

SECOND REGULAR SESSION

# SENATE BILL NO. 993

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR DEMPSEY.

Read 1st time February 27, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

6192S.03I

## AN ACT

To repeal section 162.081, RSMo, and to enact in lieu thereof three new sections relating to elementary and secondary education.

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

Section A. Section 162.081, RSMo, is repealed and three new sections  
2 enacted in lieu thereof, to be known as sections 161.086, 162.081, and 170.215,  
3 to read as follows:

**161.086. When the state board of education assigns classification**  
2 **designations to school districts pursuant to its authority to classify the**  
3 **public schools of the state in section 161.092, the state board shall only**  
4 **use the following classification designations based on the standards**  
5 **adopted by the state board:**

- 6 (1) **Unaccredited;**
- 7 (2) **Provisionally accredited;**
- 8 (3) **Accredited; and**
- 9 (4) **Accredited with distinction.**

162.081. 1. Whenever any school district in this state fails or refuses in  
2 any school year to provide for the minimum school term required by section  
3 163.021 or is classified unaccredited, the state board of education shall, upon a  
4 district's initial classification or reclassification as unaccredited:

- 5 (1) Review the governance of the district to establish the conditions under  
6 which the existing school board shall continue to govern; or
- 7 (2) Determine the date the district shall lapse and determine an  
8 alternative governing structure for the district.

9 2. If at the time any school district in this state shall be classified as

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

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

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

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

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

28 (a) ~~[Appoint]~~ **Establish** a special administrative board for the operation  
29 of all or part of the district **whose members shall be appointed by the**  
30 **governor, with the advice and consent of the senate.** The number of  
31 members of the special administrative board shall [not] be [less than] five, the  
32 majority of whom shall be residents of the district. **The governor shall**  
33 **appoint two members to the special administrative board who are**  
34 **current members of the district's elected school board. The governor**  
35 **shall appoint the three other members, who shall not be current**  
36 **members of the district's elected school board.** The members of the special  
37 administrative board shall reflect the population characteristics of the district  
38 and shall collectively possess strong experience in school governance,  
39 management and finance, and leadership. Within fourteen days after the  
40 appointment by the state board of education, the special administrative board  
41 shall organize by the election of a president, vice president, secretary and a  
42 treasurer, with their duties and organization as enumerated in section  
43 162.301. The special administrative board shall appoint a superintendent of  
44 schools to serve as the chief executive officer of the school district and to have all  
45 powers and duties of any other general superintendent of schools in a  
46 seven-director school district. Any special administrative board appointed under

47 this section shall be responsible for the operation of the district until such time  
48 that the district is classified by the state board of education as provisionally  
49 accredited for at least two successive academic years, after which time the state  
50 board of education may provide for a transition pursuant to section 162.083; or

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

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

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

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

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

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

67 (d) Establish one or more school districts within the territory of the lapsed  
68 district, with a governance structure specified by the state board of education,  
69 with the option of permitting a district to remain intact for the purposes of  
70 assessing, collecting, and distributing property taxes, to be distributed equitably  
71 on a weighted average daily attendance basis, but to be divided for operational  
72 purposes, which shall take effect sixty days after the adjournment of the regular  
73 session of the general assembly next following the state board's decision unless  
74 a statute or concurrent resolution is enacted to nullify the state board's decision  
75 prior to such effective date.

76 4. If a district remains under continued governance by the school board  
77 under subdivision (1) of subsection 3 of this section and either has been  
78 unaccredited for three consecutive school years and failed to attain accredited  
79 status after the third school year or has been unaccredited for two consecutive  
80 school years and the state board of education determines its academic progress  
81 is not consistent with attaining accredited status after the third school year, then  
82 the state board of education shall proceed under subdivision (2) of subsection 3  
83 of this section in the following school year.

84           5. A special administrative board appointed under this section shall retain  
85 the authority granted to a board of education for the operation of the lapsed  
86 school district under the laws of the state in effect at the time of the lapse and  
87 may enter into contracts with accredited school districts or other education  
88 service providers in order to deliver high-quality educational programs to the  
89 residents of the district. If a student graduates while attending a school building  
90 in the district that is operated under a contract with an accredited school district  
91 as specified under this subsection, the student shall receive his or her diploma  
92 from the accredited school district. The authority of the special administrative  
93 board shall expire at the end of the third full school year following its  
94 appointment, unless extended by the state board of education. If the lapsed  
95 district is reassigned, the special administrative board shall provide an  
96 accounting of all funds, assets and liabilities of the lapsed district and transfer  
97 such funds, assets, and liabilities of the lapsed district as determined by the state  
98 board of education. Neither the special administrative board nor its members or  
99 employees shall be deemed to be the state or a state agency for any purpose,  
100 including section 105.711, et seq. The state of Missouri, its agencies and  
101 employees shall be absolutely immune from liability for any and all acts or  
102 omissions relating to or in any way involving the lapsed district, the special  
103 administrative board, its members or employees. Such immunities, and immunity  
104 doctrines as exist or may hereafter exist benefitting boards of education, their  
105 members and their employees shall be available to the special administrative  
106 board, its members and employees.

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

111           7. If additional teachers are needed by a district as a result of increased  
112 enrollment due to the annexation of territory of a lapsed or dissolved district,  
113 such district shall grant an employment interview to any permanent teacher of  
114 the lapsed or dissolved district upon the request of such permanent teacher.

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

**170.215. 1. Any school district may enter into a contract with a  
2 public library to provide online tutoring services through a third party**

3 vendor or a nonprofit organization for the district's students. Any  
4 tutoring services shall be conducted through any compatible computer  
5 to participating students who have a library card, both within and  
6 without the public library facility.

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

9 (1) Assistance with homework;

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

12 (3) Access to comprehensive writing assistance productivity  
13 software; and

14 (4) Test preparation tools.

15 3. Any contract may allow participating students with a library  
16 card dedicated access to assistance during specified hours of the day  
17 and specified days of the week. A contract may also allow students to  
18 submit questions to tutors or join online study groups.

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

21 (1) Protect individual student privacy;

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

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

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

29 6. Each school district that offers online tutoring services under  
30 this section shall maintain an archive of all communications between  
31 students and tutors for two years that shall be accessible to district  
32 officials and tutoring supervisors.

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

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