

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/SCS/House Bill No. 1490, Page 1, Section title, Line 5,

2 by striking the word "standards"; and

3 Further amend said bill and page, Section A, line 5, by  
4 inserting after all of said line the following:

5 "160.400. 1. A charter school is an independent public  
6 school.

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

9 (1) In a metropolitan school district;

10 (2) In an urban school district containing most or all of a  
11 city with a population greater than three hundred fifty thousand  
12 inhabitants;

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

15 (4) In a school district that has been classified as  
16 provisionally accredited by the state board of education and has  
17 received scores on its annual performance report consistent with  
18 a classification of provisionally accredited or unaccredited for  
19 three consecutive school years beginning with the 2012-13  
20 accreditation year under the following conditions:

21 (a) The eligibility for charter schools of any school

1 district whose provisional accreditation is based in whole or in  
2 part on financial stress as defined in sections 161.520 to  
3 161.529, or on financial hardship as defined by rule of the state  
4 board of education, shall be decided by a vote of the state board  
5 of education during the third consecutive school year after the  
6 designation of provisional accreditation; and

7 (b) The sponsor is limited to the local school board or a  
8 sponsor who has met the standards of accountability and  
9 performance as determined by the department based on sections  
10 160.400 to 160.425 and section 167.349 and properly promulgated  
11 rules of the department; or

12 (5) In a school district that has been accredited without  
13 provisions, sponsored only by the local school board; provided  
14 that no board with a current year enrollment of one thousand five  
15 hundred fifty students or greater shall permit more than  
16 thirty-five percent of its student enrollment to enroll in  
17 charter schools sponsored by the local board under the authority  
18 of this subdivision, except that this restriction shall not apply  
19 to any school district that subsequently becomes eligible under  
20 subdivision (3) or (4) of this subsection or to any district  
21 accredited without provisions that sponsors charter schools prior  
22 to having a current year student enrollment of one thousand five  
23 hundred fifty students or greater.

24 3. Except as further provided in subsection 4 of this  
25 section, the following entities are eligible to sponsor charter  
26 schools:

27 (1) The school board of the district in any district which  
28 is sponsoring a charter school as of August 27, 2012, as  
29 permitted under subdivision (1) or (2) of subsection 2 of this

1 section, the special administrative board of a metropolitan  
2 school district during any time in which powers granted to the  
3 district's board of education are vested in a special  
4 administrative board, or if the state board of education appoints  
5 a special administrative board to retain the authority granted to  
6 the board of education of an urban school district containing  
7 most or all of a city with a population greater than three  
8 hundred fifty thousand inhabitants, the special administrative  
9 board of such school district;

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

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

15 (4) Any private four-year college or university with an  
16 enrollment of at least one thousand students, with its primary  
17 campus in Missouri, and with an approved teacher preparation  
18 program;

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

24 (6) The Missouri charter public school commission created  
25 in section 160.425.

26 4. Changes in a school district's accreditation status that  
27 affect charter schools shall be addressed as follows, except for  
28 the districts described in subdivisions (1) and (2) of subsection  
29 2 of this section:

1           (1) As a district transitions from unaccredited to  
2 provisionally accredited, the district shall continue to fall  
3 under the requirements for an unaccredited district until it  
4 achieves three consecutive full school years of provisional  
5 accreditation;

6           (2) As a district transitions from provisionally accredited  
7 to full accreditation, the district shall continue to fall under  
8 the requirements for a provisionally accredited district until it  
9 achieves three consecutive full school years of full  
10 accreditation;

11          (3) In any school district classified as unaccredited or  
12 provisionally accredited where a charter school is operating and  
13 is sponsored by an entity other than the local school board, when  
14 the school district becomes classified as accredited without  
15 provisions, a charter school may continue to be sponsored by the  
16 entity sponsoring it prior to the classification of accredited  
17 without provisions and shall not be limited to the local school  
18 board as a sponsor.

19 A charter school operating in a school district identified in  
20 subdivision (1) or (2) of subsection 2 of this section may be  
21 sponsored by any of the entities identified in subsection 3 of  
22 this section, irrespective of the accreditation classification of  
23 the district in which it is located. A charter school in a  
24 district described in this subsection whose charter provides for  
25 the addition of grade levels in subsequent years may continue to  
26 add levels until the planned expansion is complete to the extent  
27 of grade levels in comparable schools of the district in which  
28 the charter school is operated.

29          5. The mayor of a city not within a county may request a

1 sponsor under subdivision (2), (3), (4), (5), or (6) of  
2 subsection 3 of this section to consider sponsoring a "workplace  
3 charter school", which is defined for purposes of sections  
4 160.400 to 160.425 as a charter school with the ability to target  
5 prospective students whose parent or parents are employed in a  
6 business district, as defined in the charter, which is located in  
7 the city.

8 6. No sponsor shall receive from an applicant for a charter  
9 school any fee of any type for the consideration of a charter,  
10 nor may a sponsor condition its consideration of a charter on the  
11 promise of future payment of any kind.

12 7. The charter school shall be organized as a Missouri  
13 nonprofit corporation incorporated pursuant to chapter 355. The  
14 charter provided for herein shall constitute a contract between  
15 the sponsor and the charter school.

16 8. As a nonprofit corporation incorporated pursuant to  
17 chapter 355, the charter school shall select the method for  
18 election of officers pursuant to section 355.326 based on the  
19 class of corporation selected. Meetings of the governing board  
20 of the charter school shall be subject to the provisions of  
21 sections 610.010 to 610.030.

22 9. A sponsor of a charter school, its agents and employees  
23 are not liable for any acts or omissions of a charter school that  
24 it sponsors, including acts or omissions relating to the charter  
25 submitted by the charter school, the operation of the charter  
26 school and the performance of the charter school.

27 10. A charter school may affiliate with a four-year college  
28 or university, including a private college or university, or a  
29 community college as otherwise specified in subsection 3 of this

1 section when its charter is granted by a sponsor other than such  
2 college, university or community college. Affiliation status  
3 recognizes a relationship between the charter school and the  
4 college or university for purposes of teacher training and staff  
5 development, curriculum and assessment development, use of  
6 physical facilities owned by or rented on behalf of the college  
7 or university, and other similar purposes. A university, college  
8 or community college may not charge or accept a fee for  
9 affiliation status.

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

22 (1) Expends no less than ninety percent of its charter  
23 school sponsorship funds in support of its charter school  
24 sponsorship program, or as a direct investment in the sponsored  
25 schools;

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

1           (3) Negotiates contracts with charter schools that clearly  
2 articulate the rights and responsibilities of each party  
3 regarding school autonomy, expected outcomes, measures for  
4 evaluating success or failure, performance consequences, and  
5 other material terms;

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

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

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

16           13. No university, college or community college shall grant  
17 a charter to a nonprofit corporation if an employee of the  
18 university, college or community college is a member of the  
19 corporation's board of directors.

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

29           15. No member of the governing board of a charter school

1 shall hold any office or employment from the board or the charter  
2 school while serving as a member, nor shall the member have any  
3 substantial interest, as defined in section 105.450, in any  
4 entity employed by or contracting with the board. No board  
5 member shall be an employee of a company that provides  
6 substantial services to the charter school. All members of the  
7 governing board of the charter school shall be considered  
8 decision-making public servants as defined in section 105.450 for  
9 the purposes of the financial disclosure requirements contained  
10 in sections 105.483, 105.485, 105.487, and 105.489.

11 16. A sponsor shall develop the policies and procedures  
12 for:

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

20 (2) The granting of a charter;

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

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

29 (5) Additional criteria that the sponsor will use for



1 ongoing oversight of the charter; and

2 (6) Procedures to be implemented if a charter school should  
3 close, consistent with the provisions of subdivision (15) of  
4 subsection 1 of section 160.405.

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

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

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

25 19. In the event the department is unable to withhold  
26 sufficient funds prior to the closure as specified in subsection  
27 18 of this section, sponsors of charter schools shall be  
28 responsible for all expenditures associated with the closure of a  
29 charter school they sponsor. The provisions of this subsection

1 shall be applicable to newly proposed charters and those charters  
2 renewed after the effective date of this section.

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

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

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

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

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

29 (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  
29 procedures that ensure admission of students with disabilities in

1 a nondiscriminatory manner;

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

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

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

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

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

16 (c) Submission of final financial reports;

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

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

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

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

27 (17) For all new or revised charters, procedures to be used  
28 upon closure of the charter school requiring that unobligated  
29 assets of the charter school be returned to the department of

1 elementary and secondary education for their disposition, which  
2 upon receipt of such assets shall return them to the local school  
3 district in which the school was located, the state, or any other  
4 entity to which they would belong.

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

7 2. Proposed charters shall be subject to the following  
8 requirements:

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

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

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

26 (4) If a proposed charter is denied by a sponsor, the  
27 proposed charter may be submitted to the state board of  
28 education, along with the sponsor's written reasons for its  
29 denial. If the state board determines that the applicant meets

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

15 (5) The sponsor of a charter school shall give priority to  
16 charter school applicants that propose a school oriented to  
17 high-risk students and to the reentry of dropouts into the school  
18 system. If a sponsor grants three or more charters, at least  
19 one-third of the charters granted by the sponsor shall be to  
20 schools that actively recruit dropouts or high-risk students as  
21 their student body and address the needs of dropouts or high-risk  
22 students through their proposed mission, curriculum, teaching  
23 methods, and services. For purposes of this subsection, a  
24 "high-risk" student is one who is at least one year behind in  
25 satisfactory completion of course work or obtaining high school  
26 credits for graduation, has dropped out of school, is at risk of  
27 dropping out of school, needs drug and alcohol treatment, has  
28 severe behavioral problems, has been suspended from school three  
29 or more times, has a history of severe truancy, is a pregnant or

1 parenting teen, has been referred for enrollment by the judicial  
2 system, is exiting incarceration, is a refugee, is homeless or  
3 has been homeless sometime within the preceding six months, has  
4 been referred by an area school district for enrollment in an  
5 alternative program, or qualifies as high risk under department  
6 of elementary and secondary education guidelines. "Dropout"  
7 shall be defined through the guidelines of the school core data  
8 report. The provisions of this subsection do not apply to  
9 charters sponsored by the state board of education.

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



1 state board of education shall be in writing and shall identify  
2 the specific failures of the application to meet the requirements  
3 of sections 160.400 to 160.425 and section 167.349, and the  
4 written disapproval shall be provided within five business days  
5 to the sponsor.

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

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

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

20 (3) Except as provided in sections 160.400 to 160.425, be  
21 exempt from all laws and rules relating to schools, governing  
22 boards and school districts;

23 (4) Be financially accountable, use practices consistent  
24 with the Missouri financial accounting manual, provide for an  
25 annual audit by a certified public accountant, publish audit  
26 reports and annual financial reports as provided in chapter 165,  
27 provided that the annual financial report may be published on the  
28 department of elementary and secondary education's internet  
29 website in addition to other publishing requirements, and provide

1 liability insurance to indemnify the school, its board, staff and  
2 teachers against tort claims. A charter school that receives  
3 local educational agency status under subsection 6 of this  
4 section shall meet the requirements imposed by the Elementary and  
5 Secondary Education Act for audits of such agencies and comply  
6 with all federal audit requirements for charters with local  
7 education agency status. For purposes of an audit by petition  
8 under section 29.230, a charter school shall be treated as a  
9 political subdivision on the same terms and conditions as the  
10 school district in which it is located. For the purposes of  
11 securing such insurance, a charter school shall be eligible for  
12 the Missouri public entity risk management fund pursuant to  
13 section 537.700. A charter school that incurs debt shall include  
14 a repayment plan in its financial plan;

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

20 (6) (a) Design a method to measure pupil progress toward  
21 the pupil academic standards adopted by the state board of  
22 education pursuant to section 160.514, establish baseline student  
23 performance in accordance with the performance contract during  
24 the first year of operation, collect student performance data as  
25 defined by the annual performance report throughout the duration  
26 of the charter to annually monitor student academic performance,  
27 and to the extent applicable based upon grade levels offered by  
28 the charter school, participate in the statewide system of  
29 assessments, comprised of the essential skills tests and the

1 nationally standardized norm-referenced achievement tests, as  
2 designated by the state board pursuant to section 160.518,  
3 complete and distribute an annual report card as prescribed in  
4 section 160.522, which shall also include a statement that  
5 background checks have been completed on the charter school's  
6 board members, report to its sponsor, the local school district,  
7 and the state board of education as to its teaching methods and  
8 any educational innovations and the results thereof, and provide  
9 data required for the study of charter schools pursuant to  
10 subsection 4 of section 160.410. No charter school shall be  
11 considered in the Missouri school improvement program review of  
12 the district in which it is located for the resource or process  
13 standards of the program.

14 (b) For proposed high risk or alternative charter schools,  
15 sponsors shall approve performance measures based on mission,  
16 curriculum, teaching methods, and services. Sponsors shall also  
17 approve comprehensive academic and behavioral measures to  
18 determine whether students are meeting performance standards on a  
19 different time frame as specified in that school's charter.  
20 Student performance shall be assessed comprehensively to  
21 determine whether a high risk or alternative charter school has  
22 documented adequate student progress. Student performance shall  
23 be based on sponsor-approved comprehensive measures as well as  
24 standardized public school measures. Annual presentation of  
25 charter school report card data to the department of elementary  
26 and secondary education, the state board, and the public shall  
27 include comprehensive measures of student progress.

28 (c) Nothing in this subdivision shall be construed as  
29 permitting a charter school to be held to lower performance

1 standards than other public schools within a district; however,  
2 the charter of a charter school may permit students to meet  
3 performance standards on a different time frame as specified in  
4 its charter. The performance standards for alternative and  
5 special purpose charter schools that target high-risk students as  
6 defined in subdivision (5) of subsection 2 of this section shall  
7 be based on measures defined in the school's performance contract  
8 with its sponsors;

9 (7) Comply with all applicable federal and state laws and  
10 regulations regarding students with disabilities, including  
11 sections 162.670 to 162.710, the Individuals with Disabilities  
12 Education Act (20 U.S.C. Section 1400) and Section 504 of the  
13 Rehabilitation Act of 1973 (29 U.S.C. Section 794) or successor  
14 legislation;

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

17 (a) Documentation that the applicant has provided a copy of  
18 the application to the school board of the district in which the  
19 charter school is to be located, except in those circumstances  
20 where the school district is the sponsor of the charter school;  
21 and

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

25 5. (1) Proposed or existing high-risk or alternative  
26 charter schools may include alternative arrangements for students  
27 to obtain credit for satisfying graduation requirements in the  
28 school's charter application and charter. Alternative  
29 arrangements may include, but not be limited to, credit for

1 off-campus instruction, embedded credit, work experience through  
2 an internship arranged through the school, and independent  
3 studies. When the state board of education approves the charter,  
4 any such alternative arrangements shall be approved at such time.  
5

6 (2) The department of elementary and secondary education  
7 shall conduct a study of any charter school granted alternative  
8 arrangements for students to obtain credit under this subsection  
9 after three years of operation to assess student performance,  
10 graduation rates, educational outcomes, and entry into the  
11 workforce or higher education.

12 6. The charter of a charter school may be amended at the  
13 request of the governing body of the charter school and on the  
14 approval of the sponsor. The sponsor and the governing board and  
15 staff of the charter school shall jointly review the school's  
16 performance, management and operations during the first year of  
17 operation and then every other year after the most recent review  
18 or at any point where the operation or management of the charter  
19 school is changed or transferred to another entity, either public  
20 or private. The governing board of a charter school may amend  
21 the charter, if the sponsor approves such amendment, or the  
22 sponsor and the governing board may reach an agreement in writing  
23 to reflect the charter school's decision to become a local  
24 educational agency. In such case the sponsor shall give the  
25 department of elementary and secondary education written notice  
26 no later than March first of any year, with the agreement to  
27 become effective July first. The department may waive the March  
28 first notice date in its discretion. The department shall  
29 identify and furnish a list of its regulations that pertain to

1 local educational agencies to such schools within thirty days of  
2 receiving such notice.

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

5 (1) Participation in the statewide system of assessments,  
6 as designated by the state board of education under section  
7 160.518;

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

10 (3) The collection of baseline data during the first three  
11 years of operation to determine the longitudinal success of the  
12 charter school;

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

16 (5) Publication of each charter school's annual performance  
17 report.

18 8. (1) (a) A sponsor's intervention policies shall give  
19 schools clear, adequate, evidence-based, and timely notice of  
20 contract violations or performance deficiencies and mandate  
21 intervention based upon findings of the state board of education  
22 of the following:

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

27 b. The charter school's annual performance report results  
28 are below the district's annual performance report results based  
29 on the performance standards that are applicable to the grade

1 level configuration of both the charter school and the district  
2 in which the charter school is located in three of the last four  
3 school years; and

4 c. The charter school is identified as a persistently  
5 lowest achieving school by the department of elementary and  
6 secondary education.

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

9 a. Clear evidence of underperformance as [demonstrated in  
10 the charter school's annual performance report in three of the  
11 last four school years] determined by the charter school  
12 accreditation process outlined in subsection 15 of this section;  
13 or

14 b. A violation of the law or the public trust that imperils  
15 students or public funds.

16 (c) A sponsor shall revoke a charter or take other  
17 appropriate remedial action, which may include placing the  
18 charter school on probationary status for no more than twelve  
19 months, provided that no more than one designation of  
20 probationary status shall be allowed for the duration of the  
21 charter contract, at any time if the charter school commits a  
22 serious breach of one or more provisions of its charter or on any  
23 of the following grounds: failure to meet the performance  
24 contract as set forth in its charter, failure to meet generally  
25 accepted standards of fiscal management, failure to provide  
26 information necessary to confirm compliance with all provisions  
27 of the charter and sections 160.400 to 160.425 and 167.349 within  
28 forty-five days following receipt of written notice requesting  
29 such information, or violation of law.

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

6           (3) At least sixty days before acting to revoke a charter,  
7 the sponsor shall notify the governing board of the charter  
8 school of the proposed action in writing. The notice shall state  
9 the grounds for the proposed action. The school's governing  
10 board may request in writing a hearing before the sponsor within  
11 two weeks of receiving the notice.

12           (4) The sponsor of a charter school shall establish  
13 procedures to conduct administrative hearings upon determination  
14 by the sponsor that grounds exist to revoke a charter. Final  
15 decisions of a sponsor from hearings conducted pursuant to this  
16 subsection are subject to an appeal to the state board of  
17 education, which shall determine whether the charter shall be  
18 revoked.

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

23           (6) A charter sponsor shall make available the school  
24 accountability report card information as provided under section  
25 160.522 and the results of the academic monitoring required under  
26 subsection 3 of this section.

27           9. (1) A sponsor shall take all reasonable steps necessary  
28 to confirm that each charter school sponsored by such sponsor is  
29 in material compliance and remains in material compliance with



1 all material provisions of the charter and sections 160.400 to  
2 160.425 and 167.349. Every charter school shall provide all  
3 information necessary to confirm ongoing compliance with all  
4 provisions of its charter and sections 160.400 to 160.425 and  
5 167.349 in a timely manner to its sponsor.

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

9 (a) The charter school has maintained results on its annual  
10 performance report that meet or exceed the district in which the  
11 charter school is located based on the performance standards that  
12 are applicable to the grade-level configuration of both the  
13 charter school and the district in which the charter school is  
14 located in three of the last four school years;

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

17 a. A negative balance in its operating funds;

18 b. A combined balance of less than three percent of the  
19 amount expended for such funds during the previous fiscal year;  
20 or

21 c. Expenditures that exceed receipts for the most recently  
22 completed fiscal year;

23 (c) The charter is in compliance with its legally binding  
24 performance contract and sections 160.400 to 160.425 and section  
25 167.349.

26 (3) (a) Beginning August first during the year in which a  
27 charter is considered for renewal, a charter school sponsor shall  
28 demonstrate to the state board of education that the charter  
29 school is in compliance with federal and state law as provided in

1 sections 160.400 to 160.425 and section 167.349 and the school's  
2 performance contract including but not limited to those  
3 requirements specific to academic performance.

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

8 (c) Using the data requested and the revised charter  
9 application under paragraphs (a) and (b) of this subdivision, the  
10 state board of education shall determine if compliance with all  
11 standards enumerated in this subdivision has been achieved. The  
12 state board of education at its next regularly scheduled meeting  
13 shall vote on the revised charter application.

14 (d) If a charter school sponsor demonstrates the objectives  
15 identified in this subdivision, the state board of education  
16 shall renew the school's charter.

17 10. A school district may enter into a lease with a charter  
18 school for physical facilities.

19 11. A governing board or a school district employee who has  
20 control over personnel actions shall not take unlawful reprisal  
21 against another employee at the school district because the  
22 employee is directly or indirectly involved in an application to  
23 establish a charter school. A governing board or a school  
24 district employee shall not take unlawful reprisal against an  
25 educational program of the school or the school district because  
26 an application to establish a charter school proposes the  
27 conversion of all or a portion of the educational program to a  
28 charter school. As used in this subsection, "unlawful reprisal"  
29 means an action that is taken by a governing board or a school

1 district employee as a direct result of a lawful application to  
2 establish a charter school and that is adverse to another  
3 employee or an educational program.

4 12. Charter school board members shall be subject to the  
5 same liability for acts while in office as if they were regularly  
6 and duly elected members of school boards in any other public  
7 school district in this state. The governing board of a charter  
8 school may participate, to the same extent as a school board, in  
9 the Missouri public entity risk management fund in the manner  
10 provided under sections 537.700 to 537.756.

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

15 14. The chief financial officer of a charter school shall  
16 maintain:

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

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

23 15. (1) The sponsor of each charter school shall adopt a  
24 system of classification that accredits charter schools. This  
25 system shall be based on the charter school's compliance with  
26 terms of the charter school's legally binding performance  
27 contract with the sponsor and shall also consider the following:

28 a. The charter school's annual performance report results  
29 based on the performance standards that are applicable to the

1 grade level configuration of both the charter school and the  
2 district in which the charter school is located;

3 b. If the charter school has a high school program, the  
4 graduation rate unless the school has dropout recovery as its  
5 mission;

6 c. The charter school's participation in the statewide  
7 system of assessments under section 160.518;

8 d. The longitudinal success of the charter school as  
9 determined by comparison to the baseline data collected during  
10 the first three years of operation;

11 e. The measurement of pupil progress toward the pupil  
12 academic standards adopted by the state board of education under  
13 section 160.514; and

14 f. If the charter school is identified as a persistently  
15 lowest achieving school by the department of elementary and  
16 secondary education.

17 (2) The sponsor's system of accreditation shall also  
18 consider if the charter school is organizationally and fiscally  
19 viable determining at a minimum that the school does not have:

20 a. A negative balance in its operating funds;

21 b. A combined balance of less than three percent of the  
22 amount expended for such funds during the previous fiscal year;  
23 or

24 c. Expenditures that exceed receipts for the most recently  
25 completed fiscal year;

26 (3) The sponsor's system of accreditation shall also  
27 consider if the charter school has been placed on probationary  
28 status to allow the implementation of a remedial plan.

29 (4) In making accreditation designations, sponsors shall

1 utilize a minimum of three years of performance data.

2 (5) Sponsors shall utilize the accreditation criteria of  
3 this subsection in addition to any other applicable requirements  
4 of this section when conducting their duties pursuant to  
5 subsections 8 and 9 of this section."; and

6 Further amend said bill, page 13, section 160.820, line 20,  
7 by inserting after all of said line the following:

8 "161.084. When classifying the public schools of the state  
9 under section 161.092, the state board of education shall not  
10 assign to any school district an accreditation classification of  
11 unaccredited or change a district's accreditation classification  
12 from accredited to provisionally accredited at any time when  
13 there is no state board of education member who is a resident of  
14 the congressional district in which such school district is  
15 located.

16 161.086. When the state board of education assigns  
17 classification designations to school districts and individual  
18 school buildings pursuant to its authority to classify the public  
19 schools of the state in section 161.092, the state board shall  
20 only use the following classification designations based on the  
21 standards adopted by the state board:

- 22 (1) Unaccredited;  
23 (2) Provisionally accredited;  
24 (3) Accredited; and  
25 (4) Accredited with distinction."; and

26 Further amend said bill, page 20, section 161.096, line 24,  
27 by inserting after all of said line the following:

28 "161.238. 1. As authorized under its duty to classify the  
29 schools of the state under section 161.092, the state board of

1 education shall adopt a system of classification that accredits  
2 individual school buildings within a district separately from the  
3 district as a whole using the classification designations  
4 provided in section 161.086.

5 2. Under this system, the state board of education shall  
6 not classify a district as unaccredited unless it has previously  
7 classified at least fifty-five percent of the district's school  
8 buildings as unaccredited.

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

20 Further amend said bill, page 22, section 161.855, line 8,  
21 by inserting after all of said line the following:

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

28 (1) Review the governance of the district to establish the  
29 conditions under which the existing school board shall continue

1 to govern; or

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

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

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

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

26 (2) Lapse the corporate organization of the unaccredited  
27 district and:

28 (a) Appoint a special administrative board for the  
29 operation of all or part of the district. The number of members

1 of the special administrative board shall not be less than five,  
2 the majority of whom shall be residents of the district. The  
3 members of the special administrative board shall reflect the  
4 population characteristics of the district and shall collectively  
5 possess strong experience in school governance, management and  
6 finance, and leadership. The state board of education may  
7 appoint members of the district's elected school board to the  
8 special administrative board but members of the elected school  
9 board shall not comprise more than forty-nine percent of the  
10 special administrative board's membership. Within fourteen days  
11 after the appointment by the state board of education, the  
12 special administrative board shall organize by the election of a  
13 president, vice president, secretary and a treasurer, with their  
14 duties and organization as enumerated in section 162.301. The  
15 special administrative board shall appoint a superintendent of  
16 schools to serve as the chief executive officer of the school  
17 district and to have all powers and duties of any other general  
18 superintendent of schools in a seven-director school district.  
19 Any special administrative board appointed under this section  
20 shall be responsible for the operation of the district until such  
21 time that the district is classified by the state board of  
22 education as provisionally accredited for at least two successive  
23 academic years, after which time the state board of education may  
24 provide for a transition pursuant to section 162.083; or

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

27 a. A rationale for the decision to use an alternative form  
28 of governance and in the absence of the district's achievement of  
29 full accreditation, the state board of education shall review and



1 recertify the alternative form of governance every three years;

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

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

8 d. Annual reports to the general assembly and the governor  
9 on the progress towards accreditation of any district that has  
10 been declared unaccredited and is placed under an alternative  
11 form of governance, including a review of the effectiveness of  
12 the alternative governance; or

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

15 (d) Establish one or more school districts within the  
16 territory of the lapsed district, with a governance structure  
17 specified by the state board of education, with the option of  
18 permitting a district to remain intact for the purposes of  
19 assessing, collecting, and distributing property taxes, to be  
20 distributed equitably on a weighted average daily attendance  
21 basis, but to be divided for operational purposes, which shall  
22 take effect sixty days after the adjournment of the regular  
23 session of the general assembly next following the state board's  
24 decision unless a statute or concurrent resolution is enacted to  
25 nullify the state board's decision prior to such effective date.

26 4. If a district remains under continued governance by the  
27 school board under subdivision (1) of subsection 3 of this  
28 section and either has been unaccredited for three consecutive  
29 school years and failed to attain accredited status after the

1 third school year or has been unaccredited for two consecutive  
2 school years and the state board of education determines its  
3 academic progress is not consistent with attaining accredited  
4 status after the third school year, then the state board of  
5 education shall proceed under subdivision (2) of subsection 3 of  
6 this section in the following school year.

7 5. A special administrative board appointed under this  
8 section shall retain the authority granted to a board of  
9 education for the operation of the lapsed school district under  
10 the laws of the state in effect at the time of the lapse and may  
11 enter into contracts with accredited school districts or other  
12 education service providers in order to deliver high-quality  
13 educational programs to the residents of the district. If a  
14 student graduates while attending a school building in the  
15 district that is operated under a contract with an accredited  
16 school district as specified under this subsection, the student  
17 shall receive his or her diploma from the accredited school  
18 district. The authority of the special administrative board  
19 shall expire at the end of the third full school year following  
20 its appointment, unless extended by the state board of education.  
21 If the lapsed district is reassigned, the special administrative  
22 board shall provide an accounting of all funds, assets and  
23 liabilities of the lapsed district and transfer such funds,  
24 assets, and liabilities of the lapsed district as determined by  
25 the state board of education. Neither the special administrative  
26 board nor its members or employees shall be deemed to be the  
27 state or a state agency for any purpose, including section  
28 105.711, et seq. The state of Missouri, its agencies and  
29 employees shall be absolutely immune from liability for any and

1 all acts or omissions relating to or in any way involving the  
2 lapsed district, the special administrative board, its members or  
3 employees. Such immunities, and immunity doctrines as exist or  
4 may hereafter exist benefitting boards of education, their  
5 members and their employees shall be available to the special  
6 administrative board, its members and employees.

7 6. Neither the special administrative board nor any  
8 district or other entity assigned territory, assets or funds from  
9 a lapsed district shall be considered a successor entity for the  
10 purpose of employment contracts, unemployment compensation  
11 payment pursuant to section 288.110, or any other purpose.

12 7. If additional teachers are needed by a district as a  
13 result of increased enrollment due to the annexation of territory  
14 of a lapsed or dissolved district, such district shall grant an  
15 employment interview to any permanent teacher of the lapsed or  
16 dissolved district upon the request of such permanent teacher.

17 8. In the event that a school district with an enrollment  
18 in excess of five thousand pupils lapses, no school district  
19 shall have all or any part of such lapsed school district  
20 attached without the approval of the board of the receiving  
21 school district.

22 9. If the state board of education reasonably believes that  
23 a school district is unlikely to provide for the minimum school  
24 term required by section 163.021 because of financial difficulty,  
25 the state board of education may, prior to the start of the  
26 school term:

27 (1) Allow continued governance by the existing district  
28 school board under terms and conditions established by the state  
29 board of education; or

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

4           162.432. Notwithstanding any provision of section 163.011  
5 to the contrary, when a change in a school district's boundary  
6 lines occurs because of a boundary line change, annexation,  
7 attachment, consolidation, reorganization, or dissolution under  
8 sections 162.071, 162.081, 162.171 to 162.201, 162.221, 162.223,  
9 162.431, 162.441, or 162.451, or in the event that a school  
10 district assumes any territory from a district that ceases to  
11 exist for any reason, the department of elementary and secondary  
12 education shall make a proper adjustment to each affected  
13 district's local effort, so that each district's local effort  
14 figure conforms to the new boundary lines of the district. The  
15 department shall compute the local effort figure by applying the  
16 calendar year 2004 assessed valuation data to the new land areas  
17 resulting from the boundary line change, annexation, attachment,  
18 consolidation, reorganization, or dissolution and otherwise  
19 follow the procedures described in subdivision (10) of section  
20 163.011.

21           162.1303. 1. The department of elementary and secondary  
22 education shall annually calculate a transient student ratio for  
23 each public school building and each school district. The  
24 department shall publish each district's and each school  
25 building's transient student ratio on its website.

26           2. The department shall include, or cause to be included,  
27 in each district's school accountability report card the  
28 transient student ratio of the district and of each public school  
29 building operated by the district.

1           3. The department shall include in each public school  
2 building's school accountability report card the transient  
3 student ratio for the public school building.

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

6           5. A transient student ratio shall be calculated as the  
7 product of:

8           (1) One hundred; and

9           (2) The quotient of:

10           (a) The sum of the number of resident full-time students  
11 and full-time equivalent number of part-time students who enroll  
12 in the district after the last Wednesday of September and the  
13 number of reentry students and the number of students who  
14 withdrew from the district during the school year; and

15           (b) The sum of the number of students who enrolled in the  
16 district on or before the last Wednesday in September and the  
17 number of students who enrolled in the district after the last  
18 Wednesday of September.

19           6. Each school district shall annually report to the  
20 department, by a date established by the department, any  
21 information and data required to comply with and perform the  
22 calculation required by the provisions of this section.

23           7. The statewide assessment scores and all other  
24 performance data for any transient student or any student who has  
25 not been enrolled in a district-operated school for the previous  
26 three full school terms shall be modified in the following manner  
27 when calculating the district's performance for purposes of the  
28 Missouri school improvement program or any successor assessment  
29 program:

1           (1) Any statewide assessment scores and all other  
2 performance data for any student who has not been enrolled in a  
3 district-operated school for the preceding full school term shall  
4 not be used when calculating the district's performance for  
5 purposes of the Missouri school improvement program or any  
6 successor assessment program;

7           (2) The statewide assessment scores and all other  
8 performance data for any student who has been enrolled in a  
9 district-operated school for the full preceding school term but  
10 has not been enrolled in a district-operated school for the full  
11 two preceding school terms shall be weighted at thirty percent of  
12 the weight assigned to a student who has been enrolled in a  
13 district operated school for the full three preceding school  
14 terms when calculating the district's performance for purposes of  
15 the Missouri school improvement program or any successor  
16 assessment program;

17           (3) The assessment data for any student who has been  
18 enrolled in a district-operated school for two full preceding  
19 school terms but has not been enrolled in a district-operated  
20 school for the full three preceding school terms shall be  
21 weighted at seventy percent of the weight assigned to a student  
22 who has been enrolled in a district-operated school for the full  
23 three preceding school terms when calculating the district's  
24 performance for purposes of the Missouri school improvement  
25 program or any successor assessment program.

26           8. For purposes of this section, the following terms shall  
27 mean:

28           (1) "Department", the department of elementary and  
29 secondary education;

1           (2) "Reentry student" or "reentry students", any student  
2 who was enrolled in a district, withdrew from the district, and  
3 reenrolled in the district.

4           162.1310. 1. When the state board of education classifies  
5 any district or school building as unaccredited, the district  
6 shall notify the parent or guardian of any student enrolled in  
7 the unaccredited district or unaccredited school and any district  
8 taxpayer of the loss of accreditation within seven business days.  
9 The district's notice shall include an explanation of the option  
10 to transfer students to another accredited school in the  
11 district, to another accredited district, or to a private  
12 nonsectarian school, and any services students may be entitled to  
13 receive. The district's notice shall be written in a clear,  
14 concise, and easy to understand manner. The district shall post  
15 the notice in a conspicuous and accessible place in each district  
16 school. The district shall also send the notice to each  
17 political subdivision located within the boundaries of the  
18 district.

19           2. The school board of any district that operates an  
20 unaccredited school, provisionally accredited school, or school  
21 with a three year average annual performance report score  
22 consistent with a classification of unaccredited or provisionally  
23 accredited shall adopt a policy regarding the availability of  
24 home visits by school personnel. Pursuant to such policy, the  
25 school shall offer to the parent or guardian of a student  
26 enrolled in any such school the opportunity to have at least one  
27 annual home visit.

28           3. For purposes of this section, the following terms shall  
29 mean:

1           (1) "Private nonsectarian school", a school that is not a  
2 part of the public school system of the state of Missouri, that  
3 charges tuition for the rendering of elementary and secondary  
4 educational services, and that does not have a religious  
5 affiliation;

6           (2) "Provisionally accredited school", a school building  
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           (3) "Unaccredited school", a school building that is  
12 classified as unaccredited by the state board of education  
13 pursuant to the authority of the state board of education to  
14 classify schools as established in sections 161.086, 161.092, and  
15 161.238.

16           163.021. 1. A school district shall receive state aid for  
17 its education program only if it:

18           (1) Provides for a minimum of one hundred seventy-four days  
19 and one thousand forty-four hours of actual pupil attendance in a  
20 term scheduled by the board pursuant to section 160.041 for each  
21 pupil or group of pupils, except that the board shall provide a  
22 minimum of one hundred seventy-four days and five hundred  
23 twenty-two hours of actual pupil attendance in a term for  
24 kindergarten pupils. If any school is dismissed because of  
25 inclement weather after school has been in session for three  
26 hours, that day shall count as a school day including afternoon  
27 session kindergarten students. When the aggregate hours lost in  
28 a term due to inclement weather decreases the total hours of the  
29 school term below the required minimum number of hours by more



1 than twelve hours for all-day students or six hours for  
2 one-half-day kindergarten students, all such hours below the  
3 minimum must be made up in one-half day or full day additions to  
4 the term, except as provided in section 171.033;

5 (2) Maintains adequate and accurate records of attendance,  
6 personnel and finances, as required by the state board of  
7 education, which shall include the preparation of a financial  
8 statement which shall be submitted to the state board of  
9 education the same as required by the provisions of section  
10 165.111 for districts;

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

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

24 (5) At any time that it is classified as unaccredited by  
25 the state board of education, uses funds derived from the  
26 operating levy for school purposes to pay tuition remission for  
27 students who attend a nonsectarian private school under section  
28 167.828 of this act.

29 2. For the 2006-07 school year and thereafter, no school

1 district shall receive more state aid, as calculated under  
2 subsections 1 and 2 of section 163.031, for its education  
3 program, exclusive of categorical add-ons, than it received per  
4 weighted average daily attendance for the school year 2005-06  
5 from the foundation formula, line 14, gifted, remedial reading,  
6 exceptional pupil aid, fair share, and free textbook payment  
7 amounts, unless it has an operating levy for school purposes, as  
8 determined pursuant to section 163.011, of not less than two  
9 dollars and seventy-five cents after all adjustments and  
10 reductions. Any district which is required, pursuant to article  
11 X, section 22 of the Missouri Constitution, to reduce its  
12 operating levy below the minimum tax rate otherwise required  
13 under this subsection shall not be construed to be in violation  
14 of this subsection for making such tax rate reduction. Pursuant  
15 to section 10(c) of article X of the state constitution, a school  
16 district may levy the operating levy for school purposes required  
17 by this subsection less all adjustments required pursuant to  
18 article X, section 22 of the Missouri Constitution if such rate  
19 does not exceed the highest tax rate in effect subsequent to the  
20 1980 tax year. Nothing in this section shall be construed to  
21 mean that a school district is guaranteed to receive an amount  
22 not less than the amount the school district received per  
23 eligible pupil for the school year 1990-91. The provisions of  
24 this subsection shall not apply to any school district located in  
25 a county of the second classification which has a nuclear power  
26 plant located in such district or to any school district located  
27 in a county of the third classification which has an electric  
28 power generation unit with a rated generating capacity of more  
29 than one hundred fifty megawatts which is owned or operated or

1 both by a rural electric cooperative except that such school  
2 districts may levy for current school purposes and capital  
3 projects an operating levy not to exceed two dollars and  
4 seventy-five cents less all adjustments required pursuant to  
5 article X, section 22 of the Missouri Constitution.

6 3. No school district shall receive more state aid, as  
7 calculated in section 163.031, for its education program,  
8 exclusive of categorical add-ons, than it received per eligible  
9 pupil for the school year 1993-1994, if the state board of  
10 education determines that the district was not in compliance in  
11 the preceding school year with the requirements of section  
12 163.172, until such time as the board determines that the  
13 district is again in compliance with the requirements of section  
14 163.172.

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

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

29 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  
29 estimated weighted average daily attendance shall be corrected as

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

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

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

26 4. For the purposes of distribution of state school aid  
27 pursuant to section 163.031, a school district with ten percent  
28 or more of its assessed valuation that is owned by one person or  
29 corporation as commercial or personal property who is delinquent

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

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

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

24           167.121. 1. If the residence of a pupil is so located that  
25 attendance in the district of residence constitutes an unusual or  
26 unreasonable transportation hardship because of natural barriers,  
27 travel time, or distance, the commissioner of education or his or  
28 her designee may assign the pupil to another district. The  
29 commissioner or his or her designee shall, upon proper

1 application by the parent or guardian of the pupil, assign the  
2 pupil and any sibling of the pupil to another district if the  
3 following conditions are met:

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

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

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

17 2. The commissioner of education shall assign pupils in the  
18 order in which applications are received, provided the  
19 applications are properly completed and the conditions of  
20 subsection 1 of this section are met. Once granted, the hardship  
21 assignment shall continue until the pupil, and any sibling of the  
22 pupil who attends the same attendance center, completes his or  
23 her course of study in the receiving district or the parent or  
24 guardian withdraws the pupil. If a parent or guardian withdraws  
25 a pupil from a hardship assignment, the granting of a subsequent  
26 application is discretionary.

27 3. A pupil shall be eligible to apply to the commissioner  
28 of education to be assigned to another district under this  
29 section if the pupil has been enrolled in and attending a public



1 school in his or her district of residence during the school year  
2 prior to the application. A pupil shall be eligible to apply to  
3 the commissioner of education to be assigned to another district  
4 under this section if the pupil has been enrolled in and  
5 attending a public school in a district other than his or her  
6 district of residence and paid nonresident tuition for such  
7 enrollment during the school year prior to the application.  
8 Pupils who reside in the district who become eligible for  
9 kindergarten or first grade shall also be eligible to apply to  
10 the commissioner of education to be assigned to another district.  
11 A pupil who is not currently enrolled in a public school district  
12 shall become eligible to apply to the commissioner of education  
13 to be assigned to another district after the student has enrolled  
14 in and completed a full school year in a public school in his or  
15 her district of residence.

16 4. Subject to the provisions of this section, all existing  
17 assignments shall be reviewed prior to July 1, 1984, and from  
18 time to time thereafter, and may be continued or rescinded. Any  
19 assignment granted to a pupil under this section prior to the  
20 effective date of this section shall also be applicable to any  
21 sibling of the pupil. Such assignment shall remain in effect  
22 until the pupil and any sibling of the pupil completes his or her  
23 course of study in the receiving district or until the parent or  
24 guardian withdraws the pupil and any sibling of the pupil from  
25 the assignment. The board of education of the district in which  
26 the pupil lives shall pay the tuition of the pupil assigned. The  
27 tuition shall [not exceed the pro rata cost of instruction] be  
28 the lesser of the student's district of residence's current  
29 expenditure per average daily attendance for the previous school

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

15 [2.] 5. (1) For the school year beginning July 1, 2008,  
16 and each succeeding school year, a parent or guardian residing in  
17 a lapsed public school district or a district that has scored  
18 either unaccredited or provisionally accredited, or a combination  
19 thereof, on two consecutive annual performance reports may enroll  
20 the parent's or guardian's child in the Missouri virtual school  
21 created in section 161.670 provided the pupil first enrolls in  
22 the school district of residence. The school district of  
23 residence shall include the pupil's enrollment in the virtual  
24 school created in section 161.670 in determining the district's  
25 average daily attendance. Full-time enrollment in the virtual  
26 school shall constitute one average daily attendance equivalent  
27 in the school district of residence. Average daily attendance  
28 for part-time enrollment in the virtual school shall be  
29 calculated as a percentage of the total number of virtual courses

1 enrolled in divided by the number of courses required for  
2 full-time attendance in the school district of residence.

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

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

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

25 167.131. 1. The board of education of each district in  
26 this state that does not maintain [an accredited] a high school  
27 [pursuant to the authority of the state board of education to  
28 classify schools as established in section 161.092] offering work  
29 through the twelfth grade shall pay [the] tuition [of] as

1 calculated by the receiving district under subsection 2 of this  
2 section and provide transportation consistent with the provisions  
3 of section 167.241 for each pupil resident therein who has  
4 completed the work of the highest grade offered in the schools of  
5 the district and who attends [an accredited] a public high school  
6 in another district of the same or an adjoining county.

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

25 167.642. 1. No unaccredited district, no provisionally  
26 accredited district, and no district with a three year average  
27 annual performance report score consistent with a classification  
28 of unaccredited or provisionally accredited shall promote a  
29 student from the fifth grade to the sixth grade or from the

1 eighth grade to the ninth grade who has not scored at the  
2 proficient level or above on the statewide assessments in the  
3 areas of English language arts and mathematics.

4 2. Notwithstanding subsection 1 of this section, the  
5 provisions of this section shall not apply to any student with an  
6 individualized education program, any student receiving services  
7 through a plan prepared under Section 504 of the Rehabilitation  
8 Act of 1973, any metropolitan school district or any urban school  
9 district containing most or all of a home rule city with more  
10 than four hundred thousand inhabitants and located in more than  
11 one county.

12 3. For purposes of this section, the following terms shall  
13 mean:

14 (1) "Provisionally accredited district", a school district  
15 classified as provisionally accredited by the state board of  
16 education pursuant to the authority of the state board of  
17 education to classify schools as established in sections 161.086  
18 and 161.092;

19 (2) "Unaccredited district", a school district classified  
20 as unaccredited by the state board of education pursuant to the  
21 authority of the state board of education to classify schools as  
22 established in sections 161.086 and 161.092.

23 167.685. 1. Any unaccredited district, any provisionally  
24 accredited district, any district in which sixty-five percent or  
25 more of its schools have been classified as unaccredited by the  
26 state board of education, or any district with a three year  
27 average annual performance report score consistent with a  
28 classification of unaccredited or provisionally accredited shall  
29 offer free tutoring and supplemental education services to

1 students who are performing below grade level or identified by  
2 the district as struggling, using funds from the school district  
3 improvement fund.

4 2. There is hereby created in the state treasury the  
5 "School District Improvement Fund". The fund shall consist of  
6 any gifts, bequests or public or private donations to such fund.  
7 Any person or entity that makes a gift, bequest, or donation to  
8 the fund may specify the district that shall be the recipient of  
9 such gift, bequest, or donation.

10 3. The state treasurer shall be custodian of the fund. In  
11 accordance with sections 30.170 and 30.180, the state treasurer  
12 may approve disbursements. The fund shall be a dedicated fund  
13 and, upon appropriation, money in the fund shall be used solely  
14 for the administration of this section.

15 4. Notwithstanding the provisions of section 33.080 to the  
16 contrary, any moneys remaining in the fund at the end of the  
17 biennium shall not revert to the credit of the general revenue  
18 fund.

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

22 6. For purposes of this section, the following terms shall  
23 mean:

24 (1) "Provisionally accredited district", a school district  
25 classified as provisionally accredited by the state board of  
26 education pursuant to the authority of the state board of  
27 education to classify schools as established in sections 161.086  
28 and 161.092;

29 (2) "Unaccredited district", a school district classified

1 as unaccredited by the state board of education pursuant to the  
2 authority of the state board of education to classify schools as  
3 established in sections 161.086 and 161.092.

4 167.687. 1. Any unaccredited district, provisionally  
5 accredited district, any district in which sixty-five percent or  
6 more of its schools have been classified as unaccredited by the  
7 state board of education, or any district with a three year  
8 average annual performance report score consistent with a  
9 classification of unaccredited or provisionally accredited may  
10 perform any or all of the following actions:

11 (1) Implement a new curriculum, including appropriate  
12 professional development, based on scientifically-based research  
13 that offers substantial promise of improving educational  
14 achievement of low-achieving students;

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

17 (3) Enter into a contract with an education management  
18 company or education services provider to operate a school or  
19 schools within the district that has a demonstrated record of  
20 effectiveness;

21 (4) For any unaccredited school, enter into a collaborative  
22 relationship and agreement with an accredited district in which  
23 teachers from the unaccredited school may exchange positions with  
24 teachers from an accredited school in an accredited district for  
25 a period of two school weeks.

26 2. For purposes of this section, the following terms shall  
27 mean:

28 (1) "Accredited district", a school district that is  
29 accredited by the state board of education pursuant to the

1 authority of the state board of education to classify schools as  
2 established in sections 161.086 and 161.092;

3 (2) "Accredited school", a school building that is  
4 accredited by the state board of education pursuant to the  
5 authority of the state board of education to classify schools as  
6 established in sections 161.086, 161.092, and 161.238;

7 (3) "Provisionally accredited district", a school district  
8 classified as provisionally accredited by the state board of  
9 education pursuant to the authority of the state board of  
10 education to classify schools as established in sections 161.086  
11 and 161.092;

12 (4) "Provisionally accredited school", a school building  
13 that is provisionally accredited by the state board of education  
14 pursuant to the authority of the state board of education to  
15 classify schools as established in sections 161.086, 161.092, and  
16 161.238;

17 (5) "Unaccredited district", a school district classified  
18 as unaccredited by the state board of education pursuant to the  
19 authority of the state board of education to classify schools as  
20 established in sections 161.086 and 161.092;

21 (6) "Unaccredited school", a school building that is  
22 classified as unaccredited by the state board of education  
23 pursuant to the authority of the state board of education to  
24 classify schools as established in sections 161.086, 161.092, and  
25 161.238.

26 167.730. 1. Beginning July 1, 2015, every public school in  
27 the metropolitan school district or in any urban school district  
28 containing most or all of a home rule city with more than four  
29 hundred thousand inhabitants and located in more than one county,



1 including charter schools, shall incorporate a response-to-  
2 intervention tiered approach to reading instruction to focus  
3 resources on students who are determined by their school to need  
4 additional or changed instruction to make progress as readers.  
5 At a minimum, the reading levels of students in kindergarten  
6 through tenth grade shall be assessed at the beginning and middle  
7 of the school year, and students who score below district  
8 benchmarks shall be provided with intensive, systematic reading  
9 instruction.

10 2. Beginning January 1, 2015, and every January first  
11 thereafter, every public school in the metropolitan school  
12 district or in any urban school district containing most or all  
13 of a home rule city with more than four hundred thousand  
14 inhabitants and located in more than one county, including  
15 charter schools, shall prepare a personalized learning plan for  
16 any kindergarten or first grade student whose most recent school-  
17 wide reading assessment result shows the student is working below  
18 grade level unless the student has been determined by other means  
19 in the current school year to be working at grade level or above.  
20 The provisions of this section shall not apply to students  
21 otherwise served under an individualized education program, to  
22 students receiving services through a plan prepared under Section  
23 504 of the Rehabilitation Act of 1973 that includes an element  
24 addressing reading below grade level, or to students determined  
25 to have limited English proficiency.

26 3. For any student in a metropolitan school district or in  
27 any urban school district containing most or all of a home rule  
28 city with more than four hundred thousand inhabitants and located  
29 in more than one county that is required by this section to have

1 a personalized learning plan, the student's main teacher shall  
2 consult with the student's parent or guardian during the  
3 preparation of the plan and shall consult, as appropriate, any  
4 district personnel or department of elementary and secondary  
5 education personnel with necessary expertise to develop such a  
6 plan. The school shall require the written consent of the parent  
7 or guardian to implement the plan; however, if the school is  
8 unsuccessful in contacting the parent or guardian by January  
9 fifteenth, the school may send a letter by certified mail to the  
10 student's last known address stating its intention to implement  
11 the plan by February first.

12 4. After implementing the personalized learning plan  
13 through the end of the student's first grade year, the school  
14 shall refer any student who still performs below grade level for  
15 assessment to determine if an individualized education program is  
16 necessary for the student. A student who is assessed as not  
17 needing an individualized education program but who is reading  
18 below grade level at the end of the first grade shall continue to  
19 be required to have a personalized learning plan until the  
20 student is reading at grade level.

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

28 (1) The school provides additional reading instruction  
29 during the summer and demonstrates the student is ready for third

1 grade at the end of the summer school;

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

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

11 6. The metropolitan school district, any urban school  
12 district containing most or all of a home rule city with more  
13 than four hundred thousand inhabitants and located in more than  
14 one county, and each charter school located in them shall provide  
15 in its annual report card under section 160.522 the numbers and  
16 percentages by grade from first grade to tenth grade in each  
17 school of any students at any grade level who have been promoted  
18 who have been determined as reading below grade level, except  
19 that no reporting shall permit the identification of an  
20 individual student.

21 167.825. 1. Any student who is enrolled in and attends a  
22 public school that is classified as unaccredited by the state  
23 board of education under the system of classification enacted  
24 under section 161.238 may transfer to another public school in  
25 the student's district of residence that offers the student's  
26 grade level of enrollment and that is accredited without  
27 provisions by the state board of education. However, no such  
28 transfer shall result in a class size and assigned enrollment in  
29 a receiving school that exceeds the standard level for class size

1 and assigned enrollment as promulgated in the Missouri school  
2 improvement program's resource standards.

3 2. If the student chooses to attend a magnet school, an  
4 academically selective school, or a school with a competitive  
5 entrance process within his or her district of residence that has  
6 admissions requirements criteria, the student shall meet such  
7 admissions requirements criteria in order to attend.

8 3. Each district shall adopt a policy to grant priority to  
9 the lowest achieving students from low-income families if its  
10 capacity is insufficient to enroll all pupils who seek to attend.

11 167.826. 1. If a student residing in an unaccredited  
12 district and living within the attendance boundaries of an  
13 unaccredited school is unable to transfer to another accredited  
14 school within his or her district of residence under section  
15 167.825, the student may transfer to an accredited school within  
16 an accredited district located in the same or an adjoining county  
17 or may enroll in a nonsectarian private school as provided in  
18 section 167.828. The student's district of residence shall pay  
19 the student's tuition as established in subsection 3 of this  
20 section, or, if applicable, subsection 4 of this section shall  
21 apply. If a student enrolls in a nonsectarian private school,  
22 the student's district of residence shall pay the student's  
23 tuition as provided in section 167.828. A student who wishes to  
24 transfer to an accredited district or to a nonsectarian private  
25 school shall provide proof that he or she resided in an  
26 unaccredited district and within the attendance boundaries of an  
27 unaccredited school for a minimum of twelve months prior to  
28 applying for a transfer.

29 2. No provisionally accredited district or provisionally

1 accredited school shall be eligible to receive transfer students.  
2 No unaccredited district or unaccredited school shall be eligible  
3 to receive transfer students. No district or school with a  
4 current year score of seventy-five or lower on its annual  
5 performance report under the Missouri school improvement program  
6 shall be eligible to receive any transfer students, irrespective  
7 of its state board of education accreditation classification,  
8 except that any student who was granted a transfer prior to the  
9 effective date of this section, to such a district or school may  
10 remain enrolled in that district or school.

11 3. The rate of tuition to be charged by the district  
12 attended and paid by the sending district is the per pupil cost  
13 of maintaining the district's grade level grouping which includes  
14 the school attended. The cost of maintaining a grade level  
15 grouping shall be determined by the board of education of the  
16 district but in no case shall it exceed all amounts spent for  
17 teachers' wages, incidental purposes, debt service, maintenance,  
18 and replacements. The term "debt service", as used in this  
19 section, means expenditures for the retirement of bonded  
20 indebtedness and expenditures for interest on bonded  
21 indebtedness. Per pupil cost of the grade level grouping shall  
22 be determined by dividing the cost of maintaining the grade level  
23 grouping by the average daily pupil attendance. If there is  
24 disagreement as to the amount of tuition to be paid, the facts  
25 shall be submitted to the state board of education, and its  
26 decision in the matter shall be final. The school board of a  
27 receiving district, upon a majority vote of the board, may choose  
28 to charge a rate of tuition less than the amount that would  
29 otherwise be calculated under this subsection. If any receiving

1 district chooses to charge a rate of tuition that is at least  
2 thirty percent less than the rate of tuition that would otherwise  
3 be calculated under this subsection, then the statewide  
4 assessment scores and all other performance data for those  
5 students whom the district received shall not be used for five  
6 school years when calculating the performance of the receiving  
7 district for purposes of the Missouri school improvement program.

8 4. If the school board of a receiving district, upon a  
9 majority vote of the board, chooses to charge a rate of tuition  
10 that is less than ninety percent of the rate that would otherwise  
11 be calculated under subsection 3 of this section, ten percent of  
12 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. In accordance  
20 with sections 30.170 and 30.180, the state treasurer may approve  
21 disbursements. The fund shall be a dedicated fund and, upon  
22 appropriation, money in the fund shall be used solely for the  
23 administration of this section. Notwithstanding the provisions  
24 of section 33.080 to the contrary, any moneys remaining in the  
25 fund at the end of the biennium shall not revert to the credit of  
26 the general revenue fund. The state treasurer shall invest  
27 moneys in the fund in the same manner as other funds are  
28 invested. Any interest and moneys earned on such investments  
29 shall be credited to the fund.

1           5. Each district shall have the right to establish and  
2 adopt, by objective means, a policy for desirable class size and  
3 student-teacher ratios. If a district adopts such a policy, it  
4 shall not be required to accept any transfer students under this  
5 section that would violate its class size or student-teacher  
6 ratio. If a student seeking to transfer is denied admission to a  
7 district based on a lack of space under the district's policy,  
8 the student or the student's parent or guardian may appeal the  
9 ruling to the state board of education if he or she believes the  
10 district's policy is unduly restrictive to student transfers.  
11 The state board of education shall review the appropriateness of  
12 the district's policy and shall give special consideration to any  
13 district with a greater than average population of students that  
14 qualify for free and reduced lunch. If the state board of  
15 education finds that the district's policy is unduly restrictive  
16 to student transfers, it may limit the district's policy. The  
17 state board of education's decision shall be final.

18           6. When a district is declared unaccredited, it shall  
19 contract with any special school district located in the same or  
20 an adjoining county for the reimbursement of special education  
21 services provided by the special school district for transfer  
22 students who are residents of the unaccredited district.

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

26           167.827. 1. By January first annually, each accredited  
27 district, any portion of which is located in the same county or  
28 in an adjoining county to an unaccredited district shall report  
29 to the education authority for the county in which the

1 unaccredited district is located the number of available  
2 enrollment slots by grade level.

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

8 3. The parent or guardian of a student who intends to  
9 enroll his or her child in an accredited district under the  
10 provisions of section 167.826 shall send initial notification to  
11 the education authority for the county in which he or she resides  
12 by March first for enrollment 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. The authority shall give first priority to students  
16 who live in the same household with any family member within the  
17 first or second degree of consanguinity who already attends an  
18 accredited school and who apply to attend the same accredited  
19 school. The authority shall then grant transfer requests in the  
20 order in which they were received. If insufficient enrollment  
21 slots are available for a student to be able to transfer, that  
22 student shall receive first priority the following school year.  
23 Each education authority shall adopt a policy giving enrollment  
24 preference to the lowest achieving students if sufficient  
25 enrollment slots are not available to enroll all students who  
26 apply, while following the order of priority of this subsection.  
27 If sufficient enrollment slots are available, the authority shall  
28 provide each student a choice of three accredited schools to  
29 which he or she may transfer.



1           5. A education authority may deny a transfer to a student  
2 with a demonstrated and documented history of school discipline  
3 policy violations.

4           167.828. 1. The school board of any district that operates  
5 an unaccredited school shall pay tuition for any student who  
6 resides within the unaccredited school's attendance boundaries to  
7 attend a nonsectarian private school located in his or her  
8 district of residence and is unable to transfer to an accredited  
9 school in his or her district of residence pursuant to sections  
10 167.825 and 167.826.

11           2. The amount of tuition to be paid shall not exceed the  
12 lesser of:

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

14           (2) The nonresident tuition rate under section 167.826 set  
15 by the school board of the district in which the nonsectarian  
16 private school is located.

17           3. To be eligible to transfer to a nonsectarian private  
18 school, a student shall meet the following requirements:

19           (1) Have been unable to transfer to an accredited school  
20 within his or her district of residence under section 167.825;

21           (2) Provide proof that he or she has resided in an  
22 unaccredited district or unaccredited districts and within the  
23 attendance boundaries of an unaccredited school or unaccredited  
24 schools for a minimum of twelve months; and

25           (3) Except for a student entering kindergarten or first  
26 grade for the first time, have been enrolled in one or more  
27 unaccredited schools in an unaccredited district or unaccredited  
28 districts for a minimum of one school term.

29           4. A nonsectarian private school shall qualify to receive

1 tuition payments under this section only if it satisfies the  
2 following conditions:

3 (1) Is accredited by the North Central Association  
4 Commission On Accreditation and School Improvement or  
5 demonstrates similar academic quality credentials to the  
6 department of elementary and secondary education;

7 (2) Administers or allows for the administration of the  
8 statewide assessments in English language arts and mathematics or  
9 equivalent assessments for transfer students;

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

12 (4) Holds a valid occupancy permit if required by their  
13 municipality; and

14 (5) Files with the department of elementary and secondary  
15 education a statement of intent to accept transfer students that  
16 includes the information listed in this subsection.

17 5. Tuition for a student who attends a nonsectarian private  
18 school shall be paid only using funds received by the district  
19 from the operating levy for school purposes.

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

24 7. For purposes of this section, the term "nonsectarian  
25 school" shall mean a school that is not a part of the public  
26 school system of the state of Missouri, that charges tuition for  
27 the rendering of elementary and secondary educational services,  
28 and that does not have a religious affiliation.

29 167.830. 1. There is hereby established the "St. Louis

1 Area Education Authority". The authority is hereby constituted a  
2 public instrumentality and body politic and corporate, and the  
3 exercise by the authority of the powers conferred by this section  
4 shall be deemed and held to be the performance of an essential  
5 public function. Unless otherwise provided, the authority shall  
6 be subject to all general laws pertaining to the operation of  
7 seven-director districts as defined in section 160.011.

8 2. Whenever any metropolitan school district or any  
9 district located in any county with a charter form of government  
10 and with more than nine hundred fifty thousand inhabitants is  
11 assigned a classification designation of unaccredited by the  
12 state board of education, the authority shall coordinate student  
13 transfers from the unaccredited district to accredited districts  
14 that are located in the same or an adjoining county as the  
15 unaccredited district.

16 3. The authority shall consist of three members to be  
17 appointed by the governor, by and with the advice and consent of  
18 the senate, each of whom shall be a resident of the state and a  
19 resident of any county with a charter form of government and with  
20 more than nine hundred fifty thousand inhabitants or any city not  
21 within a county. Not more than two out of the three members of  
22 the authority shall be of the same political party. The length  
23 of term for members shall be six years except for the initial  
24 members, who shall be appointed in the following manner:

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

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

27 and

28 (3) One member shall be appointed for a term of six years.

29 4. The term length of each initial appointee shall be

1 designated by the governor at the time of making the appointment.  
2 Upon the expiration of the initial terms of office, successor  
3 members shall be appointed for terms of six years and shall serve  
4 until their successors shall have been appointed and shall have  
5 qualified. Any member shall be eligible for reappointment. The  
6 governor shall fill any vacancy for the remainder of any  
7 unexpired term. Any member of the authority may be removed by  
8 the governor for misfeasance, malfeasance, willful neglect of  
9 duty, or other cause after notice and a public hearing unless the  
10 notice or hearing shall be expressly waived in writing.

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

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

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

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

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

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

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

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

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

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

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

26 (7) Coordinate student transfers from unaccredited  
27 districts located in any city not within a county or any county  
28 with a charter form of government and with more than nine hundred  
29 fifty thousand inhabitants to accredited districts in the same or

1 an adjoining county, as provided by law;

2 (8) Coordinate and collaborate with local districts and  
3 local governments for the transfer of students from unaccredited  
4 districts located in any city not within a county or any county  
5 with a charter form of government and with more than nine hundred  
6 fifty thousand inhabitants to accredited districts in the same or  
7 an adjoining county, as provided by law.

8 167.833. 1. There is hereby created in the state treasury  
9 the "St. Louis Area Education Authority Fund". The fund shall  
10 consist of any gifts, bequests or public or private donations to  
11 such fund. Any moneys in the fund shall be used to fund the  
12 operations of the student transfer coordination authority. The  
13 state treasurer shall be custodian of the fund. In accordance  
14 with sections 30.170 and 30.180, the state treasurer may approve  
15 disbursements. The fund shall be a dedicated fund and, upon  
16 appropriation, money in the fund shall be used solely for the  
17 administration of sections 167.830 and 167.833.

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

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

25 167.836. 1. There is hereby established the "Jackson  
26 County Education Authority". The authority is hereby constituted  
27 a public instrumentality and body politic and corporate, and the  
28 exercise by the authority of the powers conferred by this section  
29 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 district located in any county with a  
5 charter form of government and with more than six hundred  
6 thousand but fewer than seven hundred thousand inhabitants is  
7 assigned a classification designation of unaccredited by the  
8 state board of education, the authority shall coordinate student  
9 transfers from the unaccredited district to accredited districts  
10 that are located in the same or an adjoining county as the  
11 unaccredited district.

12 3. The authority shall consist of three members to be  
13 appointed by the governor, by and with the advice and consent of  
14 the senate, each of whom shall be a resident of the state and a  
15 resident of any county with a charter form of government and with  
16 more than six hundred thousand but fewer than seven hundred  
17 thousand inhabitants. Not more than two out of the three members  
18 of the authority shall be of the same political party. The  
19 length of term for members shall be six years except for the  
20 initial members, who shall be appointed in the following manner:

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

22 (2) One member shall be appointed for a term of four years;

23 and

24 (3) One member shall be appointed for a term of six years.

25 4. The term length of each initial appointee shall be  
26 designated by the governor at the time of making the appointment.  
27 Upon the expiration of the initial terms of office, successor  
28 members shall be appointed for terms of six years and shall serve  
29 until their successors shall have been appointed and shall have

1 qualified. Any member shall be eligible for reappointment. The  
2 governor shall fill any vacancy for the remainder of any  
3 unexpired term. Any member of the authority may be removed by  
4 the governor for misfeasance, malfeasance, willful neglect of  
5 duty, or other cause after notice and a public hearing unless the  
6 notice or hearing shall be expressly waived in writing.

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

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



1 such certificates. The authority, by resolution duly adopted,  
2 shall fix the powers and duties of its executive director as it  
3 may, from time to time, deem proper and necessary.

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

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

9 (1) Have perpetual succession as a body politic and  
10 corporate;

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

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

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

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

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

22 (7) Coordinate student transfers from unaccredited  
23 districts located in any county with a charter form of government  
24 and with more than six hundred thousand but fewer than seven  
25 hundred thousand inhabitants to accredited districts in the same  
26 or an adjoining county, as provided by law;

27 (8) Coordinate and collaborate with local districts and  
28 local governments for the transfer of students from unaccredited  
29 districts located in any county with a charter form of government

1 and with more than six hundred thousand but fewer than seven  
2 hundred thousand inhabitants to accredited districts in the same  
3 or an adjoining county, as provided by law.

4 167.839. 1. There is hereby created in the state treasury  
5 the "Jackson County Education Authority Fund". The fund shall  
6 consist of any gifts, bequests or public or private donations to  
7 such fund. Any moneys in the fund shall be used to fund the  
8 operations of the student transfer coordination authority. The  
9 state treasurer shall be custodian of the fund. In accordance  
10 with sections 30.170 and 30.180, the state treasurer may approve  
11 disbursements. The fund shall be a dedicated fund and, upon  
12 appropriation, money in the fund shall be used solely for the  
13 administration of sections 167.836 and 167.839.

14 2. Notwithstanding the provisions of section 33.080 to the  
15 contrary, any moneys remaining in the fund at the end of the  
16 biennium shall not revert to the credit of the general revenue  
17 fund.

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

21 167.842. 1. There is hereby established the "Statewide  
22 Education Authority". The authority is hereby constituted a  
23 public instrumentality and body politic and corporate, and the  
24 exercise by the authority of the powers conferred by this section  
25 shall be deemed and held to be the performance of an essential  
26 public function. Unless otherwise provided, the authority shall  
27 be subject to all general laws pertaining to the operation of  
28 seven-director districts as defined in section 160.011. The  
29 jurisdiction of the statewide education authority shall be all

1 counties except for:

2 (1) Any city not within a county;

3 (2) Any county with a charter form of government and with  
4 more than six hundred thousand but fewer than seven hundred  
5 thousand inhabitants;

6 (3) Any county with a charter form of government and with  
7 more than nine hundred fifty thousand inhabitants;

8 2. Whenever any district located in the statewide education  
9 authority's jurisdiction is assigned a classification designation  
10 of unaccredited by the state board of education, the authority  
11 shall coordinate student transfers from the unaccredited district  
12 to accredited districts that are located in the same or an  
13 adjoining county as the unaccredited district.

14 3. The authority shall consist of three members to be  
15 appointed by the governor, by and with the advice and consent of  
16 the senate, each of whom shall be a resident of the state and a  
17 resident of any county located in the authority's jurisdiction.  
18 Not more than two out of the three members of the authority shall  
19 be of the same political party. The length of term for members  
20 shall be six years except for the initial members, who shall be  
21 appointed in the following manner:

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

23 (2) One member shall be appointed for a term of four years;

24 and

25 (3) One member shall be appointed for a term of six years.

26 4. The term length of each initial appointee shall be  
27 designated by the governor at the time of making the appointment.  
28 Upon the expiration of the initial terms of office, successor  
29 members shall be appointed for terms of six years and shall serve

1 until their successors shall have been appointed and shall have  
2 qualified. Any member shall be eligible for reappointment. The  
3 governor shall fill any vacancy for the remainder of any  
4 unexpired term. Any member of the authority may be removed by  
5 the governor for misfeasance, malfeasance, willful neglect of  
6 duty, or other cause after notice and a public hearing unless the  
7 notice or hearing shall be expressly waived in writing.

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

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

1 copies, and all persons dealing with the authority may rely on  
2 such certificates. The authority, by resolution duly adopted,  
3 shall fix the powers and duties of its executive director as it  
4 may, from time to time, deem proper and necessary.

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

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

10 (1) Have perpetual succession as a body politic and  
11 corporate;

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

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

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

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

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

23 (7) Coordinate student transfers from unaccredited  
24 districts located in the jurisdiction of the statewide education  
25 authority to accredited districts in the same or an adjoining  
26 county, as provided by law;

27 (8) Coordinate and collaborate with local districts and  
28 local governments for the transfer of students from unaccredited  
29 districts located in the jurisdiction of the statewide education

1 authority to accredited districts in the same or an adjoining  
2 county, as provided by 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 student transfer coordination authority. The  
8 state treasurer shall be custodian of the fund. In accordance  
9 with sections 30.170 and 30.180, the state treasurer may approve  
10 disbursements. The fund shall be a dedicated fund and, upon  
11 appropriation, money in the fund shall be used solely for the  
12 administration of sections 167.842 and 167.845.

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

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

20 167.848. For purposes of sections 167.825 to 167.848, the  
21 following terms shall mean:

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

26 (2) "Accredited school", a school building that is  
27 accredited by the state board of education pursuant to the  
28 authority of the state board of education to classify schools as  
29 established in sections 161.086, 161.092, and 161.238;

1           (3) "Education authority" or "authority", an education  
2 authority established under sections 167.830 to 167.845;

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

8           (5) "Provisionally accredited school", a school building  
9 that is classified as provisionally accredited by the state board  
10 of education pursuant to the authority of the state board of  
11 education to classify schools as established in sections 161.086,  
12 161.092, and 161.238;

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

17           (7) "Unaccredited school", a school building that is  
18 classified as unaccredited by the state board of education  
19 pursuant to the authority of the state board of education to  
20 classify schools as established in sections 161.086, 161.092, and  
21 161.238.

22           168.205. Notwithstanding any provision of law to the  
23 contrary, two or more school districts may share a superintendent  
24 who possesses a valid Missouri superintendent's license. If any  
25 school districts choose to share a superintendent, they shall not  
26 be required to receive approval from the department of elementary  
27 and secondary education but may notify the department.

28           170.320. 1. There is hereby created in the state treasury  
29 the "Parent Portal Fund". The fund shall consist of any gifts,

1 bequests, or public or private donations to such fund. Any  
2 moneys in the fund shall be used to assist districts in  
3 establishing and maintaining a parent portal. School districts  
4 may establish a parent portal that shall be accessible by mobile  
5 technology for parents to have access to educational information  
6 and access to student data. Any person or entity that makes a  
7 gift, bequest, or donation to the fund may specify the district  
8 that shall be the recipient of such gift, bequest, or donation.

9 2. The state treasurer shall be custodian of the fund. In  
10 accordance with sections 30.170 and 30.180, the state treasurer  
11 may approve disbursements. The fund shall be a dedicated fund  
12 and, upon appropriation, money in the fund shall be used solely  
13 for the administration of this section.

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

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

21 171.031. 1. Each school board shall prepare annually a  
22 calendar for the school term, specifying the opening date and  
23 providing a minimum term of at least one hundred seventy-four  
24 days for schools with a five-day school week or one hundred  
25 forty-two days for schools with a four-day school week, and one  
26 thousand forty-four hours of actual pupil attendance. In  
27 addition, such calendar shall include six make-up days for  
28 possible loss of attendance due to inclement weather as defined  
29 in subsection 1 of section 171.033.



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

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

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

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

27           6. The state board of education may grant an exemption from  
28 this section to a school district that demonstrates highly  
29 unusual and extenuating circumstances justifying exemption from

1 the provisions of subsections 2 to 4 of this section. Any  
2 exemption granted by the state board of education shall be valid  
3 for one academic year only.

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

6 (1) Vocational schools which may adopt an eight-hour day in  
7 a metropolitan school district and a school district in a first  
8 class county adjacent to a city not within a county[, and];

9 (2) Any school that adopts a four-day school week in  
10 accordance with section 171.029; and

11 (3) A school district that increases the length of the  
12 school day for an unaccredited school or provisionally accredited  
13 school by following the procedure established in subsection 8 of  
14 this section.

15 8. The school board of any school district in this state,  
16 upon adoption of a resolution by a majority vote to authorize  
17 such action, may increase the length of the school day by ten  
18 percent for any provisionally accredited school or unaccredited  
19 school that has a student population, seventy-five percent of  
20 which is eligible for free and reduced lunch or seventy-five  
21 percent of which has been eligible in any of the three previous  
22 school years. Such a school district may also, by the adoption  
23 of a resolution by a majority vote to authorize such action,  
24 increase the annual hours of instruction above the required  
25 number of hours in subsection 1 of this section.

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  
29 general revenue to such fund, any moneys paid into the state

1 treasury and required by law to be credited to such fund and any  
2 gifts, bequests or public or private donations to such fund.

3 (2) The state treasurer shall be custodian of the fund. In  
4 accordance with sections 30.170 and 30.180, the state treasurer  
5 may approve disbursements. The fund shall be a dedicated fund  
6 and, upon appropriation, money in the fund shall be used solely  
7 for the administration of subsection 8 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 10. For purposes of this section, the following terms shall  
16 mean:

17 (1) "Provisionally accredited school", a school building  
18 that is classified as provisionally accredited by the state board  
19 of education pursuant to the authority of the state board of  
20 education to classify schools as established in sections 161.086,  
21 161.092, and 161.238;

22 (2) "Unaccredited school", a school building that is  
23 classified as unaccredited by the state board of education  
24 pursuant to the authority of the state board of education to  
25 classify schools as established in sections 161.086, 161.092, and  
26 161.238."; and

27 Further amend said bill and page, section B, line 11 by  
28 inserting after the word "standards" the following: "and the  
29 need to provide guidance on student transfers and school

1 accreditation"; and

2 Further amend the title and enacting clause accordingly.