

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILLS NOS. 493, 485, 495, 516, 534, 545, 595, 616 & 624

AN ACT

To repeal 160.011, 160.041, 160.400, 160.405, 160.415, 160.417, 162.081, 162.1250, 163.021, 163.036, 163.073, 163.410, 167.121, 167.131, 171.029, 171.031, 171.033, 177.011, 177.088, and 210.861, RSMo, and to enact in lieu thereof forty-seven new sections relating to elementary and secondary education, with an emergency clause.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Sections 160.011, 160.041, 160.400, 160.405,
2 160.415, 160.417, 162.081, 162.1250, 163.021, 163.036, 163.073,
3 163.410, 167.121, 167.131, 171.029, 171.031, 171.033, 177.011,
4 177.088, and 210.861, RSMo, are repealed and forty-seven new
5 sections enacted in lieu thereof, to be known as sections
6 160.011, 160.041, 160.400, 160.405, 160.408, 160.415, 160.417,
7 161.084, 161.086, 161.238, 162.081, 162.432, 162.1250, 162.1303,
8 162.1305, 162.1310, 163.021, 163.036, 163.073, 163.410, 167.121,
9 167.131, 167.642, 167.685, 167.687, 167.730, 167.825, 167.826,
10 167.827, 167.828, 167.830, 167.833, 167.836, 167.839, 167.842,
11 167.845, 167.848, 168.205, 170.215, 170.320, 171.029, 171.031,
12 171.033, 177.011, 177.088, 210.861, and 1, to read as follows:

1 160.011. As used in chapters 160, 161, 162, 163, 164, 165,
2 167, 168, 170, 171, 177 and 178, the following terms mean:

3 (1) "District" or "school district", when used alone, may
4 include seven-director, urban, and metropolitan school districts;

5 (2) "Elementary school", a public school giving instruction
6 in a grade or grades not higher than the eighth grade;

7 (3) "Family literacy programs", services of sufficient
8 intensity in terms of hours, and of sufficient duration, to make
9 sustainable changes in families that include:

10 (a) Interactive literacy activities between parents and
11 their children;

12 (b) Training of parents regarding how to be the primary
13 teacher of their children and full partners in the education of
14 their children;

15 (c) Parent literacy training that leads to high school
16 completion and economic self sufficiency; and

17 (d) An age-appropriate education to prepare children of all
18 ages for success in school;

19 (4) "Graduation rate", the [quotient of the number of
20 graduates in the current year as of June thirtieth divided by the
21 sum of the number of graduates in the current year as of June
22 thirtieth plus the number of twelfth graders who dropped out in
23 the current year plus the number of eleventh graders who dropped
24 out in the preceding year plus the number of tenth graders who
25 dropped out in the second preceding year plus the number of ninth
26 graders who dropped out in the third preceding year] graduation
27 rate determined by the annual performance report required by the
28 Missouri school improvement program;

1 (5) "High school", a public school giving instruction in a
2 grade or grades not lower than the ninth nor higher than the
3 twelfth grade;

4 (6) "Metropolitan school district", any school district the
5 boundaries of which are coterminous with the limits of any city
6 which is not within a county;

7 (7) "Public school" includes all elementary and high
8 schools operated at public expense;

9 (8) "School board", the board of education having general
10 control of the property and affairs of any school district;

11 (9) "School term", a minimum of one hundred seventy-four
12 school days, as that term is defined in section 160.041, for
13 schools with a five-day school week or a minimum of one hundred
14 forty-two school days, as that term is defined in section
15 160.041, for schools with a four-day school week, and one
16 thousand forty-four hours of actual pupil attendance as scheduled
17 by the board pursuant to section 171.031 during a twelve-month
18 period in which the academic instruction of pupils is actually
19 and regularly carried on for a group of students in the public
20 schools of any school district. Beginning in school year 2015-
21 2016, one thousand forty-four hours of actual pupil attendance
22 shall be required with no minimum number of school days required.

23 A school term may be within a school year or may consist of parts
24 of two consecutive school years, but does not include summer
25 school. A district may choose to operate two or more terms for
26 different groups of children. A school term for students
27 participating in a school flex program as established in section
28 160.539 may consist of a combination of actual pupil attendance

1 and attendance at college or technical career education or
2 approved employment aligned with the student's career academic
3 plan for a total of one thousand forty-four hours;

4 (10) "Secretary", the secretary of the board of a school
5 district;

6 (11) "Seven-director district", any school district which
7 has seven directors and includes urban districts regardless of
8 the number of directors an urban district may have unless
9 otherwise provided by law;

10 (12) "Taxpayer", any individual who has paid taxes to the
11 state or any subdivision thereof within the immediately preceding
12 twelve-month period or the spouse of such individual;

13 (13) "Town", any town or village, whether or not
14 incorporated, the plat of which has been filed in the office of
15 the recorder of deeds of the county in which it is situated;

16 (14) "Urban school district", any district which includes
17 more than half of the population or land area of any city which
18 has not less than seventy thousand inhabitants, other than a city
19 which is not within a county.

20 160.041. 1. The "minimum school day" consists of three
21 hours for schools with a five-day school week or four hours for
22 schools with a four-day school week in which the pupils are under
23 the guidance and direction of teachers in the teaching process.
24 A "school month" consists of four weeks of five days each for
25 schools with a five-day school week or four weeks of four days
26 each for schools with a four-day school week. Beginning in the
27 school year 2015-2016, no minimum number of school days shall be
28 required. The "school year" commences on the first day of July

1 and ends on the thirtieth day of June following.

2 2. Beginning with school year 2015-2016, in any regular or
3 summer school term, school days shall be scheduled so that no
4 school day shall be rescheduled during the calendar week of July
5 fourth if the holiday falls on a business day; if the holiday
6 falls on a weekend, school days shall be rescheduled so that
7 students shall have at least four days off in any configuration
8 during the calendar week that includes a Saturday holiday or the
9 calendar week that includes a Sunday holiday.

10 3. Notwithstanding the provisions of [subsection 1 of this
11 section] subdivision (9) of section 160.011, the commissioner of
12 education is authorized to reduce the required [number of hours
13 and days] amount of school time in which the pupils are under the
14 guidance and direction of teachers in the teaching process if:

15 (1) There is damage to or destruction of a public school
16 facility which requires the dual utilization of another school
17 facility; or

18 (2) Flooding or other inclement weather as defined in
19 subsection 1 of section 171.033 prevents students from attending
20 the public school facility.

21 Such reduction shall not extend beyond two calendar years in
22 duration.

23 160.400. 1. A charter school is an independent public
24 school.

25 2. Except as further provided in subsection 4 of this
26 section, charter schools may be operated only:

27 (1) In a metropolitan school district;

28 (2) In an urban school district containing most or all of a

1 city with a population greater than three hundred fifty thousand
2 inhabitants;

3 (3) In a school district that has been declared
4 unaccredited;

5 (4) In a school district that has been classified as
6 provisionally accredited by the state board of education and has
7 received scores on its annual performance report consistent with
8 a classification of provisionally accredited or unaccredited for
9 three consecutive school years beginning with the 2012-13
10 accreditation year under the following conditions:

11 (a) The eligibility for charter schools of any school
12 district whose provisional accreditation is based in whole or in
13 part on financial stress as defined in sections 161.520 to
14 161.529, or on financial hardship as defined by rule of the state
15 board of education, shall be decided by a vote of the state board
16 of education during the third consecutive school year after the
17 designation of provisional accreditation; and

18 (b) The sponsor is limited to the local school board or a
19 sponsor who has met the standards of accountability and
20 performance as determined by the department based on sections
21 160.400 to 160.425 and section 167.349 and properly promulgated
22 rules of the department; or

23 (5) In a school district that has been accredited without
24 provisions, sponsored only by the local school board; provided
25 that no board with a current year enrollment of one thousand five
26 hundred fifty students or greater shall permit more than
27 thirty-five percent of its student enrollment to enroll in
28 charter schools sponsored by the local board under the authority

1 of this subdivision, except that this restriction shall not apply
2 to any school district that subsequently becomes eligible under
3 subdivision (3) or (4) of this subsection or to any district
4 accredited without provisions that sponsors charter schools prior
5 to having a current year student enrollment of one thousand five
6 hundred fifty students or greater.

7 3. Except as further provided in subsection 4 of this
8 section, the following entities are eligible to sponsor charter
9 schools:

10 (1) The school board of the district in any district which
11 is sponsoring a charter school as of August 27, 2012, as
12 permitted under subdivision (1) or (2) of subsection 2 of this
13 section, the special administrative board of a metropolitan
14 school district during any time in which powers granted to the
15 district's board of education are vested in a special
16 administrative board, or if the state board of education appoints
17 a special administrative board to retain the authority granted to
18 the board of education of an urban school district containing
19 most or all of a city with a population greater than three
20 hundred fifty thousand inhabitants, the special administrative
21 board of such school district;

22 (2) A public four-year college or university with an
23 approved teacher education program that meets regional or
24 national standards of accreditation;

25 (3) A community college, the service area of which
26 encompasses some portion of the district;

27 (4) Any private four-year college or university with an
28 enrollment of at least one thousand students, with its primary

1 campus in Missouri, and with an approved teacher preparation
2 program;

3 (5) Any two-year private vocational or technical school
4 designated as a 501(c)(3) nonprofit organization under the
5 Internal Revenue Code of 1986, as amended, which is a member of
6 the North Central Association and accredited by the Higher
7 Learning Commission, with its primary campus in Missouri; [or]

8 (6) The Missouri charter public school commission created
9 in section 160.425;

10 (7) The school board of a district that is accredited
11 without provisions by the state board of education, in a district
12 classified as unaccredited by the state board of education; or

13 (8) A combination of school boards of districts that are
14 accredited without provisions by the state board of education in
15 collaboration, in a district classified as unaccredited by the
16 state board of education.

17 4. Changes in a school district's accreditation status that
18 affect charter schools shall be addressed as follows, except for
19 the districts described in subdivisions (1) and (2) of subsection
20 2 of this section:

21 (1) As a district transitions from unaccredited to
22 provisionally accredited, the district shall continue to fall
23 under the requirements for an unaccredited district until it
24 achieves three consecutive full school years of provisional
25 accreditation;

26 (2) As a district transitions from provisionally accredited
27 to full accreditation, the district shall continue to fall under
28 the requirements for a provisionally accredited district until it

1 achieves three consecutive full school years of full
2 accreditation;

3 (3) In any school district classified as unaccredited or
4 provisionally accredited where a charter school is operating and
5 is sponsored by an entity other than the local school board, when
6 the school district becomes classified as accredited without
7 provisions, a charter school may continue to be sponsored by the
8 entity sponsoring it prior to the classification of accredited
9 without provisions and shall not be limited to the local school
10 board as a sponsor.

11
12 A charter school operating in a school district identified in
13 subdivision (1) or (2) of subsection 2 of this section may be
14 sponsored by any of the entities identified in subsection 3 of
15 this section, irrespective of the accreditation classification of
16 the district in which it is located. A charter school in a
17 district described in this subsection whose charter provides for
18 the addition of grade levels in subsequent years may continue to
19 add levels until the planned expansion is complete to the extent
20 of grade levels in comparable schools of the district in which
21 the charter school is operated.

22 5. The mayor of a city not within a county may request a
23 sponsor under subdivision (2), (3), (4), (5), or (6) of
24 subsection 3 of this section to consider sponsoring a "workplace
25 charter school", which is defined for purposes of sections
26 160.400 to 160.425 as a charter school with the ability to target
27 prospective students whose parent or parents are employed in a
28 business district, as defined in the charter, which is located in

1 the city.

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

6 7. The charter school shall be organized as a Missouri
7 nonprofit corporation incorporated pursuant to chapter 355. The
8 charter provided for herein shall constitute a contract between
9 the sponsor and the charter school.

10 8. As a nonprofit corporation incorporated pursuant to
11 chapter 355, the charter school shall select the method for
12 election of officers pursuant to section 355.326 based on the
13 class of corporation selected. Meetings of the governing board
14 of the charter school shall be subject to the provisions of
15 sections 610.010 to 610.030.

16 9. A sponsor of a charter school, its agents and employees
17 are not liable for any acts or omissions of a charter school that
18 it sponsors, including acts or omissions relating to the charter
19 submitted by the charter school, the operation of the charter
20 school and the performance of the charter school.

21 10. A charter school may affiliate with a four-year college
22 or university, including a private college or university, or a
23 community college as otherwise specified in subsection 3 of this
24 section when its charter is granted by a sponsor other than such
25 college, university or community college. Affiliation status
26 recognizes a relationship between the charter school and the
27 college or university for purposes of teacher training and staff
28 development, curriculum and assessment development, use of

1 physical facilities owned by or rented on behalf of the college
2 or university, and other similar purposes. A university, college
3 or community college may not charge or accept a fee for
4 affiliation status.

5 11. The expenses associated with sponsorship of charter
6 schools shall be defrayed by the department of elementary and
7 secondary education retaining one and five-tenths percent of the
8 amount of state and local funding allocated to the charter school
9 under section 160.415, not to exceed one hundred twenty-five
10 thousand dollars, adjusted for inflation. The department of
11 elementary and secondary education shall remit the retained funds
12 for each charter school to the school's sponsor, provided the
13 sponsor remains in good standing by fulfilling its sponsorship
14 obligations under sections 160.400 to 160.425 and 167.349 with
15 regard to each charter school it sponsors, including appropriate
16 demonstration of the following:

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

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

25 (3) Negotiates contracts with charter schools that clearly
26 articulate the rights and responsibilities of each party
27 regarding school autonomy, expected outcomes, measures for
28 evaluating success or failure, performance consequences, and

1 other material terms;

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

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

8 12. Sponsors receiving funds under subsection 11 of this
9 section shall be required to submit annual reports to the joint
10 committee on education demonstrating they are in compliance with
11 subsection 17 of this section.

12 13. No university, college or community college shall grant
13 a charter to a nonprofit corporation if an employee of the
14 university, college or community college is a member of the
15 corporation's board of directors.

16 14. No sponsor shall grant a charter under sections 160.400
17 to 160.425 and 167.349 without ensuring that a criminal
18 background check and family care safety registry check are
19 conducted for all members of the governing board of the charter
20 schools or the incorporators of the charter school if initial
21 directors are not named in the articles of incorporation, nor
22 shall a sponsor renew a charter without ensuring a criminal
23 background check and family care registry check are conducted for
24 each member of the governing board of the charter school.

25 15. No member of the governing board of a charter school
26 shall hold any office or employment from the board or the charter
27 school while serving as a member, nor shall the member have any
28 substantial interest, as defined in section 105.450, in any

1 entity employed by or contracting with the board. No board
2 member shall be an employee of a company that provides
3 substantial services to the charter school. All members of the
4 governing board of the charter school shall be considered
5 decision-making public servants as defined in section 105.450 for
6 the purposes of the financial disclosure requirements contained
7 in sections 105.483, 105.485, 105.487, and 105.489.

8 16. A sponsor shall develop the policies and procedures
9 for:

10 (1) The review of a charter school proposal including an
11 application that provides sufficient information for rigorous
12 evaluation of the proposed charter and provides clear
13 documentation that the education program and academic program are
14 aligned with the state standards and grade-level expectations,
15 and provides clear documentation of effective governance and
16 management structures, and a sustainable operational plan;

17 (2) The granting of a charter;

18 (3) The performance framework that the sponsor will use to
19 evaluate the performance of charter schools;

20 (4) The sponsor's intervention, renewal, and revocation
21 policies, including the conditions under which the charter
22 sponsor may intervene in the operation of the charter school,
23 along with actions and consequences that may ensue, and the
24 conditions for renewal of the charter at the end of the term,
25 consistent with subsections 8 and 9 of section 160.405;

26 (5) Additional criteria that the sponsor will use for
27 ongoing oversight of the charter; and

28 (6) Procedures to be implemented if a charter school should

1 close, consistent with the provisions of subdivision (15) of
2 subsection 1 of section 160.405.

3
4 The department shall provide guidance to sponsors in developing
5 such policies and procedures.

6 17. (1) A sponsor shall provide timely submission to the
7 state board of education of all data necessary to demonstrate
8 that the sponsor is in material compliance with all requirements
9 of sections 160.400 to 160.425 and section 167.349. The state
10 board of education shall ensure each sponsor is in compliance
11 with all requirements under sections 160.400 to 160.425 and
12 167.349 for each charter school sponsored by any sponsor. The
13 state board shall notify each sponsor of the standards for
14 sponsorship of charter schools, delineating both what is mandated
15 by statute and what best practices dictate. The state board
16 shall evaluate sponsors to determine compliance with these
17 standards every three years. The evaluation shall include a
18 sponsor's policies and procedures in the areas of charter
19 application approval; required charter agreement terms and
20 content; sponsor performance evaluation and compliance
21 monitoring; and charter renewal, intervention, and revocation
22 decisions. Nothing shall preclude the department from
23 undertaking an evaluation at any time for cause.

24 (2) If the department determines that a sponsor is in
25 material noncompliance with its sponsorship duties, the sponsor
26 shall be notified and given reasonable time for remediation. If
27 remediation does not address the compliance issues identified by
28 the department, the commissioner of education shall conduct a

1 public hearing and thereafter provide notice to the charter
2 sponsor of corrective action that will be recommended to the
3 state board of education. Corrective action by the department
4 may include withholding the sponsor's funding and suspending the
5 sponsor's authority to sponsor a school that it currently
6 sponsors or to sponsor any additional school until the sponsor is
7 reauthorized by the state board of education under section
8 160.403.

9 (3) The charter sponsor may, within thirty days of receipt
10 of the notice of the commissioner's recommendation, provide a
11 written statement and other documentation to show cause as to why
12 that action should not be taken. Final determination of
13 corrective action shall be determined by the state board of
14 education based upon a review of the documentation submitted to
15 the department and the charter sponsor.

16 (4) If the state board removes the authority to sponsor a
17 currently operating charter school under any provision of law,
18 the Missouri charter public school commission shall become the
19 sponsor of the school.

20 18. When a sponsor notifies a charter school of closure
21 under subsection 8 of section 160.405, the department of
22 elementary and secondary education shall exercise its financial
23 withholding authority under subsection 12 of section 160.415 to
24 assure all obligations of the charter school shall be met. The
25 state shall not be liable for any outstanding liability or
26 obligations of the charter school. If the assets of the school
27 are insufficient to pay all parties to whom the school owes
28 compensation, the prioritization of the distribution of assets

1 may be determined by a court of law.

2 160.405. 1. A person, group or organization seeking to
3 establish a charter school shall submit the proposed charter, as
4 provided in this section, to a sponsor. If the sponsor is not a
5 school board, the applicant shall give a copy of its application
6 to the school board of the district in which the charter school
7 is to be located and to the state board of education, within five
8 business days of the date the application is filed with the
9 proposed sponsor. The school board may file objections with the
10 proposed sponsor, and, if a charter is granted, the school board
11 may file objections with the state board of education. The
12 charter shall [be] include a legally binding performance contract
13 that describes the obligations and responsibilities of the school
14 and the sponsor as outlined in sections 160.400 to 160.425 and
15 section 167.349 and shall [also include] address the following:

16 (1) A mission and vision statement for the charter school;

17 (2) A description of the charter school's organizational
18 structure and bylaws of the governing body, which will be
19 responsible for the policy, financial management, and operational
20 decisions of the charter school, including the nature and extent
21 of parental, professional educator, and community involvement in
22 the governance and operation of the charter school;

23 (3) A financial plan for the first three years of operation
24 of the charter school including provisions for annual audits;

25 (4) A description of the charter school's policy for
26 securing personnel services, its personnel policies, personnel
27 qualifications, and professional development plan;

28 (5) A description of the grades or ages of students being

1 served;

2 (6) The school's calendar of operation, which shall include
3 at least the equivalent of a full school term as defined in
4 section 160.011;

5 (7) A description of the charter school's pupil performance
6 standards and academic program performance standards, which shall
7 meet the requirements of subdivision (6) of subsection 4 of this
8 section. The charter school program shall be designed to enable
9 each pupil to achieve such standards and shall contain a complete
10 set of indicators, measures, metrics, and targets for academic
11 program performance, including specific goals on graduation rates
12 and standardized test performance and academic growth;

13 (8) A description of the charter school's educational
14 program and curriculum;

15 (9) The term of the charter, which shall be five years and
16 shall be renewable;

17 (10) Procedures, consistent with the Missouri financial
18 accounting manual, for monitoring the financial accountability of
19 the charter, which shall meet the requirements of subdivision (4)
20 of subsection 4 of this section;

21 (11) Preopening requirements for applications that require
22 that charter schools meet all health, safety, and other legal
23 requirements prior to opening;

24 (12) A description of the charter school's policies on
25 student discipline and student admission, which shall include a
26 statement, where applicable, of the validity of attendance of
27 students who do not reside in the district but who may be
28 eligible to attend under the terms of judicial settlements and

1 procedures that ensure admission of students with disabilities in
2 a nondiscriminatory manner;

3 (13) A description of the charter school's grievance
4 procedure for parents or guardians;

5 (14) A description of the agreement between the charter
6 school and the sponsor as to when a sponsor shall intervene in a
7 charter school, when a sponsor shall revoke a charter for failure
8 to comply with subsection 8 of this section, and when a sponsor
9 will not renew a charter under subsection 9 of this section;

10 (15) Procedures to be implemented if the charter school
11 should close, as provided in subdivision (6) of subsection 16 of
12 section 160.400 including:

13 (a) Orderly transition of student records to new schools
14 and archival of student records;

15 (b) Archival of business operation and transfer or
16 repository of personnel records;

17 (c) Submission of final financial reports;

18 (d) Resolution of any remaining financial obligations; and

19 (e) Disposition of the charter school's assets upon
20 closure;

21 (f) A notification plan to inform parents or guardians of
22 students, the local school district, the retirement system in
23 which the charter school's employees participate, and the state
24 board of education within thirty days of the decision to close;

25 (16) A description of the special education and related
26 services that shall be available to meet the needs of students
27 with disabilities; and

28 (17) For all new or revised charters, procedures to be used

1 upon closure of the charter school requiring that unobligated
2 assets of the charter school be returned to the department of
3 elementary and secondary education for their disposition, which
4 upon receipt of such assets shall return them to the local school
5 district in which the school was located, the state, or any other
6 entity to which they would belong.

7
8 Charter schools operating on August 27, 2012, shall have until
9 August 28, 2015, to meet the requirements of this subsection.

10 2. Proposed charters shall be subject to the following
11 requirements:

12 (1) A charter shall be submitted to the sponsor, and follow
13 the sponsor's policies and procedures for review and granting of
14 a charter approval, and be approved by the state board of
15 education by [~~December first of the year~~] January thirty-first
16 prior to the school year of the proposed opening date of the
17 charter school;

18 (2) A charter may be approved when the sponsor determines
19 that the requirements of this section are met, determines that
20 the applicant is sufficiently qualified to operate a charter
21 school, and that the proposed charter is consistent with the
22 sponsor's charter sponsorship goals and capacity. The sponsor's
23 decision of approval or denial shall be made within ninety days
24 of the filing of the proposed charter;

25 (3) If the charter is denied, the proposed sponsor shall
26 notify the applicant in writing as to the reasons for its denial
27 and forward a copy to the state board of education within five
28 business days following the denial;

1 (4) If a proposed charter is denied by a sponsor, the
2 proposed charter may be submitted to the state board of
3 education, along with the sponsor's written reasons for its
4 denial. If the state board determines that the applicant meets
5 the requirements of this section, that the applicant is
6 sufficiently qualified to operate the charter school, and that
7 granting a charter to the applicant would be likely to provide
8 educational benefit to the children of the district, the state
9 board may grant a charter and act as sponsor of the charter
10 school. The state board shall review the proposed charter and
11 make a determination of whether to deny or grant the proposed
12 charter within sixty days of receipt of the proposed charter,
13 provided that any charter to be considered by the state board of
14 education under this subdivision shall be submitted no later than
15 March first prior to the school year in which the charter school
16 intends to begin operations. The state board of education shall
17 notify the applicant in writing as the reasons for its denial, if
18 applicable; and

19 (5) The sponsor of a charter school shall give priority to
20 charter school applicants that propose a school oriented to
21 high-risk students and to the reentry of dropouts into the school
22 system. If a sponsor grants three or more charters, at least
23 one-third of the charters granted by the sponsor shall be to
24 schools that actively recruit dropouts or high-risk students as
25 their student body and address the needs of dropouts or high-risk
26 students through their proposed mission, curriculum, teaching
27 methods, and services. For purposes of this subsection, a
28 "high-risk" student is one who is at least one year behind in

1 satisfactory completion of course work or obtaining high school
2 credits for graduation, has dropped out of school, is at risk of
3 dropping out of school, needs drug and alcohol treatment, has
4 severe behavioral problems, has been suspended from school three
5 or more times, has a history of severe truancy, is a pregnant or
6 parenting teen, has been referred for enrollment by the judicial
7 system, is exiting incarceration, is a refugee, is homeless or
8 has been homeless sometime within the preceding six months, has
9 been referred by an area school district for enrollment in an
10 alternative program, or qualifies as high risk under department
11 of elementary and secondary education guidelines. "Dropout"
12 shall be defined through the guidelines of the school core data
13 report. The provisions of this subsection do not apply to
14 charters sponsored by the state board of education.

15 3. If a charter is approved by a sponsor, the charter
16 application shall be submitted to the state board of education,
17 along with a statement of finding by the sponsor that the
18 application meets the requirements of sections 160.400 to 160.425
19 and section 167.349 and a monitoring plan under which the charter
20 sponsor shall evaluate the academic performance of students
21 enrolled in the charter school. The state board of education
22 ~~[may, within]~~ has sixty days~~[], disapprove the granting of the~~
23 ~~charter.]~~ from receipt of the charter application to approve or
24 deny the application. Any charter application received by the
25 state board of education on or before November fifteenth of the
26 year prior to the proposed opening of the charter school shall be
27 considered by the state board of education within the sixty-day
28 period. At the conclusion of the sixty-day period, the charter

1 application shall be deemed approved unless the state board of
2 education [may disapprove a] disapproves the charter on grounds
3 that the application fails to meet the requirements of sections
4 160.400 to 160.425 and section 167.349 or that a charter sponsor
5 previously failed to meet the statutory responsibilities of a
6 charter sponsor. Any disapproval of a charter application made
7 by the state board of education shall be in writing and shall
8 identify the specific failures of the application to meet the
9 requirements of sections 160.400 to 160.425 and section 167.349,
10 and the written disapproval shall be provided within ten business
11 days to the sponsor.

12 4. A charter school shall, as provided in its charter:

13 (1) Be nonsectarian in its programs, admission policies,
14 employment practices, and all other operations;

15 (2) Comply with laws and regulations of the state, county,
16 or city relating to health, safety, and state minimum educational
17 standards, as specified by the state board of education,
18 including the requirements relating to student discipline under
19 sections 160.261, 167.161, 167.164, and 167.171, notification of
20 criminal conduct to law enforcement authorities under sections
21 167.115 to 167.117, academic assessment under section 160.518,
22 transmittal of school records under section 167.020, the minimum
23 [number of school days and hours] amount of school time required
24 under section [160.041] 171.031, and the employee criminal
25 history background check and the family care safety registry
26 check under section 168.133;

27 (3) Except as provided in sections 160.400 to 160.425, be
28 exempt from all laws and rules relating to schools, governing

1 boards and school districts;

2 (4) Be financially accountable, use practices consistent
3 with the Missouri financial accounting manual, provide for an
4 annual audit by a certified public accountant, publish audit
5 reports and annual financial reports as provided in chapter 165,
6 provided that the annual financial report may be published on the
7 department of elementary and secondary education's internet
8 website in addition to other publishing requirements, and provide
9 liability insurance to indemnify the school, its board, staff and
10 teachers against tort claims. A charter school that receives
11 local educational agency status under subsection 6 of this
12 section shall meet the requirements imposed by the Elementary and
13 Secondary Education Act for audits of such agencies and comply
14 with all federal audit requirements for charters with local
15 education agency status. For purposes of an audit by petition
16 under section 29.230, a charter school shall be treated as a
17 political subdivision on the same terms and conditions as the
18 school district in which it is located. For the purposes of
19 securing such insurance, a charter school shall be eligible for
20 the Missouri public entity risk management fund pursuant to
21 section 537.700. A charter school that incurs debt shall include
22 a repayment plan in its financial plan;

23 (5) Provide a comprehensive program of instruction for at
24 least one grade or age group from kindergarten through grade
25 twelve, which may include early childhood education if funding
26 for such programs is established by statute, as specified in its
27 charter;

28 (6) (a) Design a method to measure pupil progress toward

1 the pupil academic standards adopted by the state board of
2 education pursuant to section 160.514, establish baseline student
3 performance in accordance with the performance contract during
4 the first year of operation, collect student performance data as
5 defined by the annual performance report throughout the duration
6 of the charter to annually monitor student academic performance,
7 and to the extent applicable based upon grade levels offered by
8 the charter school, participate in the statewide system of
9 assessments, comprised of the essential skills tests and the
10 nationally standardized norm-referenced achievement tests, as
11 designated by the state board pursuant to section 160.518,
12 complete and distribute an annual report card as prescribed in
13 section 160.522, which shall also include a statement that
14 background checks have been completed on the charter school's
15 board members, report to its sponsor, the local school district,
16 and the state board of education as to its teaching methods and
17 any educational innovations and the results thereof, and provide
18 data required for the study of charter schools pursuant to
19 subsection 4 of section 160.410. No charter school shall be
20 considered in the Missouri school improvement program review of
21 the district in which it is located for the resource or process
22 standards of the program.

23 (b) For proposed high risk or alternative charter schools,
24 sponsors shall approve performance measures based on mission,
25 curriculum, teaching methods, and services. Sponsors shall also
26 approve comprehensive academic and behavioral measures to
27 determine whether students are meeting performance standards on a
28 different time frame as specified in that school's charter.

1 Student performance shall be assessed comprehensively to
2 determine whether a high risk or alternative charter school has
3 documented adequate student progress. Student performance shall
4 be based on sponsor-approved comprehensive measures as well as
5 standardized public school measures. Annual presentation of
6 charter school report card data to the department of elementary
7 and secondary education, the state board, and the public shall
8 include comprehensive measures of student progress.

9 (c) Nothing in this subdivision shall be construed as
10 permitting a charter school to be held to lower performance
11 standards than other public schools within a district; however,
12 the charter of a charter school may permit students to meet
13 performance standards on a different time frame as specified in
14 its charter. The performance standards for alternative and
15 special purpose charter schools that target high-risk students as
16 defined in subdivision (5) of subsection 2 of this section shall
17 be based on measures defined in the school's performance contract
18 with its sponsors;

19 (7) Comply with all applicable federal and state laws and
20 regulations regarding students with disabilities, including
21 sections 162.670 to 162.710, the Individuals with Disabilities
22 Education Act (20 U.S.C. Section 1400) and Section 504 of the
23 Rehabilitation Act of 1973 (29 U.S.C. Section 794) or successor
24 legislation;

25 (8) Provide along with any request for review by the state
26 board of education the following:

27 (a) Documentation that the applicant has provided a copy of
28 the application to the school board of the district in which the

1 charter school is to be located, except in those circumstances
2 where the school district is the sponsor of the charter school;
3 and

4 (b) A statement outlining the reasons for approval or
5 disapproval by the sponsor, specifically addressing the
6 requirements of sections 160.400 to 160.425 and 167.349.

7 5. (1) Proposed or existing high-risk or alternative
8 charter schools may include alternative arrangements for students
9 to obtain credit for satisfying graduation requirements in the
10 school's charter application and charter. Alternative
11 arrangements may include, but not be limited to, credit for
12 off-campus instruction, embedded credit, work experience through
13 an internship arranged through the school, and independent
14 studies. When the state board of education approves the charter,
15 any such alternative arrangements shall be approved at such time.

16 (2) The department of elementary and secondary education
17 shall conduct a study of any charter school granted alternative
18 arrangements for students to obtain credit under this subsection
19 after three years of operation to assess student performance,
20 graduation rates, educational outcomes, and entry into the
21 workforce or higher education.

22 6. The charter of a charter school may be amended at the
23 request of the governing body of the charter school and on the
24 approval of the sponsor. The sponsor and the governing board and
25 staff of the charter school shall jointly review the school's
26 performance, management and operations during the first year of
27 operation and then every other year after the most recent review
28 or at any point where the operation or management of the charter

1 school is changed or transferred to another entity, either public
2 or private. The governing board of a charter school may amend
3 the charter, if the sponsor approves such amendment, or the
4 sponsor and the governing board may reach an agreement in writing
5 to reflect the charter school's decision to become a local
6 educational agency. In such case the sponsor shall give the
7 department of elementary and secondary education written notice
8 no later than March first of any year, with the agreement to
9 become effective July first. The department may waive the March
10 first notice date in its discretion. The department shall
11 identify and furnish a list of its regulations that pertain to
12 local educational agencies to such schools within thirty days of
13 receiving such notice.

14 7. Sponsors shall annually review the charter school's
15 compliance with statutory standards including:

16 (1) Participation in the statewide system of assessments,
17 as designated by the state board of education under section
18 160.518;

19 (2) Assurances for the completion and distribution of an
20 annual report card as prescribed in section 160.522;

21 (3) The collection of baseline data during the first three
22 years of operation to determine the longitudinal success of the
23 charter school;

24 (4) A method to measure pupil progress toward the pupil
25 academic standards adopted by the state board of education under
26 section 160.514; and

27 (5) Publication of each charter school's annual performance
28 report.

1 8. (1) (a) A sponsor's intervention policies shall give
2 schools clear, adequate, evidence-based, and timely notice of
3 contract violations or performance deficiencies and mandate
4 intervention based upon findings of the state board of education
5 of the following:

6 a. The charter school provides a high school program which
7 fails to maintain a graduation rate of at least seventy percent
8 in three of the last four school years unless the school has
9 dropout recovery as its mission;

10 b. The charter school's annual performance report results
11 are below the district's annual performance report results based
12 on the performance standards that are applicable to the grade
13 level configuration of both the charter school and the district
14 in which the charter school is located in three of the last four
15 school years; and

16 c. The charter school is identified as a persistently
17 lowest achieving school by the department of elementary and
18 secondary education.

19 (b) A sponsor shall have a policy to revoke a charter
20 during the charter term if there is:

21 a. Clear evidence of underperformance as demonstrated in
22 the charter school's annual performance report in three of the
23 last four school years; or

24 b. A violation of the law or the public trust that imperils
25 students or public funds.

26 (c) A sponsor shall revoke a charter or take other
27 appropriate remedial action, which may include placing the
28 charter school on probationary status for no more than twelve

1 months, provided that no more than one designation of
2 probationary status shall be allowed for the duration of the
3 charter contract, at any time if the charter school commits a
4 serious breach of one or more provisions of its charter or on any
5 of the following grounds: failure to meet the performance
6 contract as set forth in its charter, failure to meet generally
7 accepted standards of fiscal management, failure to provide
8 information necessary to confirm compliance with all provisions
9 of the charter and sections 160.400 to 160.425 and 167.349 within
10 forty-five days following receipt of written notice requesting
11 such information, or violation of law.

12 (2) The sponsor may place the charter school on
13 probationary status to allow the implementation of a remedial
14 plan, which may require a change of methodology, a change in
15 leadership, or both, after which, if such plan is unsuccessful,
16 the charter may be revoked.

17 (3) At least sixty days before acting to revoke a charter,
18 the sponsor shall notify the governing board of the charter
19 school of the proposed action in writing. The notice shall state
20 the grounds for the proposed action. The school's governing
21 board may request in writing a hearing before the sponsor within
22 two weeks of receiving the notice.

23 (4) The sponsor of a charter school shall establish
24 procedures to conduct administrative hearings upon determination
25 by the sponsor that grounds exist to revoke a charter. Final
26 decisions of a sponsor from hearings conducted pursuant to this
27 subsection are subject to an appeal to the state board of
28 education, which shall determine whether the charter shall be

1 revoked.

2 (5) A termination shall be effective only at the conclusion
3 of the school year, unless the sponsor determines that continued
4 operation of the school presents a clear and immediate threat to
5 the health and safety of the children.

6 (6) A charter sponsor shall make available the school
7 accountability report card information as provided under section
8 160.522 and the results of the academic monitoring required under
9 subsection 3 of this section.

10 9. (1) A sponsor shall take all reasonable steps necessary
11 to confirm that each charter school sponsored by such sponsor is
12 in material compliance and remains in material compliance with
13 all material provisions of the charter and sections 160.400 to
14 160.425 and 167.349. Every charter school shall provide all
15 information necessary to confirm ongoing compliance with all
16 provisions of its charter and sections 160.400 to 160.425 and
17 167.349 in a timely manner to its sponsor.

18 (2) The sponsor's renewal process of the charter school
19 shall be based on the thorough analysis of a comprehensive body
20 of objective evidence and consider if:

21 (a) The charter school has maintained results on its annual
22 performance report that meet or exceed the district in which the
23 charter school is located based on the performance standards that
24 are applicable to the grade-level configuration of both the
25 charter school and the district in which the charter school is
26 located in three of the last four school years;

27 (b) The charter school is organizationally and fiscally
28 viable determining at a minimum that the school does not have:

1 a. A negative balance in its operating funds;

2 b. A combined balance of less than three percent of the
3 amount expended for such funds during the previous fiscal year;

4 or

5 c. Expenditures that exceed receipts for the most recently
6 completed fiscal year;

7 (c) The charter is in compliance with its legally binding
8 performance contract and sections 160.400 to 160.425 and section
9 167.349.

10 (3) (a) Beginning August first during the year in which a
11 charter is considered for renewal, a charter school sponsor shall
12 demonstrate to the state board of education that the charter
13 school is in compliance with federal and state law as provided in
14 sections 160.400 to 160.425 and section 167.349 and the school's
15 performance contract including but not limited to those
16 requirements specific to academic performance.

17 (b) Along with data reflecting the academic performance
18 standards indicated in paragraph (a) of this subdivision, the
19 sponsor shall submit a revised charter application to the state
20 board of education for review.

21 (c) Using the data requested and the revised charter
22 application under paragraphs (a) and (b) of this subdivision, the
23 state board of education shall determine if compliance with all
24 standards enumerated in this subdivision has been achieved. The
25 state board of education at its next regularly scheduled meeting
26 shall vote on the revised charter application.

27 (d) If a charter school sponsor demonstrates the objectives
28 identified in this subdivision, the state board of education

1 shall renew the school's charter.

2 10. A school district may enter into a lease with a charter
3 school for physical facilities.

4 11. A governing board or a school district employee who has
5 control over personnel actions shall not take unlawful reprisal
6 against another employee at the school district because the
7 employee is directly or indirectly involved in an application to
8 establish a charter school. A governing board or a school
9 district employee shall not take unlawful reprisal against an
10 educational program of the school or the school district because
11 an application to establish a charter school proposes the
12 conversion of all or a portion of the educational program to a
13 charter school. As used in this subsection, "unlawful reprisal"
14 means an action that is taken by a governing board or a school
15 district employee as a direct result of a lawful application to
16 establish a charter school and that is adverse to another
17 employee or an educational program.

18 12. Charter school board members shall be subject to the
19 same liability for acts while in office as if they were regularly
20 and duly elected members of school boards in any other public
21 school district in this state. The governing board of a charter
22 school may participate, to the same extent as a school board, in
23 the Missouri public entity risk management fund in the manner
24 provided under sections 537.700 to 537.756.

25 13. Any entity, either public or private, operating,
26 administering, or otherwise managing a charter school shall be
27 considered a quasi-public governmental body and subject to the
28 provisions of sections 610.010 to 610.035.

1 14. The chief financial officer of a charter school shall
2 maintain:

3 (1) A surety bond in an amount determined by the sponsor to
4 be adequate based on the cash flow of the school; or

5 (2) An insurance policy issued by an insurance company
6 licensed to do business in Missouri on all employees in the
7 amount of five hundred thousand dollars or more that provides
8 coverage in the event of employee theft.

9 15. The department of elementary and secondary education
10 shall calculate an annual performance report for each charter
11 school and shall publish it in the same manner as annual
12 performance reports are calculated and published for districts
13 and attendance centers.

14 160.408. 1. A high-quality charter school is a charter
15 school operating in the state of Missouri which meets the
16 following requirements:

17 (1) Receives ninety percent or more of the total points on
18 the annual performance report for three out of the last four
19 school years by comparing points earned to the points possible on
20 the annual performance report for three of the last four school
21 years;

22 (2) Maintains a graduation rate of at least eighty percent
23 for three of the last four school years, if the charter school
24 provides a high school program;

25 (3) Is in material compliance with its legally binding
26 performance contract and sections 160.400 to 160.425 and section
27 167.349; and

28 (4) Is organizationally and fiscally viable as described in

1 paragraph (b) of subdivision (2) of subsection 9 of section
2 160.405.

3 2. Notwithstanding any other provision of law, high quality
4 charter schools shall be provided expedited opportunities to
5 replicate and expand into unaccredited districts, a metropolitan
6 district, or an urban school district containing most or all of
7 the home rule city with more than four hundred thousand
8 inhabitants and located in more than one county. Such
9 replication and expansion shall be subject to the following:

10 (1) The school seeking to replicate or expand shall submit
11 its proposed charter to a proposed sponsor. The charter shall
12 include a legally binding performance contract that meets the
13 requirements of sections 160.400 to 160.425 and section 167.349;

14 (2) The sponsor's decision to approve or deny shall be made
15 within sixty days of the filing of the proposed charter with the
16 proposed sponsor;

17 (3) If a charter is approved by a sponsor, the charter
18 application shall be filed with the state board of education,
19 along with a statement of finding from the sponsor that the
20 application meets the requirements of sections 160.400 to 160.425
21 and section 167.349 and a monitoring plan under which the sponsor
22 shall evaluate the academic performance of students enrolled in
23 the charter school. Such filing shall be made by January thirty-
24 first prior to the school year of the proposed opening date of
25 the charter school.

26 3. The term of the charter for schools operating under this
27 section shall be five years and shall be renewable. Renewal
28 shall be subject to the provisions of paragraphs (a) to (d) of

1 subdivision (3) of subsection 9 of section 160.405.

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

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

22 (1) A school district having one or more resident pupils
23 attending a charter school shall pay to the charter school an
24 annual amount equal to the product of the charter school's
25 weighted average daily attendance and the state adequacy target,
26 multiplied by the dollar value modifier for the district, plus
27 local tax revenues per weighted average daily attendance from the
28 incidental and teachers' funds in excess of the performance levy

1 as defined in section 163.011 plus all other state aid
2 attributable to such pupils.

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

7 (3) If the department overpays or underpays the amount due
8 to the charter school, such overpayment or underpayment shall be
9 repaid by the public charter school or credited to the public
10 charter school in twelve equal payments in the next fiscal year.

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

13 (5) A school district shall pay the amounts due pursuant to
14 this subsection as the disbursal agent and no later than twenty
15 days following the receipt of any such funds. The department of
16 elementary and secondary education shall pay the amounts due when
17 it acts as the disbursal agent within five days of the required
18 due date.

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

25 4. A charter school that has declared itself as a local
26 educational agency shall receive from the department of
27 elementary and secondary education an annual amount equal to the
28 product of the charter school's weighted average daily attendance

1 and the state adequacy target, multiplied by the dollar value
2 modifier for the district, plus local tax revenues per weighted
3 average daily attendance from the incidental and teachers funds
4 in excess of the performance levy as defined in section 163.011
5 plus all other state aid attributable to such pupils. If a
6 charter school declares itself as a local education agency, the
7 department of elementary and secondary education shall, upon
8 notice of the declaration, reduce the payment made to the school
9 district by the amount specified in this subsection and pay
10 directly to the charter school the annual amount reduced from the
11 school district's payment.

12 5. If a school district fails to make timely payments of
13 any amount for which it is the disbursal agent, the state
14 department of elementary and secondary education shall authorize
15 payment to the charter school of the amount due pursuant to
16 subsection 2 of this section and shall deduct the same amount
17 from the next state school aid apportionment to the owing school
18 district. If a charter school is paid more or less than the
19 amounts due pursuant to this section, the amount of overpayment
20 or underpayment shall be adjusted equally in the next twelve
21 payments by the school district or the department of elementary
22 and secondary education, as appropriate. Any dispute between the
23 school district and a charter school as to the amount owing to
24 the charter school shall be resolved by the department of
25 elementary and secondary education, and the department's decision
26 shall be the final administrative action for the purposes of
27 review pursuant to chapter 536. During the period of dispute,
28 the department of elementary and secondary education shall make

1 every administrative and statutory effort to allow the continued
2 education of children in their current public charter school
3 setting.

4 6. The charter school and a local school board may agree by
5 contract for services to be provided by the school district to
6 the charter school. The charter school may contract with any
7 other entity for services. Such services may include but are not
8 limited to food service, custodial service, maintenance,
9 management assistance, curriculum assistance, media services and
10 libraries and shall be subject to negotiation between the charter
11 school and the local school board or other entity. Documented
12 actual costs of such services shall be paid for by the charter
13 school.

14 7. In the case of a proposed charter school that intends to
15 contract with an education service provider for substantial
16 educational services, management services, the request for
17 proposals shall additionally require the charter school applicant
18 to:

19 (1) Provide evidence of the education service provider's
20 success in serving student populations similar to the targeted
21 population, including demonstrated academic achievement as well
22 as successful management of nonacademic school functions, if
23 applicable;

24 (2) Provide a term sheet setting forth the proposed
25 duration of the service contract; roles and responsibilities of
26 the governing board, the school staff, and the service provider;
27 scope of services and resources to be provided by the service
28 provider; performance evaluation measures and time lines;

1 compensation structure, including clear identification of all
2 fees to be paid to the service provider; methods of contract
3 oversight and enforcement; investment disclosure; and conditions
4 for renewal and termination of the contract;

5 (3) Disclose any known conflicts of interest between the
6 school governing board and proposed service provider or any
7 affiliated business entities;

8 (4) Disclose and explain any termination or nonrenewal of
9 contracts for equivalent services for any other charter school in
10 the United States within the past five years;

11 (5) Ensure that the legal counsel for the charter school
12 shall report directly to the charter school's governing board;
13 and

14 (6) Provide a process to ensure that the expenditures that
15 the educational service provider intends to bill to the charter
16 school shall receive prior approval of the governing board or its
17 designee.

18 8. A charter school may enter into contracts with community
19 partnerships and state agencies acting in collaboration with such
20 partnerships that provide services to children and their families
21 linked to the school.

22 9. A charter school shall be eligible for transportation
23 state aid pursuant to section 163.161 and shall be free to
24 contract with the local district, or any other entity, for the
25 provision of transportation to the students of the charter
26 school.

27 10. (1) The proportionate share of state and federal
28 resources generated by students with disabilities or staff

1 serving them shall be paid in full to charter schools enrolling
2 those students by their school district where such enrollment is
3 through a contract for services described in this section. The
4 proportionate share of money generated under other federal or
5 state categorical aid programs shall be directed to charter
6 schools serving such students eligible for that aid.

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

11 11. A charter school may not charge tuition[, nor may it]
12 or impose fees that a school district is prohibited from charging
13 or imposing.

14 12. A charter school is authorized to incur debt in
15 anticipation of receipt of funds. A charter school may also
16 borrow to finance facilities and other capital items. A school
17 district may incur bonded indebtedness or take other measures to
18 provide for physical facilities and other capital items for
19 charter schools that it sponsors or contracts with. Upon the
20 dissolution of a charter school, any liabilities of the
21 corporation will be satisfied through the procedures of chapter
22 355. The department of elementary and secondary education may
23 withhold funding at a level the department determines to be
24 adequate during a school's last year of operation until the
25 department determines that school records, liabilities, and
26 reporting requirements, including a full audit, are satisfied.

27 13. Charter schools shall not have the power to acquire
28 property by eminent domain.

1 14. The governing body of a charter school is authorized to
2 accept grants, gifts or donations of any kind and to expend or
3 use such grants, gifts or donations. A grant, gift or donation
4 may not be accepted by the governing body if it is subject to any
5 condition contrary to law applicable to the charter school or
6 other public schools, or contrary to the terms of the charter.

7 160.417. 1. By October 1, 2012, and by each October first
8 thereafter, the sponsor of each charter school shall review the
9 information submitted on the report required by section 162.821
10 to identify charter schools experiencing financial stress. The
11 department of elementary and secondary education shall be
12 authorized to obtain such additional information from a charter
13 school as may be necessary to determine the financial condition
14 of the charter school. Annually, a listing of charter schools
15 identified as experiencing financial stress according to the
16 provisions of this section shall be provided to the governor,
17 speaker of the house of representatives, and president pro
18 tempore of the senate by the department of elementary and
19 secondary education.

20 2. For the purposes of this section, a charter school shall
21 be identified as experiencing financial stress if it:

22 (1) At the end of its most recently completed fiscal year:

23 (a) Has a negative balance in its operating funds; or

24 (b) Has a combined balance of less than three percent of
25 the amount expended from such funds during the previous fiscal
26 year; or

27 (2) For the most recently completed fiscal year
28 expenditures, exceeded receipts for any of its funds because of

1 recurring costs.

2 3. The sponsor shall notify by November first the governing
3 board of the charter school identified as experiencing financial
4 stress. Upon receiving the notification, the governing board
5 shall develop, or cause to have developed, and shall approve a
6 budget and education plan on forms provided by the sponsor. The
7 budget and education plan shall be submitted to the sponsor,
8 signed by the officers of the charter school, within forty-five
9 calendar days of notification that the charter school has been
10 identified as experiencing financial stress. Minimally, the
11 budget and education plan shall:

12 (1) Give assurances that adequate educational services to
13 students of the charter school shall continue uninterrupted for
14 the remainder of the current school year and that the charter
15 school can provide the minimum [number of school days and hours]
16 amount of school time required by section [160.041] 171.031;

17 (2) Outline a procedure to be followed by the charter
18 school to report to charter school patrons about the financial
19 condition of the charter school; and

20 (3) Detail the expenditure reduction measures, revenue
21 increases, or other actions to be taken by the charter school to
22 address its condition of financial stress.

23 4. Upon receipt and following review of any budget and
24 education plan, the sponsor may make suggestions to improve the
25 plan. Nothing in sections 160.400 to 160.425 or section 167.349
26 shall exempt a charter school from submitting a budget and
27 education plan to the sponsor according to the provisions of this
28 section following each such notification that a charter school

1 has been identified as experiencing financial stress, except that
2 the sponsor may permit a charter school's governing board to make
3 amendments to or update a budget and education plan previously
4 submitted to the sponsor.

5 5. The department may withhold any payment of financial aid
6 otherwise due to the charter school until such time as the
7 sponsor and the charter school have fully complied with this
8 section.

9 6. The provisions of this section shall only apply to
10 charter schools that have been in operation for three or more
11 school years. This subsection shall not apply to funds received
12 from the United States Department of Education.

13 161.084. When classifying the public schools of the state
14 under section 161.092, if there is no state board of education
15 member who is a resident of the congressional district in which
16 such school district is located, the state board of education
17 shall assign to any school district an accreditation
18 classification of unaccredited or change a district's
19 accreditation classification from accredited to provisionally
20 accredited only after notifying the governor of its intent to
21 change the classification of the district. The governor shall
22 make the appointment within thirty days of notification.

23 161.086. 1. When the state board of education assigns
24 classification designations to school districts and attendance
25 centers pursuant to its authority to classify the public schools
26 of the state in section 161.092, the state board shall use only
27 the following classification designations based on the standards
28 adopted by the state board:

- 1 (1) Unaccredited;
- 2 (2) Provisionally accredited;
- 3 (3) Accredited; and
- 4 (4) Accredited with distinction.

5 2. The state board of education shall develop and implement
6 a process to provide assistance teams to borderline districts as
7 determined by the department of elementary and secondary
8 education and to underperforming districts upon assignment of a
9 classification of unaccredited or provisionally accredited or
10 determination made by the state board of education. The
11 composition and size of the team may vary, based on academic,
12 demographic, and financial circumstances of the district, but in
13 no case will the team have fewer than ten members, two of whom
14 shall be active classroom teachers in the district, two of whom
15 shall be principals, and one of whom shall be a parent of a
16 student in the district. The department staff member assigned to
17 the region in which the district is located may be included in
18 the assistance team's activities but shall not be formally
19 assigned to the team. The team shall provide both analysis of,
20 at a minimum, the assessment data, classroom practices, and
21 communication processes within buildings, within the district,
22 and with the larger community, and prescriptions for improvement
23 based on the district's and community's needs. Separate teams
24 may be used to provide analysis and recommendations at the
25 discretion of the state board. Beginning with school year
26 2014-15, the team shall provide its recommendations no later than
27 June 30, 2015, for underperforming districts and borderline
28 districts. The state board shall prioritize the assignment of

1 teams so that the districts with the lower annual performance
2 report scores are addressed first. The assistance team's
3 suggestions for improvement shall be mandatory for
4 underperforming districts but shall not be mandatory for
5 borderline districts. If an underperforming district disagrees
6 with any suggestion of the assistance team, the district shall
7 propose a different method of accomplishing what the assistance
8 team has suggested, and the state board of education shall be the
9 final arbiter of the matter.

10 161.238. 1. As authorized under its duty to classify the
11 schools of the state under section 161.092, the state board of
12 education shall adopt a system of classification that accredits
13 attendance centers within a district separately from the district
14 as a whole using the classification designations provided in
15 section 161.086.

16 2. The state board of education may consider the
17 classification designation of an attendance center in its
18 accreditation classification system to exempt attendance centers,
19 as that term is defined in section 167.848, with classification
20 numbers outside the range of numbers assigned to high schools,
21 middle schools, junior high schools, or elementary schools.
22 Public separate special education schools within a special school
23 district are exempted from the accreditation requirements of this
24 section. While not applicable for the purpose of accreditation,
25 a special school district shall continue to report all scores on
26 its annual performance report to the department of elementary and
27 secondary education for all of its schools. Juvenile detention
28 centers within a special school district are also exempted from

1 the accreditation standards of this section.

2 3. Notwithstanding the provisions of subdivision (9) of
3 section 161.092, the rules and regulations promulgated under this
4 section shall be effective thirty days after publication in the
5 code of state regulations as provided in section 536.021 and
6 shall not be subject to the two-year delay contained in
7 subdivision (9) of section 161.092.

8 4. Any rule or portion of a rule, as that term is defined
9 in section 536.010, that is created under the authority delegated
10 in this section shall become effective only if it complies with
11 and is subject to all of the provisions of chapter 536 and, if
12 applicable, section 536.028. This section and chapter 536 are
13 nonseverable and if any of the powers vested with the general
14 assembly pursuant to chapter 536 to review, to delay the
15 effective date, or to disapprove and annul a rule are
16 subsequently held unconstitutional, then the grant of rulemaking
17 authority and any rule proposed or adopted after the effective
18 date of this section shall be invalid and void.

19 162.081. 1. Whenever any school district in this state
20 fails or refuses in any school year to provide for the minimum
21 school term required by section 163.021 or is classified
22 unaccredited, the state board of education shall, upon a
23 district's initial classification or reclassification as
24 unaccredited:

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

28 (2) Determine the date the district shall lapse and

1 determine an alternative governing structure for the district.

2 2. If at the time any school district in this state shall
3 be classified as unaccredited, the department of elementary and
4 secondary education shall conduct at least two public hearings at
5 a location in the unaccredited school district regarding the
6 accreditation status of the school district. The hearings shall
7 provide an opportunity to convene community resources that may be
8 useful or necessary in supporting the school district as it
9 attempts to return to accredited status, continues under revised
10 governance, or plans for continuity of educational services and
11 resources upon its attachment to a neighboring district. The
12 department may request the attendance of stakeholders and
13 district officials to review the district's plan to return to
14 accredited status, if any; offer technical assistance; and
15 facilitate and coordinate community resources. Such hearings
16 shall be conducted at least twice annually for every year in
17 which the district remains unaccredited or provisionally
18 accredited.

19 3. Upon classification of a district as unaccredited, the
20 state board of education may:

21 (1) Allow continued governance by the existing school
22 district board of education under terms and conditions
23 established by the state board of education; or

24 (2) Lapse the corporate organization of all or part of the
25 unaccredited district and:

26 (a) Appoint a special administrative board for the
27 operation of all or part of the district. If a special
28 administrative board is appointed for the operation of a part of

1 a school district, the state board of education shall determine
2 an equitable apportionment of state and federal aid for the part
3 of the district, and the school district shall provide local
4 revenue in proportion to the weighted average daily attendance of
5 the part. The number of members of the special administrative
6 board shall not be less than five, the majority of whom shall be
7 residents of the district. The members of the special
8 administrative board shall reflect the population characteristics
9 of the district and shall collectively possess strong experience
10 in school governance, management and finance, and leadership.
11 The state board of education may appoint members of the
12 district's elected school board to the special administrative
13 board but members of the elected school board shall not comprise
14 more than forty-nine percent of the special administrative
15 board's membership. Within fourteen days after the appointment
16 by the state board of education, the special administrative board
17 shall organize by the election of a president, vice president,
18 secretary and a treasurer, with their duties and organization as
19 enumerated in section 162.301. The special administrative board
20 shall appoint a superintendent of schools to serve as the chief
21 executive officer of the school district, or a subset of schools,
22 and to have all powers and duties of any other general
23 superintendent of schools in a seven-director school district.
24 Nothing in this section shall be construed to permit either the
25 state board of education or a special administrative board to
26 raise, in any way not specifically allowed by law, the tax levy
27 of the district or any part of the district without a vote of the
28 people. Any special administrative board appointed under this

1 section shall be responsible for the operation of the district or
2 part of the district until such time that the district is
3 classified by the state board of education as provisionally
4 accredited for at least two successive academic years, after
5 which time the state board of education may provide for a
6 transition pursuant to section 162.083; or

7 (b) Determine an alternative governing structure for the
8 district including, at a minimum:

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

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

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

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

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

26 (d) Establish one or more school districts within the
27 territory of the lapsed district, with a governance structure
28 specified by the state board of education, with the option of

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

9 4. If a district remains under continued governance by the
10 school board under subdivision (1) of subsection 3 of this
11 section and either has been unaccredited for three consecutive
12 school years and failed to attain accredited status after the
13 third school year or has been unaccredited for two consecutive
14 school years and the state board of education determines its
15 academic progress is not consistent with attaining accredited
16 status after the third school year, then the state board of
17 education shall proceed under subdivision (2) of subsection 3 of
18 this section in the following school year.

19 5. A special administrative board or any other form of
20 governance appointed under this section shall retain the
21 authority granted to a board of education for the operation of
22 the lapsed school district under the laws of the state in effect
23 at the time of the lapse and may enter into contracts with
24 accredited school districts or other education service providers
25 in order to deliver high-quality educational programs to the
26 residents of the district. If a student graduates while
27 attending a school building in the district that is operated
28 under a contract with an accredited school district as specified

1 under this subsection, the student shall receive his or her
2 diploma from the accredited school district. The authority of
3 the special administrative board or any other form of governance
4 appointed under this section shall expire at the end of the third
5 full school year following its appointment, unless extended by
6 the state board of education. If the lapsed district is
7 reassigned, the ~~special administrative board~~ governing board
8 prior to lapse shall provide an accounting of all funds, assets
9 and liabilities of the lapsed district and transfer such funds,
10 assets, and liabilities of the lapsed district as determined by
11 the state board of education. Neither the special administrative
12 board or any other form of governance appointed under this
13 section nor its members or employees shall be deemed to be the
14 state or a state agency for any purpose, including section
15 105.711, et seq. The state of Missouri, its agencies and
16 employees shall be absolutely immune from liability for any and
17 all acts or omissions relating to or in any way involving the
18 lapsed district, ~~the~~ a special administrative board or any
19 other form of governance appointed under this section, its
20 members or employees. Such immunities, and immunity doctrines as
21 exist or may hereafter exist benefitting boards of education,
22 their members and their employees shall be available to the
23 special administrative board, its members and employees.

24 6. Neither the special administrative board or any other
25 form of governance appointed under this section nor any district
26 or other entity assigned territory, assets or funds from a lapsed
27 district shall be considered a successor entity for the purpose
28 of employment contracts, unemployment compensation payment

1 pursuant to section 288.110, or any other purpose.

2 7. If additional teachers are needed by a district as a
3 result of increased enrollment due to the annexation of territory
4 of a lapsed or dissolved district, such district shall grant an
5 employment interview to any permanent teacher of the lapsed or
6 dissolved district upon the request of such permanent teacher.

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

12 9. If the state board of education reasonably believes that
13 a school district is unlikely to provide for the minimum number
14 of school hours required in a school term required by section
15 163.021 because of financial difficulty, the state board of
16 education may, prior to the start of the school term:

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

20 (2) Lapse the corporate organization of the district and
21 implement one of the options available under subdivision (2) of
22 subsection 3 of this section.

23 10. The provisions of subsection 9 of this section shall
24 not apply to any district solely on the basis of financial
25 difficulty resulting from paying tuition and providing
26 transportation for transfer students under sections 167.825 to
27 167.828.

28 162.432. Notwithstanding any provision of section 163.011

1 to the contrary, when a change in a school district's boundary
2 lines occurs because of a boundary line change, annexation,
3 attachment, consolidation, reorganization, or dissolution under
4 section 162.071, 162.081, 162.171 to 162.201, 162.221, 162.223,
5 162.431, 162.441, or 162.451, or in the event that a school
6 district assumes any territory from a district that ceases to
7 exist for any reason, the department of elementary and secondary
8 education shall make a proper adjustment to each affected
9 district's local effort, so that each district's local effort
10 figure conforms to the new boundary lines of the district. The
11 department shall compute the local effort figure by applying the
12 calendar year 2004 assessed valuation data to the new land areas
13 resulting from the boundary line change, annexation, attachment,
14 consolidation, reorganization, or dissolution and otherwise
15 follow the procedures described in subdivision (10) of section
16 163.011.

17 162.1250. 1. School districts shall receive state school
18 funding under sections 163.031, 163.043, and 163.087 for resident
19 students who are enrolled in the school district and who are
20 taking a virtual course or full-time virtual program offered by
21 the school district. The school district may offer instruction
22 in a virtual setting using technology, intranet, and internet
23 methods of communications that could take place outside of the
24 regular school district facility. The school district may
25 develop a virtual program for any grade level, kindergarten
26 through twelfth grade, with the courses available in accordance
27 with district policy to any resident student of the district who
28 is enrolled in the school district. Nothing in this section

1 shall preclude a private, parochial, or home school student
2 residing within a school district offering virtual courses or
3 virtual programs from enrolling in the school district in
4 accordance with the combined enrollment provisions of section
5 167.031 for the purposes of participating in the virtual courses
6 or virtual programs.

7 2. Charter schools shall receive state school funding under
8 section 160.415 for students enrolled in the charter school who
9 are completing a virtual course or full-time virtual program
10 offered by the charter school. Charter schools may offer
11 instruction in a virtual setting using technology, intranet, and
12 internet methods of communications. The charter school may
13 develop a virtual program for any grade level, kindergarten
14 through twelfth grade, with the courses available in accordance
15 with school policy and the charter school's charter to any
16 student enrolled in the charter school.

17 3. For purposes of calculation and distribution of state
18 school funding, attendance of a student enrolled in a district or
19 charter school virtual class shall equal, upon course completion,
20 ninety-four percent of the hours of attendance possible for such
21 class delivered in the nonvirtual program in the student's
22 resident district or charter school. In the case of a student
23 who is a candidate for A+ tuition reimbursement and taking a
24 virtual course under this section, the school shall not attribute
25 ninety-four percent attendance to such student for such course,
26 but shall attribute no less than ninety-five percent attendance
27 to any such student who has completed such virtual course.
28 Course completion shall be calculated in two increments, fifty

1 percent completion and one hundred percent completion, based on
2 the student's completion of defined assignments and assessments,
3 with distribution of state funding to a school district or
4 charter school at each increment equal to forty-seven percent of
5 hours of attendance possible for such course delivered in the
6 nonvirtual program in a student's school district of residence or
7 charter school.

8 4. When courses are purchased from an outside vendor, the
9 district or charter school shall ensure that they are aligned
10 with the show-me curriculum standards and comply with state
11 requirements for teacher certification. The state board of
12 education reserves the right to request information and materials
13 sufficient to evaluate the online course. Online classes should
14 be considered like any other class offered by the school district
15 or charter school.

16 5. Any school district or charter school that offers
17 instruction in a virtual setting, develops a virtual course or
18 courses, or develops a virtual program of instruction shall
19 ensure that the following standards are satisfied:

20 (1) The virtual course or virtual program utilizes
21 appropriate content-specific tools and software;

22 (2) Orientation training is available for teachers,
23 instructors, and students as needed;

24 (3) Privacy policies are stated and made available to
25 teachers, instructors, and students;

26 (4) Academic integrity and internet etiquette expectations
27 regarding lesson activities, discussions, electronic
28 communications, and plagiarism are stated to teachers,

1 instructors, and students prior to the beginning of the virtual
2 course or virtual program;

3 (5) Computer system requirements, including hardware, web
4 browser, and software, are specified to participants;

5 (6) The virtual course or virtual program architecture,
6 software, and hardware permit the online teacher or instructor to
7 add content, activities, and assessments to extend learning
8 opportunities;

9 (7) The virtual course or virtual program makes resources
10 available by alternative means, including but not limited to,
11 video and podcasts;

12 (8) Resources and notes are available for teachers and
13 instructors in addition to assessment and assignment answers and
14 explanations;

15 (9) Technical support and course management are available
16 to the virtual course or virtual program teacher and school
17 coordinator;

18 (10) The virtual course or virtual program includes
19 assignments, projects, and assessments that are aligned with
20 students' different visual, auditory, and hands-on learning
21 styles;

22 (11) The virtual course or virtual program demonstrates the
23 ability to effectively use and incorporate subject-specific and
24 developmentally appropriate software in an online learning
25 module; and

26 (12) The virtual course or virtual program arranges media
27 and content to help transfer knowledge most effectively in the
28 online environment.

1 6. Any special school district shall count any student's
2 completion of a virtual course or program in the same manner as
3 the district counts completion of any other course or program for
4 credit.

5 7. A school district or charter school may contract with
6 multiple providers of virtual courses or virtual programs,
7 provided they meet the criteria for virtual courses or virtual
8 programs under this section.

9 162.1303. 1. The department of elementary and secondary
10 education shall annually calculate a transient student ratio for
11 each attendance center and each school district. The department
12 shall publish each district's and each attendance center's
13 transient student ratio on its website.

14 2. The department shall include, or cause to be included,
15 in each district's school accountability report card the
16 transient student ratio of the district and of each attendance
17 center operated by the district.

18 3. The department shall include in each attendance center's
19 school accountability report card the transient student ratio for
20 the attendance center.

21 4. The department shall publish on its website the state's
22 aggregate transient student ratio.

23 5. A transient student ratio shall be calculated as the
24 product of:

25 (1) One hundred; and

26 (2) The quotient of:

27 (a) The sum of the number of resident full-time students
28 and full-time equivalent number of part-time students who enroll

1 in the district after the last Wednesday of September and the
2 number of reentry students and the number of students who
3 withdrew from the district during the school year; and

4 (b) The sum of the number of students who enrolled in the
5 district on or before the last Wednesday in September and the
6 number of students who enrolled in the district after the last
7 Wednesday of September.

8 6. Each school district shall annually report to the
9 department, by a date established by the department, any
10 information and data required to comply with and perform the
11 calculation required by the provisions of this section.

12 7. For purposes of this section, "reentry student" or
13 "reentry students" means any student who was enrolled in a
14 district, withdrew from the district, and reenrolled in the
15 district.

16 162.1305. 1. For purposes of this section, "transient
17 student" means any student who enrolls in a district after the
18 last Wednesday of September or any reentry student as defined in
19 section 162.1303.

20 2. In the first year of attendance in a district, a
21 transient student's score on a statewide assessment shall not be
22 included when calculating the status or progress scores on the
23 district's annual performance report scores. The statewide
24 assessment scores for any transient student in the first year of
25 attendance in a district shall be counted for growth scores from
26 the previous year's assessment for the purpose of the district's
27 annual performance report score and to serve as the baseline for
28 growth in the next year's assessment.

1 3. In the second year of attendance, a transient student's
2 score on a statewide assessment shall be weighted at fifty
3 percent when calculating the district's performance for purposes
4 of the district's annual performance report status or progress
5 score, with growth counting for fifty percent.

6 4. In the third year of attendance and in any subsequent
7 year of attendance, a transient student's status, progress and
8 growth score shall be weighted at one hundred percent when
9 calculating the district's performance for purposes of the
10 district's annual performance report score.

11 162.1310. 1. When the state board of education classifies
12 any district or attendance center as unaccredited, the district
13 shall notify the parent or guardian of any student enrolled in
14 the unaccredited district or unaccredited attendance center of
15 the loss of accreditation within seven business days. The
16 district shall also notify district taxpayers of the loss of
17 accreditation within seven business days. The district's notice
18 shall include an explanation of which students may be eligible to
19 transfer, the transfer process under sections 167.825 to 167.828,
20 and any services students may be entitled to receive. The
21 district's notice shall be written in a clear, concise, and easy
22 to understand manner. The district shall post the notice in a
23 conspicuous and accessible place in each district attendance
24 center. The district shall also send the notice to each
25 political subdivision located within the boundaries of the
26 district.

27 2. The school board of any district that operates an
28 underperforming school shall adopt a policy regarding the

1 availability of home visits by school personnel. Pursuant to
2 such policy, the school may offer to the parent or guardian of a
3 student enrolled in any such school the opportunity to have at
4 least one annual home visit and shall offer an opportunity for a
5 meeting at the attendance center or a mutually agreeable site.

6 163.021. 1. A school district shall receive state aid for
7 its education program only if it:

8 (1) Provides for a minimum of one hundred seventy-four days
9 and one thousand forty-four hours of actual pupil attendance in a
10 term scheduled by the board pursuant to section [160.041] 171.031
11 and beginning in school year 2015-2016, one thousand forty-four
12 hours of pupil attendance with no minimum number of school days
13 for each pupil or group of pupils, except that the board shall
14 provide a minimum of one hundred seventy-four days and five
15 hundred twenty-two hours of actual pupil attendance in a term for
16 kindergarten pupils. Beginning in school year 2015-2016, one-
17 half of the required number of hours of actual pupil attendance
18 shall be required for kindergarten pupils. If any school is
19 dismissed because of inclement weather after school has been in
20 session for three hours, that day shall count as a school day
21 including afternoon session kindergarten students. When the
22 aggregate hours lost in a term due to inclement weather decreases
23 the total hours of the school term below the required minimum
24 number of hours by more than twelve hours for all-day students or
25 six hours for one-half-day kindergarten students, all such hours
26 below the minimum must be made up in one-half day or full day
27 additions to the term, except as provided in section 171.033;
28 except that, as of school year 2015-2016, make-up time shall be

1 scheduled in hours rather than days;

2 (2) Maintains adequate and accurate records of attendance,
3 personnel and finances, as required by the state board of
4 education, which shall include the preparation of a financial
5 statement which shall be submitted to the state board of
6 education the same as required by the provisions of section
7 165.111 for districts;

8 (3) Levies an operating levy for school purposes of not
9 less than one dollar and twenty-five cents after all adjustments
10 and reductions on each one hundred dollars assessed valuation of
11 the district;

12 (4) Computes average daily attendance as defined in
13 subdivision (2) of section 163.011 as modified by section
14 171.031. Whenever there has existed within the district an
15 infectious disease, contagion, epidemic, plague or similar
16 condition whereby the school attendance is substantially reduced
17 for an extended period in any school year, the apportionment of
18 school funds and all other distribution of school moneys shall be
19 made on the basis of the school year next preceding the year in
20 which such condition existed; and

21 (5) Uses funds derived from the operating levy for school
22 purposes to pay tuition remission for students who attend a
23 nonsectarian private school under section 167.828 at any time
24 that the district is classified as unaccredited by the state
25 board of education.

26 2. For the 2006-07 school year and thereafter, no school
27 district shall receive more state aid, as calculated under
28 subsections 1 and 2 of section 163.031, for its education

1 program, exclusive of categorical add-ons, than it received per
2 weighted average daily attendance for the school year 2005-06
3 from the foundation formula, line 14, gifted, remedial reading,
4 exceptional pupil aid, fair share, and free textbook payment
5 amounts, unless it has an operating levy for school purposes, as
6 determined pursuant to section 163.011, of not less than two
7 dollars and seventy-five cents after all adjustments and
8 reductions. Any district which is required, pursuant to Article
9 X, Section 22 of the Missouri Constitution, to reduce its
10 operating levy below the minimum tax rate otherwise required
11 under this subsection shall not be construed to be in violation
12 of this subsection for making such tax rate reduction. Pursuant
13 to Section 10(c) of Article X of the state constitution, a school
14 district may levy the operating levy for school purposes required
15 by this subsection less all adjustments required pursuant to
16 Article X, Section 22 of the Missouri Constitution if such rate
17 does not exceed the highest tax rate in effect subsequent to the
18 1980 tax year. Nothing in this section shall be construed to
19 mean that a school district is guaranteed to receive an amount
20 not less than the amount the school district received per
21 eligible pupil for the school year 1990-91. The provisions of
22 this subsection shall not apply to any school district located in
23 a county of the second classification which has a nuclear power
24 plant located in such district or to any school district located
25 in a county of the third classification which has an electric
26 power generation unit with a rated generating capacity of more
27 than one hundred fifty megawatts which is owned or operated or
28 both by a rural electric cooperative except that such school

1 districts may levy for current school purposes and capital
2 projects an operating levy not to exceed two dollars and
3 seventy-five cents less all adjustments required pursuant to
4 Article X, Section 22 of the Missouri Constitution.

5 3. No school district shall receive more state aid, as
6 calculated in section 163.031, for its education program,
7 exclusive of categorical add-ons, than it received per eligible
8 pupil for the school year 1993-1994, if the state board of
9 education determines that the district was not in compliance in
10 the preceding school year with the requirements of section
11 163.172, until such time as the board determines that the
12 district is again in compliance with the requirements of section
13 163.172.

14 4. No school district shall receive state aid, pursuant to
15 section 163.031, if such district was not in compliance, during
16 the preceding school year, with the requirement, established
17 pursuant to section 160.530 to allocate revenue to the
18 professional development committee of the district.

19 5. No school district shall receive more state aid, as
20 calculated in subsections 1 and 2 of section 163.031, for its
21 education program, exclusive of categorical add-ons, than it
22 received per weighted average daily attendance for the school
23 year 2005-06 from the foundation formula, line 14, gifted,
24 remedial reading, exceptional pupil aid, fair share, and free
25 textbook payment amounts, if the district did not comply in the
26 preceding school year with the requirements of subsection 6 of
27 section 163.031.

28 6. Any school district that levies an operating levy for

1 school purposes that is less than the performance levy, as such
2 term is defined in section 163.011, shall provide written notice
3 to the department of elementary and secondary education asserting
4 that the district is providing an adequate education to the
5 students of such district. If a school district asserts that it
6 is not providing an adequate education to its students, such
7 inadequacy shall be deemed to be a result of insufficient local
8 effort. The provisions of this subsection shall not apply to any
9 special district established under sections 162.815 to 162.940.

10 163.036. 1. In computing the amount of state aid a school
11 district is entitled to receive for the minimum school term only
12 under section 163.031, a school district may use an estimate of
13 the weighted average daily attendance for the current year, or
14 the weighted average daily attendance for the immediately
15 preceding year or the weighted average daily attendance for the
16 second preceding school year, whichever is greater. Beginning
17 with the 2006-07 school year, the summer school attendance
18 included in the average daily attendance as defined in
19 subdivision (2) of section 163.011 shall include only the
20 attendance hours of pupils that attend summer school in the
21 current year. Beginning with the 2004-05 school year, when a
22 district's official calendar for the current year contributes to
23 a more than ten percent reduction in the average daily attendance
24 for kindergarten compared to the immediately preceding year, the
25 payment attributable to kindergarten shall include only the
26 current year kindergarten average daily attendance. Any error
27 made in the apportionment of state aid because of a difference
28 between the actual weighted average daily attendance and the

1 estimated weighted average daily attendance shall be corrected as
2 provided in section 163.091, except that if the amount paid to a
3 district estimating weighted average daily attendance exceeds the
4 amount to which the district was actually entitled by more than
5 five percent, interest at the rate of six percent shall be
6 charged on the excess and shall be added to the amount to be
7 deducted from the district's apportionment the next succeeding
8 year.

9 2. Notwithstanding the provisions of subsection 1 of this
10 section or any other provision of law, the state board of
11 education shall make an adjustment for the immediately preceding
12 year for any increase in the actual weighted average daily
13 attendance above the number on which the state aid in section
14 163.031 was calculated. Said adjustment shall be made in the
15 manner providing for correction of errors under subsection 1 of
16 this section.

17 3. Any error made in the apportionment of state aid because
18 of a difference between the actual equalized assessed valuation
19 for the current year and the estimated equalized assessed
20 valuation for the current year shall be corrected as provided in
21 section 163.091, except that if the amount paid to a district
22 estimating current equalized assessed valuation exceeds the
23 amount to which the district was actually entitled, interest at
24 the rate of six percent shall be charged on the excess and shall
25 be added to the amount to be deducted from the district's
26 apportionment the next succeeding year.

27 4. For the purposes of distribution of state school aid
28 pursuant to section 163.031, a school district with ten percent

1 or more of its assessed valuation that is owned by one person or
2 corporation as commercial or personal property who is delinquent
3 in a property tax payment may elect, after receiving notice from
4 the county clerk on or before March fifteenth that more than ten
5 percent of its current taxes due the preceding December
6 thirty-first by a single property owner are delinquent, to use in
7 the local effort calculation of the state aid formula the
8 district's equalized assessed valuation for the preceding year or
9 the actual assessed valuation of the year for which the taxes are
10 delinquent less the assessed valuation of property for which the
11 current year's property tax is delinquent. To qualify for use of
12 the actual assessed valuation of the year for which the taxes are
13 delinquent less the assessed valuation of property for which the
14 current year's property tax is delinquent, a district must notify
15 the department of elementary and secondary education on or before
16 April first, except in the year enacted, of the current year
17 amount of delinquent taxes, the assessed valuation of such
18 property for which delinquent taxes are owed and the total
19 assessed valuation of the district for the year in which the
20 taxes were due but not paid. Any district giving such notice to
21 the department of elementary and secondary education shall
22 present verification of the accuracy of such notice obtained from
23 the clerk of the county levying delinquent taxes. When any of
24 the delinquent taxes identified by such notice are paid during a
25 four-year period following the due date, the county clerk shall
26 give notice to the district and the department of elementary and
27 secondary education, and state aid paid to the district shall be
28 reduced by an amount equal to the delinquent taxes received plus

1 interest. The reduction in state aid shall occur over a period
2 not to exceed five years and the interest rate on excess state
3 aid not refunded shall be six percent annually.

4 5. If a district receives state aid based on equalized
5 assessed valuation as determined by subsection 4 of this section
6 and if prior to such notice the district was paid state aid
7 pursuant to section 163.031, the amount of state aid paid during
8 the year of such notice and the first year following shall equal
9 the sum of state aid paid pursuant to section 163.031 plus the
10 difference between the state aid amount being paid after such
11 notice minus the amount of state aid the district would have
12 received pursuant to section 163.031 before such notice. To be
13 eligible to receive state aid based on this provision the
14 district must levy during the first year following such notice at
15 least the maximum levy permitted school districts by Article X,
16 Section 11(b) of the Missouri Constitution and have a voluntary
17 rollback of its tax rate which is no greater than one cent per
18 one hundred dollars assessed valuation.

19 6. Notwithstanding the provisions of subsection 1 of this
20 section, any district in which the local school board sponsors a
21 charter school as provided in section 160.400 shall only be
22 permitted to use an estimate of the district's weighted average
23 daily attendance for the current year and shall not be permitted
24 to use a weighted average daily attendance count from any
25 preceding year for purposes of determining the amount of state
26 aid to which the district is entitled.

27 163.073. 1. When an education program, as approved under
28 section 219.056, is provided for pupils by the division of youth

1 services in one of the facilities operated by the division for
2 children who have been assigned there by the courts, the division
3 of youth services shall be entitled to state aid for pupils being
4 educated by the division of youth services in an amount to be
5 determined as follows: the total amount apportioned to the
6 division of youth services shall be an amount equal to the
7 average per weighted average daily attendance amount apportioned
8 for the preceding school year under section 163.031, multiplied
9 by the number of full-time equivalent students served by
10 facilities operated by the division of youth services. The
11 number of full-time equivalent students shall be determined by
12 dividing by one hundred seventy-four days the number of
13 student-days of education service provided by the division of
14 youth services to elementary and secondary students who have been
15 assigned to the division by the courts and who have been
16 determined as inappropriate for attendance in a local public
17 school. A student day shall mean one day of education services
18 provided for one student. Beginning in the 2015-2016 school
19 year, the number of full-time equivalent students shall be
20 determined by dividing one thousand forty-four hours by the
21 number of student-hours of education service provided by the
22 division of youth services to elementary and secondary students
23 who have been assigned to the division by the courts and who have
24 been determined as inappropriate for attendance in a local public
25 school. A student hour shall mean one hour of education services
26 provided for one student. In addition, other provisions of law
27 notwithstanding, the division of youth services shall be entitled
28 to funds under section 163.087. The number of full-time

1 equivalent students as defined in this section shall be
2 considered as "September membership" and as "average daily
3 attendance" for the apportioning of funds under section 163.087.

4 2. The educational program approved under section 219.056
5 as provided for pupils by the division of youth services shall
6 qualify for funding for those services provided to handicapped or
7 severely handicapped children. The department of elementary and
8 secondary education shall cooperate with the division of youth
9 services in arriving at an equitable funding for the services
10 provided to handicapped children in the facilities operated by
11 the division of youth services.

12 3. Each local school district or special school district
13 constituting the domicile of a child placed in programs or
14 facilities operated by the division of youth services or residing
15 in another district pursuant to assignment by the division of
16 youth services shall pay toward the per pupil cost of educational
17 services provided by the serving district or agency an amount
18 equal to the average sum produced per child by the local tax
19 effort of that district. A special school district shall pay the
20 average sum produced per child by the local tax efforts of the
21 component districts. This amount paid by the local school
22 district or the special school district shall be on the basis of
23 full-time equivalence as determined in section 163.011, not to
24 exceed the actual per pupil local tax effort.

25 163.410. 1. Notwithstanding the provisions of section
26 163.021, in fiscal years **[2011, 2012, and 2013]** 2015 and 2016, if
27 the appropriation for subsections 1 and 2 of section 163.031 is
28 less than the annualized calculation of the amount needed for the

1 phase-in required under subsection 4 of section 163.031 for that
2 fiscal year or the appropriation for transportation as provided
3 in subsection 3 of section 163.031 is funded at a level that
4 provides less than seventy-five percent of allowable costs,
5 school districts shall be excused from compliance with:

6 (1) Spending funds for professional development as required
7 under subsection 1 of section 160.530; and

8 (2) The fund placement and expenditure requirements of
9 subsection 6 of section 163.031.

10 2. If the governor withholds funds for the school funding
11 formula basic apportionment under section 163.031, in fiscal
12 years [2011, 2012, and 2013] 2015 and 2016, school districts
13 shall be excused from compliance with the statutes listed in
14 subsection 1 of this section in the following fiscal year.

15 167.121. 1. If the residence of a pupil is so located that
16 attendance in the district of residence constitutes an unusual or
17 unreasonable transportation hardship because of natural barriers,
18 travel time, or distance, the commissioner of education or his
19 designee may assign the pupil to another district. Subject to
20 the provisions of this section, all existing assignments shall be
21 reviewed prior to July 1, 1984, and from time to time thereafter,
22 and may be continued or rescinded. The board of education of the
23 district in which the pupil lives shall pay the tuition of the
24 pupil assigned. The tuition shall [not exceed the pro rata cost
25 of instruction] be the lesser of the student's district of
26 residence's current expenditure per average daily attendance for
27 the previous school year and the receiving district's current
28 expenditure per average daily attendance for the previous school

1 year. If there is disagreement as to the tuition amount, the
2 facts shall be submitted to the state board of education and its
3 decision in the matter shall be final. For any pupil that the
4 commissioner assigns to another district who has an
5 individualized education program, the pupil shall be included in
6 the pupil count of the district of residence for purposes of
7 state aid. No pupil with an individualized education program who
8 is assigned shall be included in such district's pupil count for
9 state aid. If there is disagreement as to the tuition amount for
10 any pupil with an individualized education program, the facts
11 shall be submitted to the state board of education and its
12 decision in the matter shall be final.

13 2. (1) For the school year beginning July 1, 2008, and
14 each succeeding school year, a parent or guardian residing in a
15 lapsed public school district or a district that has scored
16 either unaccredited or provisionally accredited, or a combination
17 thereof, on two consecutive annual performance reports may enroll
18 the parent's or guardian's child in the Missouri virtual school
19 created in section 161.670 provided the pupil first enrolls in
20 the school district of residence. The school district of
21 residence shall include the pupil's enrollment in the virtual
22 school created in section 161.670 in determining the district's
23 average daily attendance. Full-time enrollment in the virtual
24 school shall constitute one average daily attendance equivalent
25 in the school district of residence. Average daily attendance
26 for part-time enrollment in the virtual school shall be
27 calculated as a percentage of the total number of virtual courses
28 enrolled in divided by the number of courses required for

1 full-time attendance in the school district of residence.

2 (2) A pupil's residence, for purposes of this section,
3 means residency established under section 167.020. Except for
4 students residing in a K-8 district attending high school in a
5 district under section 167.131, the board of the home district
6 shall pay to the virtual school the amount required under section
7 161.670.

8 (3) Nothing in this section shall require any school
9 district or the state to provide computers, equipment, internet
10 or other access, supplies, materials or funding, except as
11 provided in this section, as may be deemed necessary for a pupil
12 to participate in the virtual school created in section 161.670.

13 (4) Any rule or portion of a rule, as that term is defined
14 in section 536.010, that is created under the authority delegated
15 in this section shall become effective only if it complies with
16 and is subject to all of the provisions of chapter 536 and, if
17 applicable, section 536.028. This section and chapter 536 are
18 nonseverable and if any of the powers vested with the general
19 assembly pursuant to chapter 536 to review, to delay the
20 effective date, or to disapprove and annul a rule are
21 subsequently held unconstitutional, then the grant of rulemaking
22 authority and any rule proposed or adopted after August 28, 2007,
23 shall be invalid and void.

24 3. For pupils residing in a city not within a county, a
25 county with a charter form of government and with more than six
26 hundred thousand but fewer than seven hundred thousand
27 inhabitants, a county with a charter form of government and with
28 more than nine hundred fifty thousand inhabitants, or any

1 adjoining county to a county with a charter form of government
2 and with more than nine hundred fifty thousand inhabitants, it
3 shall be a rebuttable presumption that the pupil's residence is
4 so located that attendance in the district of residence
5 constitutes an unusual or unreasonable transportation hardship
6 because of natural barriers, travel time, or distance if the
7 following conditions are met:

8 (1) The actual driving distance from the student's
9 residence to the attendance center in the district of residence
10 is seventeen miles or more by the shortest route available as
11 determined by the commissioner or his or her designee;

12 (2) The attendance center to which the student would be
13 assigned in the receiving district is at least seven miles closer
14 in actual driving distance by the shortest route available to the
15 student's residence than the current attendance center in the
16 residence district as determined by the commissioner or his or
17 her designee; and

18 (3) The attendance of the student will not cause the
19 classroom in the receiving district to exceed the maximum number
20 of students per class as determined by the receiving district.

21 167.131. 1. The board of education of each district in
22 this state that does not maintain [an accredited] a high school
23 [pursuant to the authority of the state board of education to
24 classify schools as established in section 161.092] offering work
25 through the twelfth grade shall pay [the] tuition [of] as
26 calculated by the receiving district under subsection 2 of this
27 section and provide transportation consistent with the provisions
28 of section 167.241 for each pupil resident therein who has

1 completed the work of the highest grade offered in the schools of
2 the district and who attends an accredited public high school in
3 another district of the same or an adjoining county.

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

22 167.642. 1. No underperforming district located in a
23 county with a charter form of government and with more than nine
24 hundred fifty thousand inhabitants shall promote a student from
25 the fifth grade to the sixth grade or from the eighth grade to
26 the ninth grade who has not scored at the proficient level or
27 above on the statewide assessments in the areas of English
28 language arts and mathematics.

1 2. Notwithstanding subsection 1 of this section, the
2 provisions of this section shall not apply to any student with an
3 individualized education program or any student receiving
4 services through a plan prepared under Section 504 of the
5 Rehabilitation Act of 1973.

6 167.685. 1. Any unaccredited district shall offer free
7 tutoring and supplemental education services to students who are
8 performing below grade level or identified by the district as
9 struggling, using funds from the school district improvement fund
10 to the extent that such funds are available. A district may
11 implement the free tutoring services requirement by entering into
12 a contract with a public library for online tutoring services as
13 provided in section 170.215.

14 2. There is hereby created in the state treasury the
15 "School District Improvement Fund". The fund shall consist of
16 any gifts, bequests or public or private donations to such fund.
17 Any person or entity that makes a gift, bequest, or donation to
18 the fund may specify the district that shall be the recipient of
19 such gift, bequest, or donation.

20 3. The state treasurer shall be custodian of the fund. In
21 accordance with sections 30.170 and 30.180, the state treasurer
22 may approve disbursements of public money in accordance with
23 distribution requirements and procedures developed by the
24 department of elementary and secondary education and shall make
25 disbursement of private funds according to the directions of the
26 donor. If the donor did not specify how the private funds were
27 to be disbursed, the state treasurer shall contact the donor to
28 determine the manner of disbursement. The fund shall be a

1 dedicated fund and, upon appropriation, money in the fund shall
2 be used solely for the administration of this section. A
3 district that receives money from the fund may use such money to
4 cover the cost of online tutoring services provided through a
5 contract with a public library under section 170.215.

6 4. Notwithstanding the provisions of section 33.080 to the
7 contrary, any moneys remaining in the fund at the end of the
8 biennium shall not revert to the credit of the general revenue
9 fund.

10 5. The state treasurer shall invest moneys in the fund in
11 the same manner as other funds are invested. Any interest and
12 moneys earned on such investments shall be credited to the fund.

13 167.687. Any underperforming district may perform any or
14 all of the following actions, including but not limited to:

15 (1) Implement a new curriculum, including appropriate
16 professional development, based on scientifically-based research
17 that offers substantial promise of improving educational
18 achievement of low-achieving students;

19 (2) Retain an outside expert to advise the district or
20 school on its progress toward regaining accreditation;

21 (3) Enter into a contract with an education management
22 company or education services provider that has a demonstrated
23 record of effectiveness to operate a school or schools within the
24 district;

25 (4) For any unaccredited school, enter into a collaborative
26 relationship and agreement with an accredited district in which
27 teachers from the unaccredited school may exchange positions with
28 teachers from an accredited school in an accredited district for

1 a period of two school weeks; or

2 (5) Implement any other change that is suggested by the
3 state board of education, an expert or contractor approved under
4 this section or an assistance team under section 161.086, in
5 accordance with state law, that the school board has reason to
6 believe will result in improved performance for accreditation
7 purposes.

8 167.730. 1. Beginning July 1, 2015, every public school in
9 the metropolitan school district or in any urban school district
10 containing most or all of a home rule city with more than four
11 hundred thousand inhabitants and located in more than one county,
12 including charter schools, shall incorporate a response-to-
13 intervention tiered approach to reading instruction to focus
14 resources on students who are determined by their school to need
15 additional or changed instruction to make progress as readers.
16 At a minimum, the reading levels of students in kindergarten
17 through tenth grade shall be assessed at the beginning and middle
18 of the school year, and students who score below district
19 benchmarks shall be provided with intensive, systematic reading
20 instruction.

21 2. Beginning January 1, 2015, and every January first
22 thereafter, every public school in the metropolitan school
23 district or in any urban school district containing most or all
24 of a home rule city with more than four hundred thousand
25 inhabitants and located in more than one county, including
26 charter schools, shall prepare a personalized learning plan for
27 any kindergarten or first grade student whose most recent school-
28 wide reading assessment result shows the student is working below

1 grade level unless the student has been determined by other means
2 in the current school year to be working at grade level or above.
3 The provisions of this section shall not apply to students
4 otherwise served under an individualized education program, to
5 students receiving services through a plan prepared under Section
6 504 of the Rehabilitation Act of 1973 that includes an element
7 addressing reading below grade level, or to students determined
8 to have limited English proficiency.

9 3. For any student in a metropolitan school district or in
10 any urban school district containing most or all of a home rule
11 city with more than four hundred thousand inhabitants and located
12 in more than one county that is required by this section to have
13 a personalized learning plan, the student's main teacher shall
14 consult with the student's parent or guardian during the
15 preparation of the plan and shall consult, as appropriate, any
16 district personnel or department of elementary and secondary
17 education personnel with necessary expertise to develop such a
18 plan. The school shall require the written consent of the parent
19 or guardian to implement the plan; however, if the school is
20 unsuccessful in contacting the parent or guardian by January
21 fifteenth, the school may send a letter by certified mail to the
22 student's last known address stating its intention to implement
23 the plan by February first.

24 4. After implementing the personalized learning plan
25 through the end of the student's first grade year, the school
26 shall refer any student who still performs below grade level for
27 assessment to determine if an individualized education program is
28 necessary for the student. A student who is assessed as not

1 needing an individualized education program but who is reading
2 below grade level at the end of the first grade shall continue to
3 be required to have a personalized learning plan until the
4 student is reading at grade level.

5 5. Notwithstanding any provision of law to the contrary,
6 any student in a metropolitan or in any urban school district
7 containing most or all of a home rule city with more than four
8 hundred thousand inhabitants and located in more than one county
9 who is not reading at second-grade level by the end of second
10 grade may be promoted to the third grade only under one of the
11 following circumstances:

12 (1) The school provides additional reading instruction
13 during the summer and demonstrates the student is ready for third
14 grade at the end of the summer school;

15 (2) The school provides a combined classroom in which the
16 student continues with the same teacher, sometimes referred to as
17 "looping". If the student in such a classroom is not reading at
18 third-grade level by the end of third grade, the student shall be
19 retained in third grade; or

20 (3) The student's parents or guardians have signed a notice
21 that they prefer to have their student promoted although the
22 student is reading below grade level. The school shall have the
23 final determination on the issue of retention.

24 6. The metropolitan school district, any urban school
25 district containing most or all of a home rule city with more
26 than four hundred thousand inhabitants and located in more than
27 one county, and each charter school located in them shall provide
28 in its annual report card under section 160.522 the numbers and

1 percentages by grade from first grade to tenth grade in each
2 school of any students at any grade level who have been promoted
3 who have been determined as reading below grade level, except
4 that no reporting shall permit the identification of an
5 individual student.

6 7. School districts and charter schools under this section
7 may provide for a student promotion and retention program and a
8 reading instruction program that are equivalent to those which
9 are described in this section with the oversight and approval of
10 the department of elementary and secondary education.

11 167.825. 1. For school year 2014-15, students who
12 transferred from an unaccredited district to an accredited
13 district in the same or an adjoining county under section 167.131
14 as it existed on July 1, 2013, shall be allowed to participate
15 under the same terms that governed such transfers in school year
16 2013-14, except that the reimbursement of their tuition shall be
17 governed by section 167.826.

18 2. If an unaccredited district becomes classified as
19 provisionally accredited or accredited without provisions by the
20 state board of education, any resident student of the
21 unaccredited district who has transferred under section 167.131
22 as it existed on July 1, 2013, shall be permitted to continue
23 their educational program through the completion of middle
24 school, junior high school, or high school, whichever occurs
25 first, except that a student who attends any school serving
26 students through high school graduation but starting at grades
27 lower than ninth grade shall be permitted to complete high school
28 in the school to which he or she has transferred. However, any

1 such student shall have previously attended a school in the
2 sending district for at least one semester before initially
3 transferring, unless the student was entering kindergarten or was
4 a first grade student and shall continue to reside within the
5 boundaries of the unaccredited district as those boundaries
6 existed when the student entered the transfer program to maintain
7 eligibility. A student who returns to his or her district of
8 residence shall be ineligible to transfer again.

9 3. Any student who transferred from an unaccredited
10 district to an accredited district in the same or an adjoining
11 county in school year 2013-14 but did not attend a public school
12 for at least one semester in the unaccredited district prior to
13 the transfer shall no longer be eligible to transfer under this
14 section in school year 2014-15.

15 167.826. 1. Any student who is enrolled in and has
16 attended an unaccredited school in an unaccredited district for
17 at least one semester may transfer to another public school in
18 the student's district of residence that offers the student's
19 grade level of enrollment and that is accredited without
20 provisions by the state board of education. However, no such
21 transfer shall result in a class size and assigned enrollment in
22 a receiving school that exceeds the standards for class size and
23 assigned enrollment as promulgated in the Missouri school
24 improvement program's resource standards. If the student chooses
25 to attend a magnet school, an academically selective school, or a
26 school with a competitive entrance process within his or her
27 district of residence that has admissions requirements, the
28 student shall meet such admissions requirements in order to

1 attend. The school board of each unaccredited district shall
2 determine the capacity at each of the district's schools that is
3 assigned a classification designation of accredited or accredited
4 with distinction. The district's school board shall be
5 responsible for coordinating transfers from unaccredited schools
6 to accredited schools within the district. The school board of
7 each unaccredited district shall annually report to the
8 appropriate local education authority the number of available
9 slots in accredited schools within the district, the number of
10 students who request to transfer within the district, and the
11 number of such transfer requests that are granted.

12 2. Any student who is enrolled in and has attended an
13 unaccredited school in an unaccredited district for at least one
14 semester who is unable to transfer to another accredited school
15 within his or her district of residence under subsection 1 of
16 this section may apply to the appropriate education authority by
17 March first to transfer to an accredited school within an
18 accredited district located in the same or an adjoining county.
19 Such a student may also apply to enroll in a nonsectarian private
20 school as provided in section 167.828. A student who is eligible
21 to begin kindergarten or first grade at an unaccredited school in
22 an unaccredited district may apply to the appropriate education
23 authority for a transfer if he or she resides in the attendance
24 area of an unaccredited school in an unaccredited district on
25 March first preceding the school year of first attendance. A
26 student who does not apply by March first shall be required to
27 enroll and attend for one semester to become eligible. If the
28 student chooses to apply to attend a magnet school, an

1 academically selective school, or a school with a competitive
2 entrance process that has admissions requirements, the student
3 shall furnish proof that he or she meets such admissions
4 requirements. Any student who does not maintain residency in the
5 attendance zone of his or her unaccredited school in the
6 unaccredited district of residence shall lose eligibility to
7 transfer. Any student who transfers but later withdraws shall
8 lose eligibility to transfer. The transfer provisions of this
9 subsection shall not apply to a district created under sections
10 162.815 to 162.840 or to any early childhood programs or early
11 childhood special education programs.

12 3. No provisionally accredited district or provisionally
13 accredited school shall be eligible to receive transfer students;
14 however, a transfer student who chooses to attend a provisionally
15 accredited school in the unaccredited district shall be allowed
16 to transfer to such school if there is an available slot. No
17 unaccredited district or unaccredited school shall be eligible to
18 receive transfer students. No district or school with a three-
19 year average score of seventy-five percent or lower on its annual
20 performance report under the Missouri school improvement program
21 shall be eligible to receive any transfer students, irrespective
22 of its state board of education accreditation classification,
23 except that any student who was granted a transfer to such a
24 district or attendance center prior to the effective date of this
25 section may remain enrolled in that district or school.

26 4. For a receiving district, no acceptance of a transfer
27 student shall require any of the following actions, unless the
28 board of education of the receiving district has approved the

1 action:

2 (1) A class size and assigned enrollment in a receiving
3 school that exceeds the number of students provided by its
4 approved policy on class size under subsection 5 of this section;

5 (2) The hiring of additional classroom teachers; or

6 (3) The construction of additional classrooms.

7 5. Each receiving district shall have the right to
8 establish and adopt, by objective means, a policy for desirable
9 class size and student-teacher ratios. A policy may allow for
10 estimated growth in the resident student population. Any
11 district that adopts such a policy shall do so by January 1
12 annually. A receiving district shall publish its policy and
13 shall not be required to accept any transfer students under this
14 section that would violate its class size or student-teacher
15 ratio. If a student seeking to transfer is denied admission to a
16 district based on a lack of space under the district's policy,
17 the student or the student's parent or guardian may appeal the
18 ruling to the state board of education if he or she believes the
19 district's policy is unduly restrictive to student transfers. If
20 more than one student or parent appeals a denial of admission
21 from the same district to the state board of education, the state
22 board shall make an effort to hear such actions at the same time.
23 If the state board of education finds that the district's policy
24 is unduly restrictive to student transfers, the state board may
25 limit the district's policy. The state board's decision shall be
26 final.

27 6. (1) Each receiving district shall adopt a policy
28 establishing a tuition rate by February first annually. The rate

1 of tuition to be charged by the district attended and paid by the
2 sending district is the per pupil cost of maintaining the
3 receiving district's grade level grouping which includes the
4 school attended. The cost of maintaining a grade level grouping
5 shall be determined by the board of education of the receiving
6 district but in no case shall it exceed all amounts spent for
7 teachers' wages, incidental purposes, debt service, maintenance,
8 and replacements. The term "debt service", as used in this
9 section, means expenditures for the retirement of bonded
10 indebtedness and expenditures for interest on bonded
11 indebtedness. Per pupil cost of the grade level grouping shall
12 be determined by dividing the cost of maintaining the grade level
13 grouping by the average daily pupil attendance. However, at no
14 time shall a receiving district receive tuition from a sending
15 district that exceeds the receiving district's per pupil
16 expenditure for its resident students. If there is disagreement
17 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
19 the matter shall be final.

20 (2) If any receiving district chooses to charge a rate of
21 tuition that is seventy percent or less of the per-pupil cost of
22 maintaining the sending district's grade level grouping as
23 calculated under subdivision (1) of this subsection, then no
24 statewide assessment scores and no other performance data for
25 those students whom the district received shall be used for five
26 school years when calculating the performance of the receiving
27 district for purposes of the Missouri school improvement program.
28 For any district that chooses to charge such a rate under this

1 subdivision, the department of elementary and secondary education
2 shall consider such action as an additional criterion when
3 determining whether to assign the receiving district a
4 classification of accredited with distinction.

5 (3) The school board of a receiving district, upon a
6 majority vote of the board, may choose to charge a rate of
7 tuition less than the amount that would otherwise be calculated
8 under this subsection. If the school board of a receiving
9 district, upon a majority vote of the board, chooses to charge a
10 rate of tuition that is less than ninety percent of the rate that
11 would otherwise be calculated under this subsection, ten percent
12 of the receiving district's tuition rate shall be paid from the
13 supplemental tuition fund. There is hereby created in the state
14 treasury the "Supplemental Tuition Fund". The fund shall consist
15 of any moneys appropriated annually by the general assembly from
16 general revenue to such fund, any moneys paid into the state
17 treasury and required by law to be credited to such fund and any
18 gifts, bequests or public or private donations to such fund. The
19 state treasurer shall be custodian of the fund. The department
20 of elementary and secondary education shall administer the fund.
21 In accordance with sections 30.170 and 30.180, the state
22 treasurer may approve disbursements. The fund shall be a
23 dedicated fund and, upon appropriation, money in the fund shall
24 be used solely for the administration of this section.
25 Notwithstanding the provisions of section 33.080 to the contrary,
26 any moneys remaining in the fund at the end of the biennium shall
27 not revert to the credit of the general revenue fund. The state
28 treasurer shall invest moneys in the fund in the same manner as

1 other funds are invested. Any interest and moneys earned on such
2 investments shall be credited to the fund.

3 (4) Any school district that received transfer students in
4 the 2013-2014 school year may adjust the tuition paid by the
5 sending district to seventy percent of the per-pupil cost of
6 maintaining the sending district's grade level grouping as
7 calculated under subdivision (1) of this subsection. In such a
8 situation, no statewide assessment scores and no other
9 performance data for those students shall be used for five school
10 years when calculating the receiving district's performance for
11 purposes of the Missouri school improvement program.

12 7. If an unaccredited district becomes classified as
13 provisionally accredited or accredited without provisions by the
14 state board of education, any resident student of the
15 unaccredited district who has transferred to an accredited
16 district in the same or an adjoining county or to a nonsectarian
17 private school in the district of residence shall be permitted to
18 continue his or her educational program in the receiving district
19 or nonsectarian private school through the completion of middle
20 school, junior high school, or high school, whichever occurs
21 first, except that a student who attends any school serving
22 students through high school graduation but starting at grades
23 lower than ninth grade shall be permitted to complete high school
24 in the school to which he or she has transferred.

25 8. The student's district of residence may provide
26 transportation for him or her to attend another accredited
27 district but shall not be required to do so.

28 9. Notwithstanding the provisions of subsection 5 of this

1 section to the contrary, where costs associated with the
2 provision of special education and related services to a student
3 with a disability exceed the tuition amount established under
4 this section, the unaccredited district shall remain responsible
5 to pay the excess cost to the receiving district. When the
6 receiving district is a component district of a special school
7 district, the unaccredited district, including any metropolitan
8 school district, shall contract with the special school district
9 for the entirety of the costs to provide special education and
10 related services, excluding transportation pursuant to this
11 section. The special school district may contract with an
12 unaccredited district, including any metropolitan district, for
13 the provision of transportation of a student with a disability or
14 the unaccredited district may provide transportation on its own.

15 10. A special school district shall continue to provide
16 special education and related services, with the exception of
17 transportation under this section, to a student with a disability
18 transferring from an unaccredited school within a component
19 district to an accredited school within the same or a different
20 component district within the special school district.

21 11. When any metropolitan district is declared
22 unaccredited, it shall remain responsible for the provision of
23 special education and related services, including transportation,
24 to students with disabilities. A special school district in an
25 adjoining county to a metropolitan school district may contract
26 with the metropolitan school district for the reimbursement of
27 special education services pursuant to sections 162.705 and
28 162.710 provided by the special school district for transfer

1 students who are residents of the unaccredited district.

2 12. Regardless of whether transportation is identified as a
3 related service within a student's individualized education
4 program, a receiving district that is not part of a special
5 school district shall not be responsible for providing
6 transportation to a student transferring under this section. An
7 unaccredited district may contract with a receiving district that
8 is not part of a special school district pursuant to sections
9 162.705 and 162.710 for transportation of students with
10 disabilities.

11 13. When a seven-director school district or urban school
12 district is declared unaccredited, it may contract with a
13 receiving district that is not part of a special school district
14 in the same or an adjoining county for the reimbursement of
15 special education and related services pursuant to sections
16 162.705 and 162.710 provided by the receiving district for
17 transfer students who are residents of the unaccredited district.

18 167.827. 1. By August 1, 2014, and by January first
19 annually, each accredited district any portion of which is
20 located in the same county as or in an adjoining county to an
21 unaccredited district shall report to the education authority for
22 the county in which the unaccredited district is located its
23 number of available enrollment slots by grade level. Each
24 unaccredited district shall report the number of available
25 enrollment slots in the accredited schools of the district. Each
26 nonsectarian private school in the unaccredited district that
27 wishes to participate in the transfer program shall provide the
28 information required under this subsection by the same date.

1 2. Any education authority whose geographic area includes
2 an unaccredited district shall make information and assistance
3 available to parents or guardians who intend to transfer their
4 child from an unaccredited school in an unaccredited district to
5 an accredited district or nonsectarian private school under
6 section 167.826.

7 3. The parent or guardian of a student who intends to
8 transfer his or her child to an accredited district in the same
9 or an adjoining county or to a nonsectarian private school shall
10 send initial notification to the education authority for the
11 county in which he or she resides by March first for enrollment
12 in the subsequent school year.

13 4. The education authority whose geographic area includes
14 an unaccredited district shall assign those students who seek to
15 transfer to an accredited district in the same or an adjoining
16 county or a nonsectarian private school. The authority shall
17 give first priority to students who live in the same household
18 with any family member within the first or second degree of
19 consanguinity or affinity who already attends an accredited
20 school and who apply to attend the same accredited school. If
21 insufficient grade-appropriate enrollment slots are available for
22 a student to be able to transfer, that student shall receive
23 first priority the following school year. The authority shall
24 only disrupt student and parent choice for transfer if a
25 receiving district's available slots are requested by more
26 students than there are slots available. The authority shall
27 consider the following factors in assigning schools, with the
28 student's or parent's choice as the most important factor:

1 (1) The student's or parent's choice of the receiving
2 school;

3 (2) The best interests of the student; and

4 (3) Distance and travel time to a receiving school.

5
6 The education authority shall not consider student academic
7 performance, free and reduced lunch status, or athletics in
8 assigning a student to a school.

9 5. An education authority may deny a transfer to a student
10 who in the most recent school year has been suspended from school
11 two or more times or who has been suspended for an act of school
12 violence under subsection 2 of section 160.261. A student whose
13 transfer is initially precluded under this subsection may be
14 permitted to transfer on a provisional basis as a probationary
15 transfer student, subject to no further disruptive behavior, upon
16 a statement from the student's current school that the student is
17 not disruptive. A student who is denied a transfer under this
18 subsection has the right to an in-person meeting with a
19 representative of the authority. Each education authority shall
20 develop administrative guidelines to provide common standards for
21 determining disruptive behavior which shall include, but not be
22 limited to, criteria under the safe schools act.

23 167.828. 1. The school board of any unaccredited district
24 located in any city not within a county, any county with a
25 charter form of government and with more than nine hundred fifty
26 thousand inhabitants, or in any county with a charter form of
27 government and with more than six hundred thousand but fewer than
28 seven hundred thousand inhabitants that operates an unaccredited

1 school shall pay tuition for any student who has enrolled in and
2 attended an unaccredited school in the district for one semester
3 to attend a nonsectarian private school, as defined in section
4 167.848, located in his or her district of residence and is
5 assigned to such school by the education authority.

6 2. The amount of tuition to be paid shall be paid from the
7 district's operating levy for school purposes and shall not
8 exceed the lesser of:

9 (1) The nonsectarian private school's tuition rate; or

10 (2) Seventy percent of the unaccredited district's cost of
11 maintaining a grade level grouping as provided by subdivision (1)
12 of subsection 6 of section 167.826.

13 3. A nonsectarian private school shall qualify to receive
14 tuition payments under this section only if it satisfies the
15 following conditions:

16 (1) Is accredited by the North Central Association
17 Commission On Accreditation and School Improvement or
18 demonstrates similar academic quality credentials to the
19 department of elementary and secondary education;

20 (2) Administers or allows for the administration of the
21 statewide assessments in English language arts and mathematics
22 for transfer students;

23 (3) Complies with all health and safety laws or codes that
24 apply to nonpublic schools;

25 (4) Holds a valid occupancy permit if required by its
26 municipality;

27 (5) Certifies that it will not discriminate in admissions
28 on the basis of race, color, religion, national origin, or

1 disability;

2 (6) For all students enrolled in the school under the
3 nonsectarian option set forth in section 167.826, complies with
4 the following statutes and any regulations promulgated thereunder
5 by the department of elementary and secondary education: 43.408,
6 43.540, 160.041, 160.045, 160.257, 160.261, 160.262, 160.263,
7 160.518 for state assessments, the cost of which shall be paid
8 consistent with the manner in which they are paid for students in
9 public schools, 160.522, 160.539, 160.570, 160.660, 160.775,
10 160.1990, 161.850, 161.102, 161.650, 162.014, 162.068, 162.069,
11 162.208, 162.215, 162.401, 162.670, 162.720, subdivisions (1) to
12 (3) of 162.821, 162.1250, 162.1125, subdivisions (1) and (2) of
13 subsection 1 of 163.021 for eligibility to receive local funds
14 but compliance with these sections shall not make nonsectarian
15 private schools eligible to receive state funding under 163.031,
16 167.018, 167.019, 167.020, 167.022, 167.023, 167.031, 167.115,
17 167.117, 167.122, 167.123, 167.161, 167.166, 167.171, 167.181,
18 167.191, 167.208, 167.211, 167.227, 167.268, 167.275, 167.280,
19 167.621 to 167.635, 167.645, 167.700, 167.720, 167.765, 170.005,
20 170.011, 170.051, 170.315, 170.340, 171.021, 171.031 to 171.033,
21 171.053, 171.151, 171.171, 178.530, 182.815, 182.817, 191.765 to
22 191.777, 210.003, 210.110, 210.115, 210.145, 210.150, 210.165,
23 210.167, 210.760, 210.865, 211.032, 211.034, 211.181, 211.185,
24 211.188, 320.010, 452.375, 452.376, and 544.193. Nothing in this
25 subdivision shall be construed to exempt the nonsectarian private
26 school from other statutes and regulations which applied to the
27 nonsectarian schools as of January 1, 2014;

28 (7) Furnishes to the department of elementary and secondary

1 education all necessary data for the calculation of an annual
2 performance report score, which the department shall calculate
3 for each participating nonsectarian private school. At the
4 option of the nonsectarian private school, such score shall be
5 based upon only the records pertaining to students enrolled in
6 the school through the transfer program or for all students if
7 the school chooses to administer state testing to all students;

8 (8) Where applicable, contracts with a special school
9 district to provide special education services to eligible
10 students on the same terms as public schools, and the costs
11 associated with the services shall be paid in the same manner;

12 (9) Certifies to the department of elementary and secondary
13 education and to the unaccredited district that it shall accept
14 the tuition amount specified in subsection 2 of this section as
15 payment in full for the transfer student and shall not require
16 the parent or guardian to pay any additional amount for tuition;
17 and

18 (10) Files with the department of elementary and secondary
19 education, the appropriate education authority, and the
20 unaccredited district a statement of intent to accept transfer
21 students that includes the information listed in this subsection.

22 4. When the percentage of transfer students at a
23 nonsectarian private school receiving transfer students under
24 this section reaches twenty-five percent of the school's
25 enrollment, the school shall conform to the Missouri school
26 improvement program performance standards to continue its
27 eligibility for the program under this section.

28 5. Tuition for a student who attends a nonsectarian private

1 school shall be paid only using funds received by the district
2 from the operating levy for school purposes.

3 6. The student's district of residence may provide
4 transportation for him or her to attend a nonsectarian private
5 school located within the district but shall not be required to
6 do so.

7 7. (1) The option for any student who has enrolled in and
8 attended an unaccredited school in an unaccredited district for
9 one semester to attend a nonsectarian private school as provided
10 in this section shall become effective only after the governing
11 body of an unaccredited district, as specified in subsection 1 of
12 this section, submits to the district's voters at a general
13 election a proposal to authorize the governing body to use local
14 operating funds for school purposes to pay tuition at a
15 nonsectarian private school for students assigned to an
16 unaccredited school in the district under sections 167.826 to
17 167.828 and such proposal is approved by the voters of the
18 district as provided in this subsection. The governing body of
19 the school district shall submit the proposal to the voters of
20 the district at the next general election after the decision of
21 the state board of education declaring the district unaccredited
22 for which the deadline for submission of such ballot proposals is
23 open. The ballot proposal presented to the local voters shall
24 contain substantially the following language:

25 Shall the (school district's name) allow the use of the
26 district's local operating funds for school purposes to pay
27 tuition at nonsectarian private schools for students who are
28 assigned to an unaccredited public school in the district and who

1 apply to transfer to nonsectarian private schools under section
2 167.828, RSMo?

3 YES

NO

4
5 If a majority of the votes cast on the question by the qualified
6 voters voting thereon is in favor of the question, the option for
7 students to transfer to a nonsectarian private school shall
8 become effective in that district the next school year. If a
9 majority of the votes cast on the question by the qualified
10 voters voting thereon is opposed to the question, the option
11 shall not become effective unless and until the proposal is
12 resubmitted under this subsection to the qualified voters at a
13 general election and such proposal is approved by a majority of
14 the qualified voters voting on the proposal.

15 (2) Whenever the governing body of a school district
16 specified in subsection 1 of this section that has not authorized
17 the use of its local operating funds for school purposes as
18 provided in this subsection receives a petition from a
19 nonsectarian private school, signed by the school's chief
20 operating officer, calling for an election to authorize the use
21 of local operating funds for school purposes to pay tuition at a
22 private nonsectarian school under this subsection, the governing
23 body shall submit to the voters a proposal to authorize such use
24 of funds at the next general election for which the deadline for
25 submission of such ballot proposals is open. If a majority of
26 the votes cast on the question by the qualified voters voting
27 thereon is in favor of the proposal, the option for students to
28 transfer to a nonsectarian private school shall become effective

1 in that district the next school year. If a majority of the
2 votes cast on the proposal by the qualified voters voting thereon
3 is opposed to the proposal, the option shall not become effective
4 unless and until the proposal is resubmitted under this
5 subsection to the qualified voters at a general election and such
6 proposal is approved by a majority of the qualified voters voting
7 on the proposal.

8 8. Notwithstanding the provisions of subsection 7 of this
9 section to the contrary, if any district remains classified as
10 unaccredited by the state board of education for three
11 consecutive years, resident students of the district shall be
12 eligible to enroll in and attend a nonsectarian private school
13 located in the district of residence and have tuition paid by the
14 district school board under this section, irrespective of whether
15 the district voters have approved a proposal to authorize the
16 district's governing body to use local operating funds for school
17 purposes to pay tuition at a nonsectarian private school.

18 9. Notwithstanding the provisions of subsection 2 of this
19 section to the contrary, where costs associated with the
20 provision of special education and related services to a student
21 with a disability exceed the tuition amount established under
22 this section, the unaccredited district shall remain responsible
23 to pay the excess cost to the nonsectarian private school.

24 167.830. 1. There is hereby established the "St. Louis
25 Area Education Authority". The authority is hereby constituted a
26 public instrumentality and body politic and corporate, and the
27 exercise by the authority of the powers conferred by this section
28 shall be deemed and held to be the performance of an essential

1 public function. Unless otherwise provided, the authority shall
2 be subject to all general laws pertaining to the operation of
3 seven-director districts as defined in section 160.011.

4 2. Whenever any metropolitan school district, any district
5 located in any county with a charter form of government and with
6 more than nine hundred fifty thousand inhabitants, or any
7 district located in an adjoining county to them is assigned a
8 classification designation of unaccredited by the state board of
9 education, the authority shall coordinate student transfers from
10 unaccredited schools in the unaccredited district to accredited
11 districts in the same or an adjoining county, and if applicable,
12 to nonsectarian private schools.

13 3. The authority shall consist of five members to be
14 appointed by the governor, by and with the advice and consent of
15 the senate, each of whom shall be a resident of the state. The
16 members shall reflect the population characteristics of the
17 districts they represent. Not more than three of the five
18 members of the authority shall be of the same political party.
19 Two members shall be residents of the metropolitan school
20 district, two members shall be residents of school districts
21 located in a county with a charter form of government and with
22 more than nine hundred fifty thousand inhabitants, and one member
23 shall be a resident of a district located in an adjoining county.
24 If the governor does not appoint the initial membership of the
25 authority by October 1, 2014, the lieutenant governor shall make
26 the appointments. The length of term for members shall be six
27 years except for the initial members, who shall be appointed in
28 the following manner:

1 (1) One member shall be appointed for a term of two years;

2 (2) One member shall be appointed for a term of three
3 years;

4 (3) One member shall be appointed for a term of four years;

5 (4) One member shall be appointed for a term of five years;
6 and

7 (5) One member shall be appointed for a term of six years.

8 4. The term length of each initial appointee shall be
9 designated by the governor at the time of making the appointment.

10 Upon the expiration of the initial terms of office, successor
11 members shall be appointed for terms of six years and shall serve
12 until their successors have been appointed and have qualified.

13 Any member shall be eligible for reappointment. The governor
14 shall fill any vacancy for the remainder of any unexpired term
15 within thirty days of notification of the vacancy. If the

16 governor does not make the appointment in the required time, the
17 lieutenant governor shall make such appointment. If the

18 lieutenant governor does not make the appointment in thirty days,
19 the speaker of the house of representatives shall make such

20 appointment. Any member of the authority may be removed by the
21 governor for misfeasance, malfeasance, willful neglect of duty,
22 or other cause after notice and a public hearing unless the
23 notice or hearing shall be expressly waived in writing.

24 5. Members of the authority shall receive no compensation
25 for services, but shall be entitled to reimbursement for
26 necessary expenses, including traveling and lodging expenses,
27 incurred in the discharge of their duties. Any payment for
28 expenses shall be paid from funds of the authority.

1 6. One member of the authority, designated by the governor
2 for the purpose, shall call and convene the initial
3 organizational meeting of the authority and shall serve as its
4 president pro tempore. At the initial meeting and annually
5 thereafter, the authority shall elect one of its members as
6 president. The authority may appoint an executive director who
7 shall not be a member of the authority and who shall serve at its
8 pleasure. If an executive director is appointed, he or she shall
9 receive such compensation as shall be fixed from time to time by
10 action of the authority. The authority shall appoint a member as
11 secretary who shall keep a record of the proceedings of the
12 authority and shall be the custodian of all books, documents, and
13 papers filed with the authority, the minute books or journal
14 thereof, and its official seal. The secretary may cause copies
15 to be made of all minutes and other records and documents of the
16 authority and may give certificates under the official seal of
17 the authority to the effect that the copies are true and correct
18 copies, and all persons dealing with the authority may rely on
19 such certificates. The authority, by resolution duly adopted,
20 shall fix the powers and duties of its executive director as it
21 may, from time to time, deem proper and necessary.

22 7. Meetings, records, and operations of the authority shall
23 be subject to the provisions of chapter 610.

24 8. The authority shall have the following powers, together
25 with all powers incidental thereto or necessary for the
26 performance thereof to:

27 (1) Have perpetual succession as a body politic and
28 corporate;

1 (2) Adopt bylaws for the regulation of its affairs and the
2 conduct of its business;

3 (3) Sue and be sued and to prosecute and defend, at law or
4 in equity, in any court having jurisdiction of the subject matter
5 and of the parties;

6 (4) Establish and use a corporate seal and to alter the
7 same at pleasure;

8 (5) Maintain an office at such place or places in the state
9 of Missouri as it may designate;

10 (6) Employ an executive director and other staff as needed,
11 with compensation fixed by the authority;

12 (7) Coordinate student transfers from unaccredited schools
13 in unaccredited districts located in its jurisdiction, as
14 provided by law; and

15 (8) Coordinate and collaborate with local districts and
16 local governments for the transfer of students, as provided by
17 law.

18 167.833. 1. There is hereby created in the state treasury
19 the "St. Louis Area Education Authority Fund". The fund shall
20 consist of any gifts, bequests or public or private donations to
21 such fund. Any moneys in the fund shall be used to fund the
22 operations of the education authority. The state treasurer shall
23 be custodian of the fund. In accordance with sections 30.170 and
24 30.180, the state treasurer may approve disbursements of public
25 money in accordance with distribution requirements and procedures
26 developed by the department of elementary and secondary education
27 and shall make disbursement of private funds according to the
28 directions of the donor. If the donor did not specify how the

1 private funds were to be disbursed, the state treasurer shall
2 contact the donor to determine the manner of disbursement. The
3 fund shall be a dedicated fund and, upon appropriation, money in
4 the fund shall be used solely for the administration of sections
5 167.830 and 167.833.

6 2. Notwithstanding the provisions of section 33.080 to the
7 contrary, any moneys remaining in the fund at the end of the
8 biennium shall not revert to the credit of the general revenue
9 fund.

10 3. The state treasurer shall invest moneys in the fund in
11 the same manner as other funds are invested. Any interest and
12 moneys earned on such investments shall be credited to the fund.

13 167.836. 1. There is hereby established the "Kansas City
14 Area Education Authority". The authority is hereby constituted a
15 public instrumentality and body politic and corporate, and the
16 exercise by the authority of the powers conferred by this section
17 shall be deemed and held to be the performance of an essential
18 public function. Unless otherwise provided, the authority shall
19 be subject to all general laws pertaining to the operation of
20 seven-director districts as defined in section 160.011.

21 2. Whenever any district located in any county with a
22 charter form of government and with more than six hundred
23 thousand but fewer than seven hundred thousand inhabitants or in
24 an adjoining county is assigned a classification designation of
25 unaccredited by the state board of education, the authority shall
26 coordinate student transfers from unaccredited schools in the
27 unaccredited district to accredited districts in the same or an
28 adjoining county, and if applicable, to nonsectarian private

1 schools.

2 3. The authority shall consist of five members appointed by
3 the governor, by and with the advice and consent of the senate,
4 each of whom shall be a resident of the state. Three members
5 shall be residents of an urban school district containing most or
6 all of a home rule city with more than four hundred thousand
7 inhabitants and located in more than one county. One member
8 shall be a resident of a school district located in a county with
9 a charter form of government and with more than six hundred
10 thousand but fewer than seven hundred thousand inhabitants. Such
11 member shall be a resident of a school district other than an
12 urban school district containing most or all of a home rule city
13 with more than four hundred thousand inhabitants and located in
14 more than one county. One member shall be a resident of a school
15 district located in a county adjoining to a county with a charter
16 form of government and with more than six hundred thousand but
17 fewer than seven hundred thousand inhabitants. The members shall
18 reflect the population characteristics of the districts they
19 represent. Not more than three of the five members of the
20 authority shall be of the same political party. The length of
21 term for members shall be six years except for the initial
22 members, who shall be appointed in the following manner:

23 (1) One member shall be appointed for a term of two years;

24 (2) One member shall be appointed for a term of three
25 years;

26 (3) One member shall be appointed for a term of four years;

27 (4) One member shall be appointed for a term of five years;

28 and

1 (5) One member shall be appointed for a term of six years.

2 4. The term length of each initial appointee shall be
3 designated by the governor at the time of making the appointment.
4 Upon the expiration of the initial terms of office, successor
5 members shall be appointed for terms of six years and shall serve
6 until their successors have been appointed and have qualified.
7 Any member shall be eligible for reappointment. The governor
8 shall fill any vacancy for the remainder of any unexpired term
9 within thirty days of notification of the vacancy. If the
10 governor does not make the appointment in the required time, the
11 lieutenant governor shall make such appointment. If the
12 lieutenant governor does not make the appointment in thirty days,
13 the speaker of the house of representatives shall make such
14 appointment. Any member of the authority may be removed by the
15 governor for misfeasance, malfeasance, willful neglect of duty,
16 or other cause after notice and a public hearing unless the
17 notice or hearing shall be expressly waived in writing.

18 5. Members of the authority shall receive no compensation
19 for services, but shall be entitled to reimbursement for
20 necessary expenses, including traveling and lodging expenses,
21 incurred in the discharge of their duties. Any payment for
22 expenses shall be paid from funds of the authority.

23 6. One member of the authority, designated by the governor
24 for the purpose, shall call and convene the initial
25 organizational meeting of the authority and shall serve as its
26 president pro tempore. At the initial meeting and annually
27 thereafter, the authority shall elect one of its members as
28 president. The authority may appoint an executive director who

1 shall not be a member of the authority and who shall serve at its
2 pleasure. If an executive director is appointed, he or she shall
3 receive such compensation as shall be fixed from time to time by
4 action of the authority. The authority shall appoint a member as
5 secretary who shall keep a record of the proceedings of the
6 authority and shall be the custodian of all books, documents, and
7 papers filed with the authority, the minute books or journal
8 thereof, and its official seal. The secretary may cause copies
9 to be made of all minutes and other records and documents of the
10 authority and may give certificates under the official seal of
11 the authority to the effect that the copies are true and correct
12 copies, and all persons dealing with the authority may rely on
13 such certificates. The authority, by resolution duly adopted,
14 shall fix the powers and duties of its executive director as it
15 may, from time to time, deem proper and necessary.

16 7. Meetings, records, and operations of the authority shall
17 be subject to the provisions of chapter 610.

18 8. The authority shall have the following powers, together
19 with all powers incidental thereto or necessary for the
20 performance thereof to:

21 (1) Have perpetual succession as a body politic and
22 corporate;

23 (2) Adopt bylaws for the regulation of its affairs and the
24 conduct of its business;

25 (3) Sue and be sued and to prosecute and defend, at law or
26 in equity, in any court having jurisdiction of the subject matter
27 and of the parties;

28 (4) Establish and use a corporate seal and to alter the

1 same at pleasure;

2 (5) Maintain an office at such place or places in the state
3 of Missouri as it may designate;

4 (6) Employ an executive director and other staff as needed,
5 with compensation fixed by the authority;

6 (7) Coordinate student transfers from unaccredited schools
7 in unaccredited districts located in its jurisdiction, as
8 provided by law; and

9 (8) Coordinate and collaborate with local districts and
10 local governments for the transfer of students, as provided by
11 law.

12 167.839. 1. There is hereby created in the state treasury
13 the "Kansas City Area Education Authority Fund". The fund shall
14 consist of any gifts, bequests or public or private donations to
15 such fund. Any moneys in the fund shall be used to fund the
16 operations of the education authority. The state treasurer shall
17 be custodian of the fund. In accordance with sections 30.170 and
18 30.180, the state treasurer may approve disbursements of public
19 money in accordance with distribution requirements and procedures
20 developed by the department of elementary and secondary education
21 and shall make disbursements of private money according to the
22 direction of the donor. If the donor did not specify how the
23 private funds were to be disbursed, the state treasurer shall
24 contact the donor to determine the manner of disbursement. The
25 fund shall be a dedicated fund and, upon appropriation, money in
26 the fund shall be used solely for the administration of sections
27 167.836 and 167.839.

28 2. Notwithstanding the provisions of section 33.080 to the

1 contrary, any moneys remaining in the fund at the end of the
2 biennium shall not revert to the credit of the general revenue
3 fund.

4 3. The state treasurer shall invest moneys in the fund in
5 the same manner as other funds are invested. Any interest and
6 moneys earned on such investments shall be credited to the fund.

7 167.842. 1. There is hereby established the "Statewide
8 Education Authority". The authority is hereby constituted a
9 public instrumentality and body politic and corporate, and the
10 exercise by the authority of the powers conferred by this section
11 shall be deemed and held to be the performance of an essential
12 public function. Unless otherwise provided, the authority shall
13 be subject to all general laws pertaining to the operation of
14 seven-director districts as defined in section 160.011. The
15 jurisdiction of the statewide education authority shall be all
16 counties except for:

17 (1) Any city not within a county;

18 (2) Any county with a charter form of government and with
19 more than six hundred thousand but fewer than seven hundred
20 thousand inhabitants and adjoining counties;

21 (3) Any county with a charter form of government and with
22 more than nine hundred fifty thousand inhabitants and adjoining
23 counties;

24 2. Whenever any district located in the statewide education
25 authority's jurisdiction is assigned a classification designation
26 of unaccredited by the state board of education, the authority
27 shall coordinate student transfers from unaccredited schools in
28 the unaccredited district to accredited districts in the same or

1 an adjoining county, and if applicable, to nonsectarian private
2 schools.

3 3. The authority shall consist of five members to be
4 appointed by the governor, by and with the advice and consent of
5 the senate, each of whom shall be a resident of the state. The
6 members shall reflect the population characteristics of the
7 districts they represent. Not more than three of the five
8 members of the authority shall be of the same political party.
9 The governor shall not appoint members to the authority until the
10 state board of education gives notice that a district in the
11 authority's jurisdiction has been declared unaccredited. The
12 length of term for members shall be six years except for the
13 initial members, who shall be appointed in the following manner:

14 (1) One member shall be appointed for a term of two years;

15 (2) One member shall be appointed for a term of three
16 years;

17 (3) One member shall be appointed for a term of four years;

18 (4) One member shall be appointed for a term of five years;

19 and

20 (5) One member shall be appointed for a term of six years.

21 4. The term length of each initial appointee shall be
22 designated by the governor at the time of making the appointment.
23 Upon the expiration of the initial terms of office, successor
24 members shall be appointed for terms of six years and shall serve
25 until their successors have been appointed and have qualified.
26 Any member shall be eligible for reappointment. The governor
27 shall fill any vacancy for the remainder of any unexpired term
28 within thirty days of notification of the vacancy. If the

1 governor does not make the appointment in the required time, the
2 lieutenant governor shall make such appointment. If the
3 lieutenant governor does not make the appointment in thirty days,
4 the speaker of the house of representatives shall make such
5 appointment. Any member of the authority may be removed by the
6 governor for misfeasance, malfeasance, willful neglect of duty,
7 or other cause after notice and a public hearing unless the
8 notice or hearing shall be expressly waived in writing.

9 5. Members of the authority shall receive no compensation
10 for services, but shall be entitled to reimbursement for
11 necessary expenses, including traveling and lodging expenses,
12 incurred in the discharge of their duties. Any payment for
13 expenses shall be paid from funds of the authority.

14 6. One member of the authority, designated by the governor
15 for the purpose, shall call and convene the initial
16 organizational meeting of the authority and shall serve as its
17 president pro tempore. At the initial meeting and annually
18 thereafter, the authority shall elect one of its members as
19 president. The authority may appoint an executive director who
20 shall not be a member of the authority and who shall serve at its
21 pleasure. If an executive director is appointed, he or she shall
22 receive such compensation as shall be fixed from time to time by
23 action of the authority. The authority shall appoint a member as
24 secretary who shall keep a record of the proceedings of the
25 authority and shall be the custodian of all books, documents, and
26 papers filed with the authority, the minute books or journal
27 thereof, and its official seal. The secretary may cause copies
28 to be made of all minutes and other records and documents of the

1 authority and may give certificates under the official seal of
2 the authority to the effect that the copies are true and correct
3 copies, and all persons dealing with the authority may rely on
4 such certificates. The authority, by resolution duly adopted,
5 shall fix the powers and duties of its executive director as it
6 may, from time to time, deem proper and necessary.

7 7. Meetings, records, and operations of the authority shall
8 be subject to the provisions of chapter 610.

9 8. The authority shall have the following powers, together
10 with all powers incidental thereto or necessary for the
11 performance thereof to:

12 (1) Have perpetual succession as a body politic and
13 corporate;

14 (2) Adopt bylaws for the regulation of its affairs and the
15 conduct of its business;

16 (3) Sue and be sued and to prosecute and defend, at law or
17 in equity, in any court having jurisdiction of the subject matter
18 and of the parties;

19 (4) Establish and use a corporate seal and to alter the
20 same at pleasure;

21 (5) Maintain an office at such place or places in the state
22 of Missouri as it may designate;

23 (6) Employ an executive director and other staff as needed,
24 with compensation fixed by the authority;

25 (7) Coordinate student transfers from unaccredited schools
26 in unaccredited districts located in its jurisdiction, as
27 provided by law; and

28 (8) Coordinate and collaborate with local districts and

1 local governments for the transfer of students, as provided by
2 law.

3 167.845. 1. There is hereby created in the state treasury
4 the "Statewide Education Authority Fund". The fund shall consist
5 of any gifts, bequests, or public or private donations to such
6 fund. Any moneys in the fund shall be used to fund the
7 operations of the education authority. The state treasurer shall
8 be custodian of the fund. In accordance with sections 30.170 and
9 30.180, the state treasurer may approve disbursements of public
10 money in accordance with distribution requirements and procedures
11 developed by the department of elementary and secondary education
12 and shall make disbursement of private funds according to the
13 directions of the donor. If the donor did not specify how the
14 private funds were to be disbursed, the state treasurer shall
15 contact the donor to determine the manner of disbursement. The
16 fund shall be a dedicated fund and, upon appropriation, money in
17 the fund shall be used solely for the administration of sections
18 167.842 and 167.845.

19 2. Notwithstanding the provisions of section 33.080 to the
20 contrary, any moneys remaining in the fund at the end of the
21 biennium shall not revert to the credit of the general revenue
22 fund.

23 3. The state treasurer shall invest moneys in the fund in
24 the same manner as other funds are invested. Any interest and
25 moneys earned on such investments shall be credited to the fund.

26 167.848. For purposes of sections 161.084, 161.086,
27 161.238, 162.1310, 167.642, 167.685, and 167.687, and 167.825 to
28 167.848, the following terms shall mean:

1 (1) "Accredited district", a school district that is
2 accredited by the state board of education pursuant to the
3 authority of the state board of education to classify schools as
4 established in sections 161.086 and 161.092;

5 (2) "Accredited school", an attendance center that is
6 accredited by the state board of education pursuant to the
7 authority of the state board of education to classify schools as
8 established in sections 161.086, 161.092, and 161.238;

9 (3) "Attendance center", a public school building or
10 buildings or part of a school building that constitutes one unit
11 for accountability purposes under the Missouri school improvement
12 program;

13 (4) "Borderline district", a school district that has a
14 current annual performance report score between seventy-five and
15 seventy with the last two consecutive years showing a decline in
16 the score, with a district third-grade or eighth-grade statewide
17 reading assessment that shows that fifty percent or more of the
18 students are at a level less than proficient, and a transient
19 student ratio in the top quartile of districts;

20 (5) "Education authority" or "authority", an education
21 authority established under sections 167.830 to 167.845;

22 (6) "Nonsectarian school", "nonsectarian private school" or
23 "private nonsectarian school", a school that is not part of the
24 public school system of the state of Missouri, that charges
25 tuition for the rendering of elementary and secondary educational
26 services, and that is not disqualified from accepting public
27 funds by any provision of the Missouri or United States
28 Constitutions;

1 (7) "Provisionally accredited district", a school district
2 that is classified as provisionally accredited by the state board
3 of education pursuant to the authority of the state board of
4 education to classify schools as established in sections 161.086
5 and 161.092;

6 (8) "Provisionally accredited school", an attendance center
7 that is classified as provisionally accredited by the state board
8 of education pursuant to the authority of the state board of
9 education to classify schools as established in sections 161.086,
10 161.092, and 161.238;

11 (9) "Unaccredited district", a school district classified
12 as unaccredited by the state board of education pursuant to the
13 authority of the state board of education to classify schools as
14 established in sections 161.086 and 161.092;

15 (10) "Unaccredited school", an attendance center that is
16 classified as unaccredited by the state board of education
17 pursuant to the authority of the state board of education to
18 classify schools as established in sections 161.086, 161.092, and
19 161.238;

20 (11) "Underperforming", a school district or an attendance
21 center that has been classified as unaccredited or provisionally
22 accredited pursuant to the authority of the state board of
23 education to classify schools or has a three-year average annual
24 performance report score consistent with a classification of
25 provisionally accredited or unaccredited.

26 168.205. Notwithstanding any provision of law to the
27 contrary, two or more school districts may share a superintendent
28 who possesses a valid Missouri superintendent's license. If any

1 school districts choose to share a superintendent, they shall not
2 be required to receive approval from the department of elementary
3 and secondary education but may notify the department.

4 170.215. 1. Any school district may enter into a contract
5 with a public library to provide online tutoring services through
6 a third party vendor or a nonprofit organization for the
7 district's students. Any tutoring services shall be conducted
8 through any compatible computer to participating students who
9 have a library card, both within and without the public library
10 facility.

11 2. Online tutoring services may include, but shall not be
12 limited to, providing participating students with a library card
13 the following:

14 (1) Assistance with homework;

15 (2) Collaboration and study tools in math, science, social
16 sciences, English, language arts, and computer literacy;

17 (3) Access to comprehensive writing assistance productivity
18 software; and

19 (4) Test preparation tools.

20 3. Any contract may allow participating students with a
21 library card dedicated access to assistance during specified
22 hours of the day and specified days of the week. A contract may
23 also allow students to submit questions to tutors or join online
24 study groups.

25 4. Online tutoring services shall be designed and
26 implemented in such a manner as to:

27 (1) Protect individual student privacy;

28 (2) Prohibit voice communication between the parties; and

1 (3) Prohibit face-to-face visual communication.

2 5. No employee of any third party vendor or a nonprofit
3 organization with which a public library has contracted for
4 online tutoring services shall solicit personally identifiable
5 information from any participating student, including but not
6 limited to home address, telephone number, and email address.

7 6. Each school district that offers online tutoring
8 services under this section shall maintain an archive of all
9 communications between students and tutors for two years that
10 shall be accessible to district officials and tutoring
11 supervisors.

12 7. School districts may use available funds or seek grants
13 from private foundations to cover the costs of online tutoring
14 services.

15 170.320. 1. There is hereby created in the state treasury
16 the "Parent Portal Fund". The fund shall consist of any gifts,
17 bequests, or public or private donations to such fund. Any
18 moneys in the fund shall be used to assist districts in
19 establishing and maintaining a parent portal. School districts
20 may establish a parent portal that shall be accessible by mobile
21 technology for parents to have access to educational information
22 and access to student data. Any person or entity that makes a
23 gift, bequest, or donation to the fund may specify the district
24 that shall be the recipient of such gift, bequest, or donation.

25 2. The state treasurer shall be custodian of the fund. In
26 accordance with sections 30.170 and 30.180, the state treasurer
27 may approve disbursements of public money in accordance with
28 distribution requirements and procedures developed by the

1 department of elementary and secondary education and shall make
2 disbursements of private funds according to the directions of the
3 donor. If the donor did not specify how the private funds were
4 to be disbursed, the state treasurer shall contact the donor to
5 determine the manner of disbursement. The fund shall be a
6 dedicated fund and, upon appropriation, money in the fund shall
7 be used solely for the administration of this section.

8 3. Notwithstanding the provisions of section 33.080 to the
9 contrary, any moneys remaining in the fund at the end of the
10 biennium shall not revert to the credit of the general revenue
11 fund.

12 4. The state treasurer shall invest moneys in the fund in
13 the same manner as other funds are invested. Any interest and
14 moneys earned on such investments shall be credited to the fund.

15 171.029. 1. Through school year 2014-2015, the school
16 board of any school district in the state, upon adoption of a
17 resolution by the vote of a majority of all its members to
18 authorize such action, may establish a four-day school week or
19 other calendar consisting of less than one hundred seventy-four
20 days in lieu of a five-day school week. Upon adoption of a
21 four-day school week or other calendar consisting of less than
22 one hundred seventy-four days, the school shall file a calendar
23 with the department of elementary and secondary education in
24 accordance with section 171.031. Such calendar shall include,
25 but not be limited to, a minimum term of one hundred forty-two
26 days and one thousand forty-four hours of actual pupil
27 attendance.

28 2. If a school district that attends less than one hundred

1 seventy-four days meets at least two fewer performance standards
2 on two successive annual performance reports than it met on its
3 last annual performance report received prior to implementing a
4 calendar year of less than one hundred seventy-four days, it
5 shall be required to revert to a one hundred seventy-four-day
6 school year in the school year following the report of the drop
7 in the number of performance standards met. When the number of
8 performance standards met reaches the earlier number, the
9 district may return to the four-day week or other calendar
10 consisting of less than one hundred seventy-four days in the next
11 school year.

12 3. The provisions of this section shall terminate on July
13 1, 2015.

14 171.031. 1. Each school board shall prepare annually a
15 calendar for the school term, specifying the opening date, days
16 of planned attendance, and providing a minimum term of at least
17 one hundred seventy-four days for schools with a five-day school
18 week or one hundred forty-two days for schools with a four-day
19 school week, and one thousand forty-four hours of actual pupil
20 attendance. As of school year 2015-2016, one thousand forty-four
21 hours of actual pupil attendance shall be required with no
22 minimum number of school days. In addition, such calendar shall
23 include six make-up days for possible loss of attendance due to
24 inclement weather as defined in subsection 1 of section 171.033.
25 Beginning in school year 2015-2016, such calendar shall include
26 thirty-six make-up hours for possible loss of attendance due to
27 inclement weather as defined in subsection 1 of section 171.033.

28 2. Each local school district may set its opening date each

1 year, which date shall be no earlier than ten calendar days prior
2 to the first Monday in September. No public school district
3 shall select an earlier start date unless the district follows
4 the procedure set forth in subsection 3 of this section.

5 3. A district may set an opening date that is more than ten
6 calendar days prior to the first Monday in September only if the
7 local school board first gives public notice of a public meeting
8 to be held on a separate date from a regularly scheduled board
9 meeting to discuss the proposal of opening school on a date more
10 than ten days prior to the first Monday in September, and the
11 local school board holds said meeting and, at the same public
12 meeting, a majority of the board votes to allow an earlier
13 opening date. If all of the previous conditions are met, the
14 district may set its opening date more than ten calendar days
15 prior to the first Monday in September. The [condition provided
16 in this subsection must be satisfied by the] local school board
17 shall follow the procedure of this subsection each year that the
18 board proposes an opening date more than ten days before the
19 first Monday in September.

20 4. If any local district violates the provisions of this
21 section, the department of elementary and secondary education
22 shall withhold an amount equal to one quarter of the state
23 funding the district generated under section 163.031 for each
24 date the district was in violation of this section.

25 5. The provisions of subsections 2 to 4 of this section
26 shall not apply to school districts in which school is in session
27 for twelve months of each calendar year.

28 6. The state board of education may grant an exemption from

1 this section to a school district that demonstrates highly
2 unusual and extenuating circumstances justifying exemption from
3 the provisions of subsections 2 to 4 of this section. Any
4 exemption granted by the state board of education shall be valid
5 for one academic year only.

6 7. No school day [for schools with a five-day school week]
7 shall be longer than seven hours except for:

8 (1) Vocational schools which may adopt an eight-hour day in
9 a metropolitan school district and a school district in a first
10 class county adjacent to a city not within a county, and until
11 school year 2015-2016 any school that adopts a four-day school
12 week in accordance with section 171.029; and

13 (2) A school district that increases the length of the
14 school day or the number of required hours by following the
15 procedure established in subsection 8 of this section.

16 8. The school board of any district in this state that has
17 been declared unaccredited or provisionally accredited or that is
18 accredited but has a three-year average annual performance report
19 score consistent with a classification of unaccredited or
20 provisionally accredited may increase the length of the school
21 day upon adoption of a resolution by a majority vote to authorize
22 such action. Such a school district may also increase the annual
23 hours of instruction above the required number of hours in
24 subsection 1 of this section by the adoption of a resolution by a
25 majority vote to authorize such action.

26 9. (1) There is hereby created in the state treasury the
27 "Extended Learning Time Fund". The fund shall consist of any
28 moneys that may be appropriated by the general assembly from

1 general revenue to such fund, any moneys paid into the state
2 treasury and required by law to be credited to such fund and any
3 gifts, bequests or public or private donations to such fund.

4 (2) The state treasurer shall be custodian of the fund. In
5 accordance with sections 30.170 and 30.180, the state treasurer
6 may approve disbursements in accordance with distribution
7 requirements and procedures developed by the department of
8 elementary and secondary education. The fund shall be a
9 dedicated fund and, upon appropriation, money in the fund shall
10 be used solely for the administration of subsection 8 of this
11 section.

12 (3) Notwithstanding the provisions of section 33.080 to the
13 contrary, any moneys remaining in the fund at the end of the
14 biennium shall not revert to the credit of the general revenue
15 fund.

16 (4) The state treasurer shall invest moneys in the fund in
17 the same manner as other funds are invested. Any interest and
18 moneys earned on such investments shall be credited to the fund.

19 171.033. 1. "Inclement weather", for purposes of this
20 section, shall be defined as ice, snow, extreme cold, flooding,
21 or a tornado, but such term shall not include excessive heat.

22 2. A district shall be required to make up the first six
23 days of school lost or cancelled due to inclement weather and
24 half the number of days lost or cancelled in excess of six days
25 if the makeup of the days is necessary to ensure that the
26 district's students will attend a minimum of one hundred
27 forty-two days and a minimum of one thousand forty-four hours for
28 the school year except as otherwise provided in this section.

1 Schools with a four-day school week may schedule such make-up
2 days on Fridays. Beginning in school year 2015-2016, make-up
3 time shall be scheduled in hours with the first thirty-six hours
4 of school lost or cancelled due to inclement weather and half the
5 number of hours lost or cancelled to an excess of thirty-six if
6 the makeup of the hours is necessary to ensure that the
7 district's students shall attend minimum of one thousand forty-
8 four hours for the school year.

9 3. [In the 2008-09 school year a school district may be
10 exempt from the requirement to make up days of school lost or
11 cancelled due to inclement weather in the school district when
12 the school district has made up the six days required under
13 subsection 2 of this section and half the number of additional
14 lost or cancelled days up to eight days, resulting in no more
15 than ten total make-up days required by this section.

16 4.] In the 2009-10 school year and subsequent years, a
17 school district may be exempt from the requirement to make up
18 days of school lost or cancelled due to inclement weather in the
19 school district when the school district has made up the six days
20 required under subsection 2 of this section and half the number
21 of additional lost or cancelled days up to eight days, resulting
22 in no more than ten total make-up days required by this section.
23 Beginning in the 2015-2016 school year, a school district may be
24 exempt from the requirement to make up school lost or cancelled
25 due to inclement weather in the school district when the district
26 has made up the thirty-six hours required under subsection 2 of
27 this section and half the number of additional lost or cancelled
28 hours up to forty-eight, resulting in no more than sixty total

1 make-up hours required by this section.

2 [5.] 4. The commissioner of education may provide, for any
3 school district [in which schools are in session for twelve
4 months of each calendar year] that cannot meet the minimum school
5 calendar requirement of at least one hundred seventy-four days
6 for schools with a five-day school week or one hundred forty-two
7 days for schools with a four-day school week and one thousand
8 forty-four hours of actual pupil attendance or beginning in
9 school year 2015-2016, one thousand forty-four hours of actual
10 pupil attendance, upon request, a waiver to be excused from such
11 requirement. This waiver shall be requested from the
12 commissioner of education and may be granted if the school was
13 closed due to circumstances beyond school district control,
14 including inclement weather, flooding or fire.

15 177.011. 1. The title of all schoolhouse sites and other
16 school property is vested in the district in which the property
17 is located, or if the directors of both school districts involved
18 agree, a school district may own property outside of the
19 boundaries of the district and operate upon such property for
20 school purposes; provided that, such property may only be used
21 for school purposes for students residing in the school district
22 owning such property or students who are enrolled in such school
23 district as part of a court-ordered desegregation plan. All
24 property leased or rented for school purposes shall be wholly
25 under the control of the school board during such time. With the
26 exception of lease agreements entered into under the provisions
27 of section 177.088, no board shall lease or rent any building for
28 school purposes while the district schoolhouse is unoccupied, and

1 no schoolhouse or school site shall be abandoned or sold until
2 another site and house are provided for the school district.

3 2. Notwithstanding the provisions of section 178.770, the
4 provisions of this section shall not apply to community college
5 districts. Nothing in this subsection shall be construed to
6 impair the duty and authority of the coordinating board for
7 higher education to approve academic programs under section
8 173.005.

9 177.088. 1. As used in this section, the following terms
10 shall mean:

11 (1) "Board", the board of education, board of trustees,
12 board of regents, or board of governors of an educational
13 institution;

14 (2) "Educational institution", any school district,
15 including all community college districts, and any state college
16 or university organized under chapter 174.

17 2. The board of any educational institution may enter into
18 agreements as authorized in this section [with a not-for-profit
19 corporation formed under the general not-for-profit corporation
20 law of Missouri, chapter 355,] in order to provide for the
21 acquisition, construction, improvement, extension, repair,
22 remodeling, renovation and financing of sites, buildings,
23 facilities, furnishings and equipment for the use of the
24 educational institution for educational purposes.

25 3. The board may on such terms as it shall approve:

26 (1) Lease [from the corporation] sites, buildings,
27 facilities, furnishings and equipment [which the corporation has]
28 acquired or constructed; or

1 (2) Notwithstanding the provisions of this chapter or any
2 other provision of law to the contrary, sell or lease at fair
3 market value, which may be determined by appraisal, [to the
4 corporation] any existing sites [owned by the educational
5 institution], together with any existing buildings and facilities
6 thereon, in order [for the corporation] to acquire, construct,
7 improve, extend, repair, remodel, renovate, furnish and equip
8 buildings and facilities thereon, and [then] lease back or
9 purchase such sites, buildings and facilities [from the
10 corporation]; provided that upon selling or leasing the sites,
11 buildings or facilities, [the corporation agrees to enter into a
12 lease for] any lease back to the educational institution is not
13 more than one year [but] in length, and with not more than
14 twenty-five successive options by the educational institution to
15 renew the lease under the same conditions; and provided further
16 that [the corporation agrees] there is an agreement to convey or
17 sell the sites, buildings or facilities, including any
18 improvements, extensions, renovations, furnishings or equipment,
19 back to the educational institution with clear title at the end
20 of the period of successive one-year options or at any time
21 bonds, notes or other obligations issued [by the corporation] to
22 pay for the improvements, extensions, renovations, furnishings or
23 equipment have been paid and discharged.

24 4. Any consideration, promissory note or deed of trust
25 which an educational institution receives for selling or leasing
26 property [to a not-for-profit corporation] pursuant to this
27 section shall be placed in a separate fund or in escrow, and
28 neither the principal or any interest thereon shall be commingled

1 with any other funds of the educational institutions. At such
2 time as the title or deed for property acquired, constructed,
3 improved, extended, repaired, remodeled or renovated under this
4 section is conveyed to the educational institution, the
5 consideration shall be returned [to the corporation].

6 5. The board may make rental payments [to the corporation]
7 under such leases out of its general funds or out of any other
8 available funds, provided that in no event shall the educational
9 institution become indebted in an amount exceeding in any year
10 the income and revenue of the educational institution for such
11 year plus any unencumbered balances from previous years.

12 6. Any bonds, notes and other obligations issued [by a
13 corporation] to pay for the acquisition, construction,
14 improvements, extensions, repairs, remodeling or renovations of
15 sites, buildings and facilities, pursuant to this section, may be
16 secured by a mortgage, pledge or deed of trust of the sites,
17 buildings and facilities and a pledge of the revenues received
18 from the rental thereof to the educational institution. Such
19 bonds, notes and other obligations issued [by a corporation]
20 shall not be a debt of the educational institution and the
21 educational institution shall not be liable thereon, and in no
22 event shall such bonds, notes or other obligations be payable out
23 of any funds or properties other than those acquired for the
24 purposes of this section, and such bonds, notes and obligations
25 shall not constitute an indebtedness of the educational
26 institution within the meaning of any constitutional or statutory
27 debt limitation or restriction.

28 7. The interest on such bonds, notes and other obligations

1 [of the corporation] and the income therefrom shall be exempt
2 from taxation by the state and its political subdivisions, except
3 for death and gift taxes on transfers. Sites, buildings,
4 facilities, furnishings and equipment owned [by a corporation] in
5 connection with any project pursuant to this section shall be
6 exempt from taxation.

7 8. The board may make all other contracts or agreements
8 [with the corporation] necessary or convenient in connection with
9 any project pursuant to this section. [The corporation shall
10 comply with sections 290.210 to 290.340.]

11 9. Notice that the board is considering a project pursuant
12 to this section shall be given by publication in a newspaper
13 published within the county in which all or a part of the
14 educational institution is located which has general circulation
15 within the area of the educational institution, once a week for
16 two consecutive weeks, the last publication to be at least seven
17 days prior to the date of the meeting of the board at which such
18 project will be considered and acted upon.

19 10. [Provisions of other law to the contrary
20 notwithstanding, the board may refinance any lease purchase
21 agreement that satisfies at least one of the conditions specified
22 in subsection 6 of section 165.011 for the purpose of payment on
23 any lease with the corporation under this section for sites,
24 buildings, facilities, furnishings or equipment which the
25 corporation has acquired or constructed, but such refinance shall
26 not extend the date of maturity of any obligation, and the
27 refinancing obligation shall not exceed the amount necessary to
28 pay or provide for the payment of the principal of the

1 outstanding obligations to be refinanced, together with the
2 interest accrued thereon to the date of maturity or redemption of
3 such obligations and any premium which may be due under the terms
4 of such obligations and any amounts necessary for the payments of
5 costs and expenses related to issuing such refunding obligations
6 and to fund a capital projects reserve fund for the obligations.

7 11.] Provisions of other law to the contrary
8 notwithstanding, payments made from any source by a school
9 district, after the latter of July 1, 1994, or July 12, 1994,
10 that result in the transfer of the title of real property to the
11 school district, other than those payments made from the capital
12 projects fund, shall be deducted as an adjustment to the funds
13 payable to the district pursuant to section 163.031 beginning in
14 the year following the transfer of title to the district, as
15 determined by the department of elementary and secondary
16 education. No district with modular buildings leased in fiscal
17 year 2004, with the lease payments made from the incidental fund
18 and that initiates the transfer of title to the district after
19 fiscal year 2007, shall have any adjustment to the funds payable
20 to the district under section 163.031 as a result of the transfer
21 of title.

22 [12.] 11. Notwithstanding provisions of this section to the
23 contrary, the board of education of any school district may enter
24 into agreements with the county in which the school district is
25 located, or with a city, town, or village wholly or partially
26 located within the boundaries of the school district, in order to
27 provide for the acquisition, construction, improvement,
28 extension, repair, remodeling, renovation, and financing of

1 sites, buildings, facilities, furnishings, and equipment for the
2 use of the school district for educational purposes. Such an
3 agreement may provide for the present or future acquisition of an
4 ownership interest in such facilities by the school district, by
5 lease, lease-purchase agreement, option to purchase agreement, or
6 similar provisions, and may provide for a joint venture between
7 the school district and other entity or entities that are parties
8 to such an agreement providing for the sharing of the costs of
9 acquisition, construction, repair, maintenance, and operation of
10 such facilities. The school district may wholly own such
11 facilities, or may acquire a partial ownership interest along
12 with the county, city, town, or village with which the agreement
13 was executed.

14 210.861. 1. When the tax prescribed by section 210.860 or
15 section 67.1775 is established, the governing body of the city or
16 county or city not within a county shall appoint a board of
17 directors consisting of nine members, who shall be residents of
18 the city or county or city not within a county. All board
19 members shall be appointed to serve for a term of three years,
20 except that of the first board appointed, three members shall be
21 appointed for one-year terms, three members for two-year terms
22 and three members for three-year terms. Board members may be
23 reappointed. In a city not within a county, or any county of the
24 first classification with a charter form of government with a
25 population not less than nine hundred thousand inhabitants, or
26 any county of the first classification with a charter form of
27 government with a population not less than two hundred thousand
28 inhabitants and not more than six hundred thousand inhabitants,

1 or any noncharter county of the first classification with a
2 population not less than one hundred seventy thousand and not
3 more than two hundred thousand inhabitants, or any noncharter
4 county of the first classification with a population not less
5 than eighty thousand and not more than eighty-three thousand
6 inhabitants, or any third classification county with a population
7 not less than twenty-eight thousand and not more than thirty
8 thousand inhabitants, or any county of the third classification
9 with a population not less than nineteen thousand five hundred
10 and not more than twenty thousand inhabitants the members of the
11 community mental health board of trustees appointed pursuant to
12 the provisions of sections 205.975 to 205.990 shall be the board
13 members for the community children's services fund. The
14 directors shall not receive compensation for their services, but
15 may be reimbursed for their actual and necessary expenses.

16 2. The board shall elect a chairman, vice chairman,
17 treasurer, and such other officers as it deems necessary for its
18 membership. Before taking office, the treasurer shall furnish a
19 surety bond, in an amount to be determined and in a form to be
20 approved by the board, for the faithful performance of his or her
21 duties and faithful accounting of all moneys that may come into
22 his or her hands. The treasurer shall enter into the surety bond
23 with a surety company authorized to do business in Missouri, and
24 the cost of such bond shall be paid by the board of directors.
25 The board shall administer and expend all funds generated
26 pursuant to section 210.860 or section 67.1775 in a manner
27 consistent with this section.

28 3. The board may contract with public or not-for-profit

1 agencies licensed or certified where appropriate to provide
2 qualified services and may place conditions on the use of such
3 funds. The board shall reserve the right to audit the
4 expenditure of any and all funds. The board and any agency with
5 which the board contracts may establish eligibility standards for
6 the use of such funds and the receipt of services. No member of
7 the board shall serve on the governing body, have any financial
8 interest in, or be employed by any agency which is a recipient of
9 funds generated pursuant to section 210.860 or section 67.1775.

10 4. Revenues collected and deposited in the community
11 children's services fund may be expended for the purchase of the
12 following services:

13 (1) Up to thirty days of temporary shelter for abused,
14 neglected, runaway, homeless or emotionally disturbed youth;
15 respite care services; and services to unwed mothers;

16 (2) Outpatient chemical dependency and psychiatric
17 treatment programs; counseling and related services as a part of
18 transitional living programs; home-based and community-based
19 family intervention programs; unmarried parent services; crisis
20 intervention services, inclusive of telephone hotlines; and
21 prevention programs which promote healthy lifestyles among
22 children and youth and strengthen families;

23 (3) Individual, group, or family professional counseling
24 and therapy services; psychological evaluations; and mental
25 health screenings.

26 5. Revenues collected and deposited in the community
27 children's services fund may not be expended for inpatient
28 medical, psychiatric, and chemical dependency services, or for

1 transportation services.

2 6. (1) In fiscal years 2015 and 2016, in any county with a
3 charter form of government and with more than nine hundred fifty
4 thousand inhabitants that contains all or any portion of a school
5 district that has been designated as unaccredited or
6 provisionally accredited by the state board of education, up to
7 five percent of the service fund's yearly revenues, based on the
8 total dollar amount needed to provide services as determined by a
9 needs assessment, shall be devoted to a grant program that
10 delivers services directly to schools in such districts according
11 to the procedure in this subsection. The president of the school
12 board shall notify the board of directors within five business
13 days after such designation. The board shall, in its budget
14 process for the following fiscal year, ensure that the total
15 amount of funds needed to provide services based on the needs
16 assessment is allocated according to this subsection, not to
17 exceed five percent of the service fund's yearly revenues. If
18 the total amount of funds needed to provide such services exceeds
19 five percent of the service fund's yearly revenues, the funds
20 shall be distributed in an order based on the greatest need for
21 each district. Any moneys distributed from the fund to a
22 district shall be subject to an annual audit.

23 (2) The board shall undertake a needs assessment for any
24 such school district within ninety days after receipt of the
25 notice under this subsection. The needs assessment shall be used
26 as a basis for comprehensive mental health wraparound services
27 delivery for which the board shall contract as provided under
28 subsection 3 of this section.

1 (3) The board shall appoint one of its members to a direct
2 school service coordinating committee. The board may appoint an
3 additional one of its member to serve as an ex-officio member.
4 The board shall appoint a social worker to the committee. The
5 school board of each affected district shall appoint two parents
6 with a child enrolled in a public school in the district based on
7 school district identification numbers from the department of
8 elementary and secondary education, rotating year to year from
9 highest number to lowest number. The school board of each
10 affected district shall appoint a school services staff member.
11 The superintendent of each affected district shall serve on the
12 committee. An additional member from each affected district may
13 be appointed to serve as an ex-officio member.

14 (4) The direct school service coordinating committee shall
15 provide recommendations and oversight to the program of
16 contracted services under this subsection.

17 (5) If an additional district becomes unaccredited or
18 provisionally accredited in the service area of the children's
19 services fund, the general assembly shall review the percentage
20 of revenue dedicated to the grant program for a possible
21 increase.

22 (6) The provisions of this subsection shall terminate on
23 June 30, 2016.

24 Section 1. 1. There is hereby established within the
25 department of elementary and secondary education a task force, to
26 be known as the "School Transfer and Improvement Task Force",
27 which shall be composed of eleven members.

28 2. The task force is hereby created to study the following:

1 (1) Means to address failing schools, including but not
2 limited to, the creation of a school improvement district;

3 (2) Developing options for school transfer finance
4 formulas;

5 (3) Best practices for how to design and finance public
6 virtual and blended schools; and

7 (4) Best practices and possible pilot projects to assist
8 transient students.

9 3. The task force shall consist of the following members:

10 (1) Three members of the senate, appointed by the president
11 pro tempore of the senate, of whom not more than two shall be of
12 the same party;

13 (2) One member from an education policy research
14 organization in Missouri, appointed by the president pro tempore
15 of the senate;

16 (3) Three members of the house of representatives,
17 appointed by the speaker, of whom not more than two shall be of
18 the same party;

19 (4) One member from a statewide business association,
20 appointed by the speaker of the house of representatives;

21 (5) The commissioner of education, or his or her designee;

22 (6) One member from an education organization consisting
23 exclusively of elected officials, appointed by the commissioner
24 of education;

25 (7) The lieutenant governor, or his or her designee.

26 4. The first meeting of the task force shall be called by
27 the president pro tempore of the senate. The task force shall
28 elect a presiding officer by a majority vote of the membership of

1 the task force. Subsequent meetings of the task force shall be
2 at the call of the presiding officer.

3 5. The task force shall make recommendations regarding the
4 provisions of subsection 2 of this section. In making those
5 recommendations, the task force shall receive reports and
6 testimony from individuals, state and local agencies, experts and
7 other public and private organizations.

8 6. The task force's recommendations may include proposals
9 for specific statutory changes.

10 7. The members shall receive no compensation for their
11 services on the task force but shall be reimbursed for ordinary
12 and necessary expenses incurred in the performance of their
13 duties.

14 8. By February 1, 2015, the task force shall report its
15 findings and recommendations to the general assembly.

16 9. The provisions of this section shall expire on April 31,
17 2015.

18 Section B. Because of the importance of improving and
19 sustaining Missouri's elementary and secondary education system
20 and establishing standards for student transfers to school
21 districts, section A of this act is deemed necessary for the
22 immediate preservation of the public health, welfare, peace and
23 safety, and is hereby declared to be an emergency act within the
24 meaning of the constitution, and section A of this act shall be
25 in full force and effect upon its passage and approval.

26 ✓
27
28
29

1

2

David Pearce

Rick Stream