

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/Senate Bill No. 210, Page 3, Section 161.855, Line 8

2 of said page, by inserting after all of said line the following:
 3 "162.081. 1. Whenever any school district in this state
 4 fails or refuses in any school year to provide for the minimum
 5 school term required by section 163.021 or is classified
 6 unaccredited [for two successive school years by the state board
 7 of education, its corporate organization shall lapse. The
 8 corporate organization of any school district that is classified
 9 as unaccredited shall lapse on June thirtieth of the second full
 10 school year of such unaccredited classification after the school
 11 year during which the unaccredited classification is initially
 12 assigned. The territory theretofore embraced within any district
 13 that lapses pursuant to this section or any portion thereof may
 14 be attached to any district for school purposes by the state
 15 board of education; but no school district, except a district
 16 classified as unaccredited pursuant to section 163.023 and
 17 section 160.538 shall lapse where provision is lawfully made for
 18 the attendance of the pupils of the district at another school
 19 district that is classified as provisionally accredited or
 20 accredited by the state board of education], the state board of
 21 education shall:

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

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

6 2. **[Prior to or] If** at the time any school district in this
7 state shall **[lapse, but after the school district has been] be**
8 classified as unaccredited, the department of elementary and
9 secondary education shall conduct **[a] at least two** public
10 **[hearing] hearings** at a location in the unaccredited school
11 district regarding the accreditation status of the school
12 district. The hearings shall provide an opportunity to convene
13 community resources that may be useful or necessary in supporting
14 the school district as it attempts to return to accredited
15 status, continues under revised governance, or plans for
16 continuity of educational services and resources upon its
17 attachment to a neighboring district. The department may request
18 the attendance of stakeholders and district officials to review
19 the district's plan to return to accredited status, if any; offer
20 technical assistance; and facilitate and coordinate community
21 resources. **[The purpose of the hearing shall be to:**

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

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

26 3. Except as otherwise provided in section 162.1100, in a
27 metropolitan school district or an urban school district
28 containing most or all of a city with a population greater than
29 three hundred fifty thousand inhabitants and in any other school

1 district if the local board of education does not anticipate a
2 return to accredited status, the state board of education may
3 appoint a special administrative board to supervise the financial
4 operations, maintain and preserve the financial assets or, if
5 warranted, continue operation of the educational programs within
6 the district or what provisions might otherwise be made in the
7 best interest of the education of the children of the district.
8 The special administrative board shall consist of two persons who
9 are residents of the school district, who shall serve without
10 compensation, and a professional administrator, who shall chair
11 the board and shall be compensated, as determined by the state
12 board of education, in whole or in part with funds from the
13 district.

14 4.] 3. Upon [lapse of the district] classification of a
15 district as unaccredited, the state board of education may:

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

19 (2) Lapse the corporate organization of the unaccredited
20 district and:

21 (a) Appoint a special administrative board, [if such a
22 board has not already been appointed, and authorize the special
23 administrative board to retain the authority granted to a board
24 of education] for the operation of all or part of the district.
25 The number of members of the special administrative board shall
26 not be less than five, the majority of whom shall be residents of
27 the district. The members of the special administrative board
28 shall reflect the population characteristics of the district and
29 shall collectively possess strong experience in school

1 governance, management and finance, and leadership. Any special
2 administrative board appointed under this section shall be
3 responsible for the operation of the district until such time
4 that the district is classified by the state board of education
5 as provisionally accredited for two successive academic years,
6 after which time the state board of education may provide for a
7 transition pursuant to section 162.083; or

8 [(2)] (b) Determine an alternative governing structure for
9 the district including, at a minimum:

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

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

17 c. Expectations for progress on academic achievement, which
18 shall include an anticipated timeline for the district to reach
19 full accreditation; and

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

25 (c) Attach the territory of the lapsed district to another
26 district or districts for school purposes; or

27 [(3)] (d) Establish one or more school districts within the
28 territory of the lapsed district, with a governance structure
29 [consistent with the laws applicable to districts of a similar

1 size] specified by the state board of education, with the option
2 of permitting a district to remain intact for the purposes of
3 assessing, collecting, and distributing property taxes, to be
4 distributed equitably on a weighted average daily attendance
5 basis, but to be divided for operational purposes, which shall
6 take effect sixty days after the adjournment of the regular
7 session of the general assembly next following the state board's
8 decision unless a statute or concurrent resolution is enacted to
9 nullify the state board's decision prior to such effective date.

10 [The special administrative board may retain the authority
11 granted to a board of education for the operation of the lapsed
12 school district under the laws of the state in effect at the time
13 of the lapse.]

14 [5.] 4. A special administrative board appointed under this
15 section shall retain the authority granted to a board of
16 education for the operation of the lapsed school district under
17 the laws of the state in effect at the time of the lapse and may
18 enter into contracts with accredited school districts or other
19 education service providers in order to deliver high quality
20 educational programs to the residents of the district. If a
21 student graduates while attending a school building in the
22 district that is operated under a contract with an accredited
23 school district as specified under this subsection, the student
24 shall receive his or her diploma from the accredited school
25 district. The authority of the special administrative board
26 shall expire at the end of the third full school year following
27 its appointment, unless extended by the state board of education.
28 If the lapsed district is reassigned, the special administrative
29 board shall provide an accounting of all funds, assets and

1 liabilities of the lapsed district and transfer such funds,
2 assets, and liabilities of the lapsed district as determined by
3 the state board of education. Neither the special administrative
4 board nor its members or employees shall be deemed to be the
5 state or a state agency for any purpose, including section
6 105.711, et seq. The state of Missouri, its agencies and
7 employees, shall be absolutely immune from liability for any and
8 all acts or omissions relating to or in any way involving the
9 lapsed district, the special administrative board, its members or
10 employees. Such immunities, and immunity doctrines as exist or
11 may hereafter exist benefitting boards of education, their
12 members and their employees shall be available to the special
13 administrative board, its members and employees.

14 [6. Upon recommendation of the special administrative
15 board, the state board of education may assign the funds, assets
16 and liabilities of the lapsed district to another district or
17 districts. Upon assignment, all authority of the special
18 administrative board shall transfer to the assigned districts.

19 7.] 5. Neither the special administrative board nor any
20 district or other entity assigned territory, assets or funds from
21 a lapsed district shall be considered a successor entity for the
22 purpose of employment contracts, unemployment compensation
23 payment pursuant to section 288.110, or any other purpose.

24 [8.] 6. If additional teachers are needed by a district as
25 a result of increased enrollment due to the annexation of
26 territory of a lapsed or dissolved district, such district shall
27 grant an employment interview to any permanent teacher of the
28 lapsed or dissolved district upon the request of such permanent
29 teacher.

1 [9. (1) The governing body of a school district, upon an
2 initial declaration by the state board of education that such
3 district is provisionally accredited, may, and, upon an initial
4 declaration by the state board of education that such district is
5 unaccredited, shall develop a plan to be submitted to the voters
6 of the school district to divide the school district if the
7 district cannot attain accreditation within three years of the
8 initial declaration that such district is unaccredited. In the
9 case of such a district being declared unaccredited, such plan
10 shall be presented to the voters of the district before the
11 district lapses. In the case of such a district being declared
12 provisionally accredited, such plan may be presented before the
13 close of the current accreditation cycle.

14 (2) The plan may provide that the school district shall
15 remain intact for the purposes of assessing, collecting and
16 distributing taxes for support of the schools, and the governing
17 body of the district shall develop a plan for the distribution of
18 such taxes equitably on a per-pupil basis if the district selects
19 this option.

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

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

28 10.] 7. In the event that a school district with an
29 enrollment in excess of five thousand pupils lapses, no school

1 district shall have all or any part of such lapsed school
2 district attached without the approval of the board of the
3 receiving school district.

4 162.083. 1. The state board of education may appoint
5 additional members to any special administrative board appointed
6 under section 162.081.

7 2. The state board of education may set a final term of
8 office for any member of a special administrative board, after
9 which a successor member shall be elected by the voters of the
10 district.

11 (1) All final terms of office for members of the special
12 administrative board established under this section shall expire
13 on June thirtieth.

14 (2) The election of a successor member shall occur on the
15 general municipal election day immediately prior to the
16 expiration of the final term of office.

17 (3) The election shall be conducted in a manner consistent
18 with the election laws applicable to the school district.

19 3. Nothing in this section shall be construed as barring an
20 otherwise qualified member of the special administrative board
21 from standing for an elected term on the board.

22 4. [If the state board of education appoints a successor
23 member to replace the chair of the special administrative board,
24 the serving members of the special administrative board shall be
25 authorized to appoint a superintendent of schools and contract
26 for his or her services.

27 5.] On a date set by the state board of education, any
28 district operating under the governance of a special
29 administrative board shall return to local governance, and

1 continue operation as a school district as otherwise authorized
2 by law.

3 162.1300. If a change in school district boundary lines
4 occurs under section 162.223, 162.431, 162.441, or 162.451, or by
5 action of the state board of education under section 162.081,
6 including attachment of a school district's territory to another
7 district or dissolution, such that a school district receives
8 additional students as a result of such change, the statewide
9 assessment scores and all other performance data for those
10 students whom the district received shall not be used for three
11 years when calculating the performance of the receiving district
12 for three school years for purposes of the Missouri school
13 improvement program."; and

14 Further amend the title and enacting clause accordingly.