

FIRST REGULAR SESSION

SENATE BILL NO. 7

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PEARCE.

Pre-filed December 1, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

0157S.02I

AN ACT

To repeal sections 162.081 and 162.083, RSMo, and to enact in lieu thereof two new sections relating to school accreditation, with an emergency clause.

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

Section A. Sections 162.081 and 162.083, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 162.081 and 162.083, to
3 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. The corporate
5 organization of any school district that is classified as unaccredited shall lapse
6 on June thirtieth of the second full school year of such unaccredited classification
7 after the school year during which the unaccredited classification is initially
8 assigned. The territory theretofore embraced within any district that lapses
9 pursuant to this section or any portion thereof may be attached to any district for
10 school purposes by the state board of education; but no school district, except a
11 district classified as unaccredited pursuant to section 163.023 and section 160.538
12 shall lapse where provision is lawfully made for the attendance of the pupils of
13 the district at another school district that is classified as provisionally accredited
14 or accredited by the state board of education], **the state board of education**
15 **shall:**

16 **(1) Review the governance of the district to establish the**
17 **conditions under which the existing school board shall continue to**
18 **govern; or**

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

19 **(2) Determine the date the district shall lapse and determine an**
20 **alternative governing structure for the district.**

21 2. [Prior to or] **If** at the time any school district in this state shall [lapse,
22 but after the school district has been] **be** classified as unaccredited, the
23 department of elementary and secondary education shall conduct [a] **at least**
24 **two** public [hearing] **hearings** at a location in the unaccredited school district
25 **regarding the accreditation status of the school district. The hearings**
26 **shall provide an opportunity to convene community resources that may**
27 **be useful or necessary in supporting the school district as it attempts**
28 **to return to accredited status, continues under revised governance, or**
29 **plans for continuity of educational services and resources upon its**
30 **attachment to a neighboring district. The department may request the**
31 **attendance of stakeholders and district officials to review the district's**
32 **plan to return to accredited status, if any; offer technical assistance;**
33 **and facilitate and coordinate community resources.** [The purpose of the
34 hearing shall be to:

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

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

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

50 4.] **3. Upon [lapse of the district] classification of a district as**
51 **unaccredited**, the state board of education may:

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

55 **(2) Lapse the corporate organization of the unaccredited district**
56 **and:**

57 **(a) Appoint a special administrative board, [if such a board has not**
58 **already been appointed, and authorize the special administrative board to retain**
59 **the authority granted to a board of education] for the operation of all or part of**
60 **the district. The number of members of the special administrative board**
61 **shall not be less than five, the majority of whom shall be residents of**
62 **the district. The members of the special administrative board shall**
63 **reflect the population characteristics of the district and shall**
64 **collectively possess strong experience in school governance,**
65 **management and finance, and leadership. Any special administrative**
66 **board appointed under this section shall be responsible for the**
67 **operation of the district until such time that the district is classified by**
68 **the state board of education as provisionally accredited for two**
69 **successive academic years, after which time the state board of**
70 **education may provide for a transition pursuant to section 162.083; or**

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

73 **a. A rationale for the decision to use an alternative form of**
74 **governance and in the absence of the district's achievement of full**
75 **accreditation, the state board of education shall review and recertify**
76 **the alternative form of governance every three years;**

77 **b. A method for the residents of the district to provide public**
78 **comment after a stated period of time or upon achievement of specified**
79 **academic objectives;**

80 **c. Expectations for progress on academic achievement, which**
81 **shall include an anticipated timeline for the district to reach full**
82 **accreditation; and**

83 **d. Annual reports to the general assembly and the governor on**
84 **the progress towards accreditation of any district that has been**
85 **declared unaccredited and is placed under an alternative form of**
86 **governance, including a review of the effectiveness of the alternative**
87 **governance; or**

88 **(c) Attach the territory of the lapsed district to another district or**
89 **districts for school purposes; or**

90 **[(3)] (d) Establish one or more school [districts within the territory of the**
91 **lapsed district, with a governance structure [consistent with the laws applicable**

92 to districts of a similar size] **specified by the state board of education**, with
93 the option of permitting a district to remain intact for the purposes of assessing,
94 collecting, and distributing property taxes, to be distributed equitably on a
95 weighted average daily attendance basis, but to be divided for operational
96 purposes, which shall take effect sixty days after the adjournment of the regular
97 session of the general assembly next following the state board's decision unless
98 a statute or concurrent resolution is enacted to nullify the state board's decision
99 prior to such effective date. [The special administrative board may retain the
100 authority granted to a board of education for the operation of the lapsed school
101 district under the laws of the state in effect at the time of the lapse.]

102 **[5.] 4. A special administrative board appointed under this**
103 **section shall retain the authority granted to a board of education for**
104 **the operation of the lapsed school district under the laws of the state**
105 **in effect at the time of the lapse and may enter into contracts with**
106 **accredited school districts or other education service providers in**
107 **order to deliver high quality educational programs to the residents of**
108 **the district. If a student graduates while attending a school building**
109 **in the district that is operated under a contract with an accredited**
110 **school district as specified under this subsection, the student shall**
111 **receive his or her diploma from the accredited school district.** The
112 authority of the special administrative board shall expire at the end of the third
113 full school year following its appointment, unless extended by the state board of
114 education. If the lapsed district is reassigned, the special administrative board
115 shall provide an accounting of all funds, assets and liabilities of the lapsed
116 district and transfer such funds, assets, and liabilities of the lapsed district as
117 determined by the state board of education. **Neither the special**
118 **administrative board nor its members or employees shall be deemed to**
119 **be the state or a state agency for any purpose, including section**
120 **105.711, et seq. The state of Missouri, its agencies and employees, shall**
121 **be absolutely immune from liability for any and all acts or omissions**
122 **relating to or in any way involving the lapsed district, the special**
123 **administrative board, its members or employees. Such immunities, and**
124 **immunity doctrines as exist or may hereafter exist benefitting boards**
125 **of education, their members and their employees shall be available to**
126 **the special administrative board, its members and employees.**

127 **[6. Upon recommendation of the special administrative board, the state**

128 board of education may assign the funds, assets and liabilities of the lapsed
129 district to another district or districts. Upon assignment, all authority of the
130 special administrative board shall transfer to the assigned districts.

131 7.] 5. Neither the special administrative board nor any district or other
132 entity assigned territory, assets or funds from a lapsed district shall be
133 considered a successor entity for the purpose of employment contracts,
134 unemployment compensation payment pursuant to section 288.110, or any other
135 purpose.

136 [8.] 6. If additional teachers are needed by a district as a result of
137 increased enrollment due to the annexation of territory of a lapsed or dissolved
138 district, such district shall grant an employment interview to any permanent
139 teacher of the lapsed or dissolved district upon the request of such permanent
140 teacher.

141 [9. (1) The governing body of a school district, upon an initial declaration
142 by the state board of education that such district is provisionally accredited, may,
143 and, upon an initial declaration by the state board of education that such district
144 is unaccredited, shall develop a plan to be submitted to the voters of the school
145 district to divide the school district if the district cannot attain accreditation
146 within three years of the initial declaration that such district is unaccredited. In
147 the case of such a district being declared unaccredited, such plan shall be
148 presented to the voters of the district before the district lapses. In the case of
149 such a district being declared provisionally accredited, such plan may be
150 presented before the close of the current accreditation cycle.

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

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

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

163 10.] 7. In the event that a school district with an enrollment in excess of

164 five thousand pupils lapses, no school district shall have all or any part of such
165 lapsed school district attached without the approval of the board of the receiving
166 school district.

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

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

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

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

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

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

16 4. [If the state board of education appoints a successor member to replace
17 the chair of the special administrative board, the serving members of the special
18 administrative board shall be authorized to appoint a superintendent of schools
19 and contract for his or her services.

20 5.] On a date set by the state board of education, any district operating
21 under the governance of a special administrative board shall return to local
22 governance, and continue operation as a school district as otherwise authorized
23 by law.

Section B. Because of the need to provide immediate guidance on the
2 operations of unaccredited districts, section A of this act is deemed necessary for
3 the immediate preservation of the public health, welfare, peace and safety, and
4 is hereby declared to be an emergency act within the meaning of the constitution,
5 and section A of this act shall be in full force and effect upon its passage and
6 approval.

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