

FIRST REGULAR SESSION  
[P E R F E C T E D]  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 7**  
97TH GENERAL ASSEMBLY

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Reported from the Committee on Education, January 31, 2013, with recommendation that the Senate Committee Substitute do pass.

Senate Committee Substitute for Senate Bill No. 7, adopted February 5, 2013.

Taken up for Perfection February 5, 2013. Bill declared Perfected and Ordered Printed.

0157S.03P

TERRY L. SPIELER, Secretary.

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**AN ACT**

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

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*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Section A. Sections 162.081 and 162.083, RSMo, are repealed and three  
2 new sections enacted in lieu thereof, to be known as sections 162.081, 162.083,  
3 and 162.1300, 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. 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:**

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

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**

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.

**162.1300. If a change in school district boundary lines occurs  
2 under section 162.223, 162.431, 162.441, or 162.451, or by action of the  
3 state board of education under section 162.081, including attachment  
4 of a school district's territory to another district or dissolution, such  
5 that a school district receives additional students as a result of such  
6 change, the statewide assessment scores and all other performance data  
7 for those students whom the district received shall not be used for**

8 **three years when calculating the performance of the receiving district**  
9 **for three school years for purposes of the Missouri school improvement**  
10 **program.**

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.

Unofficial ✓

Bill

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