pursuant to section 288.110, or any other
90 purpose.

91 **[8.] 6.** If additional teachers are needed by a district as a result of

92 increased enrollment due to the annexation of territory of a lapsed or dissolved
93 district, such district shall grant an employment interview to any permanent
94 teacher of the lapsed or dissolved district upon the request of such permanent
95 teacher.

96 [9. (1) The governing body of a school district, upon an initial declaration
97 by the state board of education that such district is provisionally accredited, may,
98 and, upon an initial declaration by the state board of education that such district
99 is unaccredited, shall develop a plan to be submitted to the voters of the school
100 district to divide the school district if the district cannot attain accreditation
101 within three years of the initial declaration that such district is unaccredited. In
102 the case of such a district being declared unaccredited, such plan shall be
103 presented to the voters of the district before the district lapses. In the case of
104 such a district being declared provisionally accredited, such plan may be
105 presented before the close of the current accreditation cycle.

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

111 (3) The makeup of the new districts shall be racially balanced as far as
112 the proportions of students allow.

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

118 10.] 7. In the event that a school district with an enrollment in excess of
119 five thousand pupils lapses, no school district shall have all or any part of such
120 lapsed school district attached without the approval of the board of the receiving
121 school district.

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