

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 313

AN ACT

To repeal sections 160.410, 160.415, 162.081, 163.021, 163.036, 167.121, 167.131, 171.031, and 210.861, RSMo, and to enact in lieu thereof thirty-nine new sections relating to elementary and secondary education, with a penalty provision and an emergency clause for certain sections.

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

Section A. Sections 160.410, 160.415, 162.081, 163.021, 163.036, 167.121, 167.131, 171.031, and 210.861, RSMo, are repealed and thirty-nine new sections enacted in lieu thereof, to be known as sections 135.712, 135.713, 135.714, 135.716, 135.719, 160.410, 160.415, 161.087, 161.238, 161.1000, 162.081, 162.1303, 162.1305, 162.1310, 162.1313, 163.021, 163.036, 166.700, 166.705, 166.710, 166.715, 166.720, 167.121, 167.127, 167.131, 167.642, 167.685, 167.688, 167.825, 167.826, 167.827, 167.828, 167.829, 167.848, 167.890, 170.320, 171.031, 210.861, and 1, to read as follows:

135.712. 1. Sections 135.712 to 135.719 and sections 166.700 to 166.720 establish the "Missouri Empowerment Scholarship Accounts Program" to provide options toward ensuring the education of students in this state.

2. As used in sections 135.712 to 135.719, the following

1 terms mean:

2 (1) "District" or "school district", the same meaning as  
3 used in section 160.011;

4 (2) "Educational assistance organization", a charitable  
5 organization registered in this state that is exempt from federal  
6 taxation under the Internal Revenue Code of 1986, as amended, is  
7 certified by the state treasurer, and that allocates all of its  
8 annual revenue for educational assistance, except as provided in  
9 paragraph (c) of subdivision (4) of subsection 1 of section  
10 135.714 and as provided for in sections 135.712 to 135.719,  
11 derived from contributions for which a credit is claimed under  
12 this section;

13 (3) "Parent", a parent, guardian, custodian, or other  
14 person with authority to act on behalf of the qualified student;

15 (4) "Program", the Missouri empowerment scholarship  
16 accounts program established under sections 135.712 to 135.719  
17 and sections 166.700 to 166.720;

18 (5) "Qualified student", the same meaning as used in  
19 section 166.700;

20 (6) "Qualifying contribution", a donation of cash, stock,  
21 bonds, or other marketable securities for purposes of claiming a  
22 tax credit under sections 135.712 to 135.719;

23 (7) "Scholarship account", a savings account created by the  
24 Missouri empowerment scholarship accounts program authorized by  
25 sections 166.700 to 166.720;

26 (8) "Taxpayer", an individual subject to the state income  
27 tax imposed in chapter 143; an individual, a firm, a partner in a  
28 firm, corporation, or a shareholder in an S corporation doing

1 business in this state and subject to the state income tax  
2 imposed by chapter 143; or an express company that pays an annual  
3 tax on its gross receipts in this state under chapter 153, which  
4 files a Missouri income tax return and is not a dependent of any  
5 other taxpayer.

6 135.713. 1. For all fiscal years beginning on or after  
7 July 1, 2018, any taxpayer who makes a qualifying contribution to  
8 an educational assistance organization may claim a credit against  
9 the tax otherwise due under chapter 143, other than taxes  
10 withheld under sections 143.191 to 143.265, and chapter 153, in  
11 an amount equal to one hundred percent of the amount the taxpayer  
12 contributed during the tax year for which the credit is claimed.  
13 No taxpayer shall claim a credit under sections 135.712 to  
14 135.719 for any contribution made by the taxpayer, or an agent of  
15 the taxpayer, on behalf of the taxpayer's dependent, or in the  
16 case of a business taxpayer, on behalf of the business's agent's  
17 dependent.

18 2. If the amount of the tax credit claimed exceeds the  
19 taxpayer's state tax liability for the tax year for which the  
20 credit is claimed, then the excess of the tax credit shall be  
21 considered an overpayment of the tax and refunded to the  
22 taxpayer. The state treasurer shall certify the tax credit  
23 amount to the taxpayer and to the department of revenue. All tax  
24 credits authorized under the program shall not be transferred,  
25 sold, or assigned.

26 3. The cumulative amount of tax credits that may be  
27 allocated to all taxpayers contributing to educational assistance  
28 organizations in any one calendar year shall not exceed twenty-

five million dollars, which amount shall annually be adjusted by the state treasurer for inflation based on the consumer price index for all urban consumers for the Midwest region, as defined and officially recorded by the United States Department of Labor or its successor. The state treasurer shall establish a procedure by which, from the beginning of the calendar year until August first, the cumulative amount of tax credits shall be allocated on a first come, first served basis among all educational assistance organizations. If an educational assistance organization fails to use all, or some percentage to be determined by the state treasurer, of its allocated tax credits during this predetermined period of time, the state treasurer may reallocate these unused tax credits to those educational assistance organizations that have used all, or some percentage to be determined by the state treasurer, of their allocated tax credits during this predetermined period of time. The state treasurer may establish more than one period of time and reallocate more than once during each calendar year. The state treasurer shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the calendar year.

135.714. 1. Each educational assistance organization shall:

(1) Notify the state treasurer of its intent to provide scholarship accounts to qualified students;

(2) Demonstrate to the state treasurer that it is exempt from federal income tax under Section 501(c)(3) of the Internal

1 Revenue Code of 1986, as amended;

2 (3) Provide a state treasurer-approved receipt to taxpayers  
3 for contributions made to the organization;

4 (4) Ensure that:

5 (a) One hundred percent of its revenues from interest or  
6 investments is spent on scholarship accounts;

7 (b) At least ninety percent of its revenues from qualifying  
8 contributions is spent on scholarship accounts; and

9 (c) Marketing and administrative expenses shall not exceed  
10 the following limits of its remaining revenue from contributions:  
11 ten percent for the first two hundred fifty thousand dollars,  
12 eight percent for the next five hundred thousand dollars, and  
13 three percent thereafter;

14 (5) Distribute scholarship accounts payments either four  
15 times per year or in a single lump sum at the beginning of the  
16 year as requested by the parent or guardian of a qualified  
17 student, not to exceed a total grant amount equal to the state  
18 adequacy target as defined in section 163.011 and calculated by  
19 the department of elementary and secondary education, in the form  
20 of a deposit into the scholarship account of the qualified  
21 student;

22 (6) Provide the state treasurer, upon request, with  
23 criminal background checks on all its employees and board  
24 members, and exclude from employment or governance any individual  
25 that might reasonably pose a risk to the appropriate use of  
26 contributed funds;

27 (7) Demonstrate its financial accountability by:

28 (a) Submitting to the state treasurer annual audit

1 financial statements by a certified public accountant within six  
2 months of the end of the educational assistance organization's  
3 fiscal year; and

4 (b) Having an auditor certify that the report is free of  
5 material misstatements;

6 (8) Demonstrate its financial viability, if it is to  
7 receive donations of fifty thousand dollars or more during the  
8 school year, by filing with the state treasurer before the start  
9 of the school year a surety bond payable to the state in an  
10 amount equal to the aggregate amount of contributions expected to  
11 be received during the school year or other financial information  
12 that demonstrates the financial viability of the educational  
13 assistance organization.

14 2. The audit shall include:

15 (1) The name and address of the educational assistance  
16 organization;

17 (2) The name and address of each qualified student who  
18 opened a scholarship account with the organization;

19 (3) The total number and total dollar amount of  
20 contributions received during the previous calendar year; and

21 (4) The total number and total dollar amount of scholarship  
22 accounts opened during the previous calendar year.

23 3. An educational assistance organization may contract with  
24 private financial management firms to manage scholarship accounts  
25 with the supervision of the state.

26 135.716. 1. The state treasurer shall provide a  
27 standardized format for a receipt to be issued by an educational  
28 assistance organization to a taxpayer to indicate the value of a

1 contribution received. The state treasurer shall require a  
2 taxpayer to provide a copy of this receipt if claiming the tax  
3 credit authorized by the program.

4 2. The state treasurer shall provide a standardized format  
5 for educational assistance organizations to report the  
6 information required in subsection 1 of this section.

7 3. The state treasurer or state auditor may conduct an  
8 investigation if the state treasurer possesses evidence of fraud  
9 committed by the organization.

10 4. The state treasurer may bar an educational assistance  
11 organization from participating in the program if the state  
12 treasurer establishes that the educational assistance  
13 organization has intentionally and substantially failed to comply  
14 with the requirements in section 135.714. If the state treasurer  
15 bars an educational assistance organization from the program  
16 under this subsection, it shall notify affected qualified  
17 students and their parents of the decision as soon as possible  
18 after the determination is made.

19 5. The state treasurer shall issue a report on the state of  
20 the Missouri empowerment scholarship accounts program five years  
21 after it goes into effect. The report shall include, but is not  
22 limited to:

23 (1) Information regarding the finances of the educational  
24 assistance organizations; and

25 (2) Educational outcomes of qualified students.

26 6. (1) There is hereby created in the state treasury the  
27 "Missouri Empowerment Scholarship Accounts Fund", which shall  
28 consist of money collected under this section. The state

1 treasurer shall be custodian of the fund. In accordance with  
2 sections 30.170 and 30.180, the state treasurer may approve  
3 disbursements. The fund shall be a dedicated fund and money in  
4 the fund shall be used solely by the state treasurer for the  
5 purpose of sections 135.712 to 135.719.

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

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

13 7. No more than two percent of the qualifying contributions  
14 may be deposited in the Missouri empowerment scholarship accounts  
15 fund to be used for marketing and administrative expenses or the  
16 costs incurred in administering the program, whichever is less.  
17 The state treasurer shall establish procedures to ensure the  
18 percentage of funds for administration of the program is directed  
19 to the state treasurer in a timely manner with the necessary  
20 information to verify the correct amount has been transmitted.  
21 The remaining funds shall be distributed to the educational  
22 assistance organizations.

23 135.719. 1. The state treasurer and the department of  
24 revenue may promulgate rules to implement the provisions of  
25 sections 135.712 to 135.719. Any rule or portion of a rule, as  
26 that term is defined in section 536.010 that is created under the  
27 authority delegated in this section shall become effective only  
28 if it complies with and is subject to all of the provisions of



chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2017, shall be invalid and void.

2. The provisions of section 23.253 of the Missouri sunset act shall not apply to sections 135.712 to 135.719 and sections 166.700 to 166.720.

160.410. 1. A charter school shall enroll:

(1) All pupils resident in the district in which it operates;

(2) Nonresident pupils eligible to attend a district's school under an urban voluntary transfer program;

(3) Nonresident pupils who transfer from an unaccredited [district] attendance center under [section 167.131] sections 167.825 to 167.827, provided that the charter school is an approved charter school, as defined in section [167.131] 167.848, and subject to all other provisions of [section 167.131] sections 167.825 to 167.827;

(4) In the case of a charter school whose mission includes student drop-out prevention or recovery, any nonresident pupil from the same or an adjacent county who resides in a residential care facility, a transitional living group home, or an independent living program whose last school of enrollment is in the school district where the charter school is established, who submits a timely application; and

1           (5) In the case of a workplace charter school, any student  
2 eligible to attend under subdivision (1) or (2) of this  
3 subsection whose parent is employed in the business district, who  
4 submits a timely application, unless the number of applications  
5 exceeds the capacity of a program, class, grade level or  
6 building. The configuration of a business district shall be set  
7 forth in the charter and shall not be construed to create an  
8 undue advantage for a single employer or small number of  
9 employers.

10           2. If capacity is insufficient to enroll all pupils who  
11 submit a timely application, the charter school shall have an  
12 admissions process that assures all applicants of an equal chance  
13 of gaining admission and does not discriminate based on parents'  
14 ability to pay fees or tuition except that:

15           (1) A charter school may establish a geographical area  
16 around the school whose residents will receive a preference for  
17 enrolling in the school, provided that such preferences do not  
18 result in the establishment of racially or socioeconomically  
19 isolated schools and provided such preferences conform to  
20 policies and guidelines established by the state board of  
21 education;

22           (2) A charter school may also give a preference for  
23 admission of children whose siblings attend the school or whose  
24 parents are employed at the school or in the case of a workplace  
25 charter school, a child whose parent is employed in the business  
26 district or at the business site of such school; and

27           (3) Charter alternative and special purpose schools may  
28 also give a preference for admission to high-risk students, as

1 defined in subdivision (5) of subsection 2 of section 160.405,  
2 when the school targets these students through its proposed  
3 mission, curriculum, teaching methods, and services.

4 3. A charter school shall not limit admission based on  
5 race, ethnicity, national origin, disability, income level,  
6 proficiency in the English language or athletic ability, but may  
7 limit admission to pupils within a given age group or grade  
8 level. Charter schools may limit admission based on gender only  
9 when the school is a single-gender school. Students of a charter  
10 school who have been enrolled for a full academic year shall be  
11 counted in the performance of the charter school on the statewide  
12 assessments in that calendar year, unless otherwise exempted as  
13 English language learners. For purposes of this subsection,  
14 "full academic year" means the last Wednesday in September  
15 through the administration of the Missouri assessment program  
16 test without transferring out of the school and re-enrolling.

17 4. A charter school shall make available for public  
18 inspection, and provide upon request, to the parent, guardian, or  
19 other custodian of any school-age pupil resident in the district  
20 in which the school is located the following information:

21 (1) The school's charter;

22 (2) The school's most recent annual report card published  
23 according to section 160.522;

24 (3) The results of background checks on the charter  
25 school's board members; and

26 (4) If a charter school is operated by a management  
27 company, a copy of the written contract between the governing  
28 board of the charter school and the educational management

1 organization or the charter management organization for services.  
2 The charter school may charge reasonable fees, not to exceed the  
3 rate specified in section 610.026 for furnishing copies of  
4 documents under this subsection.

5 5. When a student attending a charter school who is a  
6 resident of the school district in which the charter school is  
7 located moves out of the boundaries of such school district, the  
8 student may complete the current semester and shall be considered  
9 a resident student. The student's parent or legal guardian shall  
10 be responsible for the student's transportation to and from the  
11 charter school.

12 6. If a change in school district boundary lines occurs  
13 under section 162.223, 162.431, 162.441, or 162.451, or by action  
14 of the state board of education under section 162.081, including  
15 attachment of a school district's territory to another district  
16 or dissolution, such that a student attending a charter school  
17 prior to such change no longer resides in a school district in  
18 which the charter school is located, then the student may  
19 complete the current academic year at the charter school. The  
20 student shall be considered a resident student. The student's  
21 parent or legal guardian shall be responsible for the student's  
22 transportation to and from the charter school.

23 7. The provisions of sections 167.018 and 167.019  
24 concerning foster children's educational rights are applicable to  
25 charter schools.

26 160.415. 1. For the purposes of calculation and  
27 distribution of state school aid under section 163.031, pupils  
28 enrolled in a charter school shall be included in the pupil

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

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

18 (1) A school district having one or more resident pupils  
19 attending a charter school shall pay to the charter school an  
20 annual amount equal to the product of the charter school's  
21 weighted average daily attendance and the state adequacy target,  
22 multiplied by the dollar value modifier for the district, plus  
23 local tax revenues per weighted average daily attendance from the  
24 incidental and teachers' funds in excess of the performance levy  
25 as defined in section 163.011 plus all other state aid  
26 attributable to such pupils.

27 (2) The district of residence of a pupil attending a  
28 charter school shall also pay to the charter school any other

1 federal or state aid that the district receives on account of  
2 such child.

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

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

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

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

21 4. A charter school that has declared itself as a local  
22 educational agency shall receive from the department of  
23 elementary and secondary education an annual amount equal to the  
24 product of the charter school's weighted average daily attendance  
25 and the state adequacy target, multiplied by the dollar value  
26 modifier for the district, plus local tax revenues per weighted  
27 average daily attendance from the incidental and teachers funds  
28 in excess of the performance levy as defined in section 163.011

1 plus all other state aid attributable to such pupils. If a  
2 charter school declares itself as a local educational agency, the  
3 department of elementary and secondary education shall, upon  
4 notice of the declaration, reduce the payment made to the school  
5 district by the amount specified in this subsection and pay  
6 directly to the charter school the annual amount reduced from the  
7 school district's payment.

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

28 6. The charter school and a local school board may agree by

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

10 7. In the case of a proposed charter school that intends to  
11 contract with an education service provider for substantial  
12 educational services or management services, the request for  
13 proposals shall additionally require the charter school applicant  
14 to:

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

20 (2) Provide a term sheet setting forth the proposed  
21 duration of the service contract; roles and responsibilities of  
22 the governing board, the school staff, and the service provider;  
23 scope of services and resources to be provided by the service  
24 provider; performance evaluation measures and time lines;  
25 compensation structure, including clear identification of all  
26 fees to be paid to the service provider; methods of contract  
27 oversight and enforcement; investment disclosure; and conditions  
28 for renewal and termination of the contract;



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

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

7           (5) Ensure that the legal counsel for the charter school  
8 shall report directly to the charter school's governing board;  
9 and

10          (6) Provide a process to ensure that the expenditures that  
11 the education service provider intends to bill to the charter  
12 school shall receive prior approval of the governing board or its  
13 designee.

14          8. A charter school may enter into contracts with community  
15 partnerships and state agencies acting in collaboration with such  
16 partnerships that provide services to children and their families  
17 linked to the school.

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

23          10. (1) The proportionate share of state and federal  
24 resources generated by students with disabilities or staff  
25 serving them shall be paid in full to charter schools enrolling  
26 those students by their school district where such enrollment is  
27 through a contract for services described in this section. The  
28 proportionate share of money generated under other federal or

1 state categorical aid programs shall be directed to charter  
2 schools serving such students eligible for that aid.

3 (2) A charter school shall provide the special services  
4 provided pursuant to section 162.705 and may provide the special  
5 services pursuant to a contract with a school district or any  
6 provider of such services.

7 11. A charter school may not charge tuition or impose fees  
8 that a school district is prohibited from charging or imposing,  
9 except that a charter school may receive tuition payments from  
10 districts [in the same or an adjoining county] for nonresident  
11 students who transfer to an approved charter school, as defined  
12 in section [167.131] 167.848, from an unaccredited [district]  
13 attendance center.

14 12. A charter school is authorized to incur debt in  
15 anticipation of receipt of funds. A charter school may also  
16 borrow to finance facilities and other capital items. A school  
17 district may incur bonded indebtedness or take other measures to  
18 provide for physical facilities and other capital items for  
19 charter schools that it sponsors or contracts with. Except as  
20 otherwise specifically provided in sections 160.400 to 160.425,  
21 upon the dissolution of a charter school, any liabilities of the  
22 corporation will be satisfied through the procedures of chapter  
23 355. A charter school shall satisfy all its financial  
24 obligations within twelve months of notice from the sponsor of  
25 the charter school's closure under subsection 8 of section  
26 160.405. After satisfaction of all its financial obligations, a  
27 charter school shall return any remaining state and federal funds  
28 to the department of elementary and secondary education for

1 disposition as stated in subdivision (17) of subsection 1 of  
2 section 160.405. The department of elementary and secondary  
3 education may withhold funding at a level the department  
4 determines to be adequate during a school's last year of  
5 operation until the department determines that school records,  
6 liabilities, and reporting requirements, including a full audit,  
7 are satisfied.

8 13. Charter schools shall not have the power to acquire  
9 property by eminent domain.

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

16 161.087. 1. When assigning classification designations to  
17 school districts pursuant to its authority to classify the public  
18 schools of the state under section 161.092, the state board of  
19 education shall use only the following classification  
20 designations:

21 (1) Unaccredited;

22 (2) Provisionally accredited;

23 (3) Accredited; and

24 (4) Accredited with distinction.

25 2. The state board of education shall develop and implement  
26 a process to provide assistance teams to borderline districts, as  
27 defined in section 167.848, as determined by the department of  
28 elementary and secondary education and to underperforming

1 districts, as defined in section 167.848, upon assignment of a  
2 classification designation of unaccredited or provisionally  
3 accredited or upon a determination made by the state board of  
4 education. The composition and size of the team may vary, based  
5 on academic, demographic, and financial circumstances of the  
6 district, but in no case will the team have fewer than ten  
7 members, two of whom shall be active classroom teachers in the  
8 district, two of whom shall be principals, and one of whom shall  
9 be a parent of a student in the district. The department staff  
10 member assigned to the region in which the district is located  
11 may be included in the assistance team's activities but shall not  
12 be formally assigned to the team. The team shall provide  
13 recommendations for improvement based on the needs of the  
14 community and the district and analysis of, at a minimum, the  
15 assessment data, classroom practices, and communication processes  
16 within attendance centers, within the district, and with the  
17 larger community. Separate teams may be used to provide analysis  
18 and recommendations at the discretion of the state board.  
19 Beginning with school year 2017-18, the team shall provide its  
20 recommendations no later than June 30, 2018, for underperforming  
21 districts and borderline districts. The state board shall  
22 prioritize the assignment of teams so that the districts with the  
23 lower annual performance report scores are addressed first. The  
24 assistance team's suggestions for improvement shall be mandatory  
25 for underperforming districts but shall not be mandatory for  
26 borderline districts. If an underperforming district disagrees  
27 with any suggestion of the assistance team, the district shall  
28 propose a different method of accomplishing the goal of the

1 assistance team's suggestion and the state board of education  
2 shall be the final arbiter of the matter.

3 161.238. 1. Notwithstanding any provision of chapter 536  
4 and subdivisions (9) and (14) of section 161.092 to the contrary,  
5 the state board of education shall adopt a policy to classify  
6 individual attendance centers. Attendance centers that do not  
7 offer classes above the second grade level are exempt from  
8 classification under this subsection. The policy shall require  
9 that an attendance center's classification be based solely on a  
10 three-year average of the attendance center's annual performance  
11 report scores using the three most recent years. The state board  
12 shall assign a classification consistent with such three-year  
13 average score. The state board shall implement such policy and:

14 (1) Within forty-five days of the effective date of this  
15 section, for each district that is classified as unaccredited by  
16 the state board of education at that time, classify each of the  
17 unaccredited district's attendance centers separately from the  
18 district as a whole using the classification designations  
19 provided in section 161.087;

20 (2) Within ninety days of the effective date of this  
21 section, for each district that is classified as provisionally  
22 accredited by the state board of education at that time, classify  
23 each of the provisionally accredited district's attendance  
24 centers separately from the district as a whole using the  
25 classification designations provided in section 161.087; and

26 (3) By January 1, 2018, for each urban school district,  
27 each metropolitan school district, each school district that has  
28 most or all of its land area located in a county with a charter

1 form of government and with more than six hundred thousand but  
2 fewer than seven hundred thousand inhabitants, and each district  
3 that has most or all of its land area located in a county with a  
4 charter form of government and with more than nine hundred fifty  
5 thousand inhabitants, classify each of the district's attendance  
6 centers separately from the district as a whole using the  
7 classification designations provided in section 161.087.

8 2. The classifications assigned by the state board under  
9 subsection 1 of this section shall become effective immediately  
10 and shall remain in effect until the state board develops,  
11 adopts, and implements the system of classification described in  
12 subsection 3 of this section. At such time, the state board  
13 shall classify attendance centers based on the system of  
14 classification described in subsection 3 of this section.

15 3. By January 1, 2018, the state board of education shall,  
16 through administrative rule, develop a system of classification  
17 that accredits attendance centers within a district separately  
18 from the district as a whole using the classification  
19 designations provided in section 161.087. The state board of  
20 education's system shall not assign classification designations  
21 to attendance centers that do not offer classes above the second  
22 grade level. When the state board adopts its system, it shall  
23 assign a classification designation to each attendance center,  
24 except for those attendance centers that do not offer classes  
25 above the second grade level. The state board of education may  
26 assign classification numbers outside the range of numbers  
27 assigned to high schools, middle schools, junior high schools, or  
28 elementary schools as classification designations for attendance

1 centers that are exempt from the accreditation classification  
2 system. Public separate special education schools within a  
3 special school district and within a school district are exempted  
4 from the accreditation requirements of this section and section  
5 161.087. While not applicable for the purpose of accreditation,  
6 a special school district shall continue to report all scores on  
7 its annual performance report to the department of elementary and  
8 secondary education for all its schools. Juvenile detention  
9 centers within a special school district are also exempted from  
10 the accreditation standards of this section and section 161.087.

11 4. Upon adoption of the classification system described in  
12 subsection 3 of this section, the state board may change any  
13 classification it has assigned to an attendance center under  
14 subsection 1 of this section.

15 5. An attendance center that does not offer classes above  
16 the second grade level shall be exempt from any requirements  
17 related to statewide assessments.

18 6. Notwithstanding the provisions of subdivision (9) of  
19 section 161.092, the rules and regulations promulgated under this  
20 section shall be effective thirty days after publication in the  
21 code of state regulations as provided in section 536.021 and  
22 shall not be subject to the two-year delay contained in  
23 subdivision (9) of section 161.092.

24 7. Any rule or portion of a rule, as that term is defined  
25 in section 536.010, that is created under the authority delegated  
26 in this section shall become effective only if it complies with  
27 and is subject to all of the provisions of chapter 536, and, if  
28 applicable, section 536.028. This section and chapter 536 are

1 nonseverable, and if any of the powers vested with the general  
2 assembly pursuant to chapter 536 to review, to delay the  
3 effective date, or to disapprove and annul a rule are  
4 subsequently held unconstitutional, then the grant of rulemaking  
5 authority and any rule proposed or adopted after the effective  
6 date of this section shall be invalid and void.

7 161.1000. 1. There is hereby established within the  
8 department of elementary and secondary education a task force, to  
9 be known as the "School Transfer and Improvement Task Force",  
10 which shall be composed of eleven members.

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

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

14 (2) Options for school transfer finance formulas;

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

17 (4) Best practices and possible pilot projects to assist  
18 transient students;

19 (5) Options for comprehensive school quality indicators  
20 leading to student success;

21 (6) Options for school quality review models based on  
22 successful review models currently in use;

23 (7) Options for locally created assessment and  
24 accountability systems; and

25 (8) Best practices in parent and community engagement.

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

27 (1) Three members of the senate, appointed by the president  
28 pro tempore of the senate, of whom not more than two shall be of



1 the same party;

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

5 (3) Three members of the house of representatives,  
6 appointed by the speaker of the house of representatives, of whom  
7 not more than two shall be of the same party;

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

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

11 (6) One member from an education organization consisting  
12 exclusively of elected officials, appointed by the commissioner  
13 of education; and

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

15 4. The first meeting of the task force shall be called by  
16 the president pro tempore of the senate. The task force shall  
17 elect a presiding officer by a majority vote of the membership of  
18 the task force. Subsequent meetings of the task force shall be  
19 at the call of the presiding officer.

20 5. The task force shall make recommendations regarding the  
21 provisions of subsection 2 of this section. In making those  
22 recommendations, the task force shall receive reports and  
23 testimony from individuals, state and local agencies, experts,  
24 and other public and private organizations.

25 6. The task force's recommendations may include proposals  
26 for specific statutory changes.

27 7. The members shall receive no compensation for their  
28 services on the task force but shall be reimbursed for ordinary

1 and necessary expenses incurred in the performance of their  
2 duties.

3 8. By February 1, 2018, the task force shall report its  
4 findings and recommendations to the general assembly.

5 9. The provisions of this section shall expire on April 30,  
6 2018.

7 162.081. 1. Whenever any school district in this state  
8 fails or refuses in any school year to provide for the minimum  
9 school term required by section 163.021 or is classified  
10 unaccredited, the state board of education shall, upon a  
11 district's initial classification or reclassification as  
12 unaccredited:

13 (1) Review the governance of the district to establish the  
14 conditions under which the existing school board shall continue  
15 to govern; or

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

18 2. If at the time any school district in this state shall  
19 be classified as unaccredited, the department of elementary and  
20 secondary education shall conduct at least two public hearings at  
21 a location in the unaccredited school district regarding the  
22 accreditation status of the school district. The hearings shall  
23 provide an opportunity to convene community resources that may be  
24 useful or necessary in supporting the school district as it  
25 attempts to return to accredited status, continues under revised  
26 governance, or plans for continuity of educational services and  
27 resources upon its attachment to a neighboring district. The  
28 department may request the attendance of stakeholders and

1 district officials to review the district's plan to return to  
2 accredited status, if any; offer technical assistance; and  
3 facilitate and coordinate community resources. Such hearings  
4 shall be conducted at least twice annually for every year in  
5 which the district remains unaccredited or provisionally  
6 accredited.

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

9 (1) Allow continued governance by the existing school  
10 district board of education under terms and conditions  
11 established by the state board of education; or

12 (2) Lapse the corporate organization of all or part of the  
13 unaccredited district and:

14 (a) Appoint a special administrative board for the  
15 operation of all or part of the district. If a special  
16 administrative board is appointed for the operation of a part of  
17 a school district, the state board of education shall determine  
18 an equitable apportionment of state and federal aid for the part  
19 of the district, and the school district shall provide local  
20 revenue in proportion to the weighted average daily attendance of  
21 the part. The number of members of the special administrative  
22 board shall not be less than five, the majority of whom shall be  
23 residents of the district. The members of the special  
24 administrative board shall reflect the population characteristics  
25 of the district and shall collectively possess strong experience  
26 in school governance, management and finance, and leadership.  
27 The state board of education may appoint members of the  
28 district's elected school board to the special administrative

1 board, but members of the elected school board shall not comprise  
2 more than forty-nine percent of the special administrative  
3 board's membership. Within fourteen days after the appointment  
4 by the state board of education, the special administrative board  
5 shall organize by the election of a president, vice president,  
6 secretary and a treasurer, with their duties and organization as  
7 enumerated in section 162.301. The special administrative board  
8 shall appoint a superintendent of schools to serve as the chief  
9 executive officer of the school district, or a subset of schools,  
10 and to have all powers and duties of any other general  
11 superintendent of schools in a seven-director school district.  
12 Nothing in this section shall be construed to permit either the  
13 state board of education or a special administrative board to  
14 raise, in any way not specifically allowed by law, the tax levy  
15 of the district or any part of the district without a vote of the  
16 people. Any special administrative board appointed under this  
17 section shall be responsible for the operation of the district or  
18 part of the district until such time that the district is  
19 classified by the state board of education as provisionally  
20 accredited for at least two successive academic years, after  
21 which time the state board of education may provide for a  
22 transition pursuant to section 162.083; or

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

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

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

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

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

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

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

25           4. If a district remains under continued governance by the  
26 school board under subdivision (1) of subsection 3 of this  
27 section and either has been unaccredited for three consecutive  
28 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 or any other form of  
8 governance appointed under this section shall retain the  
9 authority granted to a board of education for the operation of  
10 the lapsed school district under the laws of the state in effect  
11 at the time of the lapse and may enter into contracts with  
12 accredited school districts or other education service providers  
13 in order to deliver high-quality educational programs to the  
14 residents of the district. If a student graduates while  
15 attending a school building in the district that is operated  
16 under a contract with an accredited school district as specified  
17 under this subsection, the student shall receive his or her  
18 diploma from the accredited school district. The authority of  
19 the special administrative board or any other form of governance  
20 appointed under this section shall expire at the end of the third  
21 full school year following its appointment, unless extended by  
22 the state board of education. If the lapsed district is  
23 reassigned, the [special administrative board] governing board  
24 prior to lapse shall provide an accounting of all funds, assets  
25 and liabilities of the lapsed district and transfer such funds,  
26 assets, and liabilities of the lapsed district as determined by  
27 the state board of education. Neither the special administrative  
28 board nor any other form of governance appointed under this

1 section nor its members or employees shall be deemed to be the  
2 state or a state agency for any purpose, including section  
3 105.711, et seq. The state of Missouri, its agencies and  
4 employees shall be absolutely immune from liability for any and  
5 all acts or omissions relating to or in any way involving the  
6 lapsed district, ~~[the]~~ a special administrative board, any other  
7 form of governance appointed under this section, [its] or the  
8 members or employees of the lapsed district, a special  
9 administrative board, or any other form of governance appointed  
10 under this section. Such immunities, and immunity doctrines as  
11 exist or may hereafter exist benefitting boards of education,  
12 their members and their employees, shall be available to the  
13 special administrative board, ~~[its]~~ any other form of governance  
14 appointed under this section, and the members and employees of  
15 the special administrative board or any other form of governance  
16 appointed under this section.

17 6. Neither the special administrative board nor any other  
18 form of governance appointed under this section nor any district  
19 or other entity assigned territory, assets or funds from a lapsed  
20 district shall be considered a successor entity for the purpose  
21 of employment contracts, unemployment compensation payment  
22 pursuant to section 288.110, or any other purpose.

23 7. If additional teachers are needed by a district as a  
24 result of increased enrollment due to the annexation of territory  
25 of a lapsed or dissolved district, such district shall grant an  
26 employment interview to any permanent teacher of the lapsed or  
27 dissolved district upon the request of such permanent teacher.

28 8. In the event that a school district with an enrollment

1 in excess of five thousand pupils lapses, no school district  
2 shall have all or any part of such lapsed school district  
3 attached without the approval of the board of the receiving  
4 school district.

5 162.1303. 1. For purposes of this section and section  
6 162.1305, "transient student" means any student who withdraws  
7 from one attendance center and enrolls in any other attendance  
8 center, including withdrawing and re-enrolling in the same  
9 attendance center, two or more times within two school years.

10 2. The department of elementary and secondary education  
11 shall annually calculate a transient student ratio for each  
12 attendance center, each charter school, and each local  
13 educational agency. The department shall annually calculate a  
14 transient student ratio for each school district based on the  
15 transient student ratios of all the attendance centers in such  
16 district. The department shall publish the transient student  
17 ratio of each district, each attendance center, each charter  
18 school, and each local educational agency on its website.

19 3. The department shall include, or cause to be included,  
20 in each district's school accountability report card the  
21 transient student ratio of the district and of each attendance  
22 center operated by the district.

23 4. The department shall include the transient student  
24 ratios of attendance centers, charter schools, and local  
25 educational agencies in their respective school accountability  
26 report cards.

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



1       6. A transient student ratio shall be calculated as the  
2 quotient of the number of transient students enrolled in the  
3 district on the last Wednesday in September and the total number  
4 of students who are enrolled in the district on the last  
5 Wednesday in September.

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

11       162.1305. 1. In the first year of attendance in a  
12 district, attendance center, or charter school, a transient  
13 student's score on a statewide assessment shall not be included  
14 when calculating the status or progress scores on the district's,  
15 attendance center's, or charter school's annual performance  
16 report scores. A transient student's growth score shall be  
17 weighted at one hundred percent.

18       2. In the second year of attendance, a transient student's  
19 score on a statewide assessment shall be weighted at thirty  
20 percent when calculating the district's, attendance center's, or  
21 charter school's performance for purposes of the district's,  
22 attendance center's, or charter school's annual performance  
23 report status or progress score, with the transient student's  
24 growth score weighted at one hundred percent.

25       3. In the third year of attendance, a transient student's  
26 score on a statewide assessment shall be weighted at seventy  
27 percent when calculating the district's, attendance center's, or  
28 charter school's performance for purposes of the district's,

1 attendance center's, or charter school's annual performance  
2 report status or progress score, with the transient student's  
3 growth score weighted at one hundred percent.

4 4. In the fourth year of attendance and any subsequent  
5 years of attendance, a transient student's score on a statewide  
6 assessment shall be weighted at one hundred percent when  
7 calculating the district's, attendance center's, or charter  
8 school's performance for purposes of the district's, attendance  
9 center's, or charter school's annual performance report status or  
10 progress score, with the transient student's growth score  
11 weighted at one hundred percent.

12 162.1310. If the state board of education classifies any  
13 district or attendance center as unaccredited, the district shall  
14 notify the parent or guardian of any student enrolled in the  
15 unaccredited district or unaccredited attendance center of the  
16 loss of accreditation within seven business days. The district  
17 shall also notify district taxpayers of the loss of accreditation  
18 within seven business days. The district's notice shall include  
19 an explanation of which students may be eligible to transfer, the  
20 transfer process under sections 167.825 to 167.827, and any  
21 services students may be entitled to receive as a result of the  
22 district or attendance center being classified as unaccredited.  
23 The district's notice shall be written in a clear, concise, and  
24 easy-to-understand manner. The district shall post the notice in  
25 a conspicuous and accessible place in each district attendance  
26 center. The district shall also send the notice to each  
27 municipality located within the boundaries of the district.

28 162.1313. The school board of any district that operates an

underperforming attendance center, as defined in section 167.848,  
shall adopt a policy regarding the availability of home visits by  
attendance center personnel. Pursuant to such policy, the  
attendance center may offer the parent or guardian of a student  
enrolled in any such attendance center the opportunity to have  
one or more annual home visits. If the attendance center decides  
to offer one or more annual home visits, the attendance center  
shall offer an opportunity for each visit to occur at the  
attendance center or at a mutually agreeable site.

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

(1) Provides for a minimum of one hundred seventy-four days and one thousand forty-four hours of actual pupil attendance in a term scheduled by the board pursuant to section 160.041 for each pupil or group of pupils, except that the board shall provide a minimum of one hundred seventy-four days and five hundred twenty-two hours of actual pupil attendance in a term for kindergarten pupils. If any school is dismissed because of inclement weather after school has been in session for three hours, that day shall count as a school day including afternoon session kindergarten students. When the aggregate hours lost in a term due to inclement weather decreases the total hours of the school term below the required minimum number of hours by more than twelve hours for all-day students or six hours for one-half-day kindergarten students, all such hours below the minimum must be made up in one-half day or full day additions to the term, except as provided in section 171.033;

(2) Maintains adequate and accurate records of attendance,

1 personnel and finances, as required by the state board of  
2 education, which shall include the preparation of a financial  
3 statement which shall be submitted to the state board of  
4 education the same as required by the provisions of section  
5 165.111 for districts;

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

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

19 (5) If required to remit tuition under section 167.829,  
20 uses funds derived from the operating levy for school purposes  
21 for tuition remission for students who attend a nonsectarian  
22 private school under said section.

23 2. For the 2006-07 school year and thereafter, no school  
24 district shall receive more state aid, as calculated under  
25 subsections 1 and 2 of section 163.031, for its education  
26 program, exclusive of categorical add-ons, than it received per  
27 weighted average daily attendance for the school year 2005-06  
28 from the foundation formula, line 14, gifted, remedial reading,

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

1 Article X, Section 22 of the Missouri Constitution.

2 3. No school district shall receive more state aid, as  
3 calculated in section 163.031, for its education program,  
4 exclusive of categorical add-ons, than it received per eligible  
5 pupil for the school year 1993-94, if the state board of  
6 education determines that the district was not in compliance in  
7 the preceding school year with the requirements of section  
8 163.172, until such time as the board determines that the  
9 district is again in compliance with the requirements of section  
10 163.172.

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

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

25 6. Any school district that levies an operating levy for  
26 school purposes that is less than the performance levy, as such  
27 term is defined in section 163.011, shall provide written notice  
28 to the department of elementary and secondary education asserting

1 that the district is providing an adequate education to the  
2 students of such district. If a school district asserts that it  
3 is not providing an adequate education to its students, such  
4 inadequacy shall be deemed to be a result of insufficient local  
5 effort. The provisions of this subsection shall not apply to any  
6 special district established under sections 162.815 to 162.940.

7 163.036. 1. In computing the amount of state aid a school  
8 district is entitled to receive for the minimum school term only  
9 under section 163.031, a school district may use an estimate of  
10 the weighted average daily attendance for the current year, or  
11 the weighted average daily attendance for the immediately  
12 preceding year or the weighted average daily attendance for the  
13 second preceding school year, whichever is greater. Beginning  
14 with the 2006-07 school year, the summer school attendance  
15 included in the average daily attendance as defined in  
16 subdivision (2) of section 163.011 shall include only the  
17 attendance hours of pupils that attend summer school in the  
18 current year. Beginning with the 2004-05 school year, when a  
19 district's official calendar for the current year contributes to  
20 a more than ten percent reduction in the average daily attendance  
21 for kindergarten compared to the immediately preceding year, the  
22 payment attributable to kindergarten shall include only the  
23 current year kindergarten average daily attendance. Any error  
24 made in the apportionment of state aid because of a difference  
25 between the actual weighted average daily attendance and the  
26 estimated weighted average daily attendance shall be corrected as  
27 provided in section 163.091, except that if the amount paid to a  
28 district estimating weighted average daily attendance exceeds the

1 amount to which the district was actually entitled by more than  
2 five percent, interest at the rate of six percent shall be  
3 charged on the excess and shall be added to the amount to be  
4 deducted from the district's apportionment the next succeeding  
5 year.

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

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

24 4. For the purposes of distribution of state school aid  
25 pursuant to section 163.031, a school district with ten percent  
26 or more of its assessed valuation that is owned by one person or  
27 corporation as commercial or personal property who is delinquent  
28 in a property tax payment may elect, after receiving notice from



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

24           166.700. As used in sections 166.700 to 166.720, the  
25 following terms mean:

26           (1) "Child with a disability":

27           (a) A child who is at least five years of age but less than  
28 twenty-two years of age who has been evaluated and found to have

1 at least one of the following disabilities and who, because of  
2 the disability, needs special education and related services:

3 a. An autism spectrum disorder;

4 b. Developmental delay;

5 c. Emotional disability;

6 d. Hearing impairment;

7 e. Other health impairments;

8 f. Specific learning disability;

9 g. Mild, moderate, or severe intellectual disability;

10 h. Multiple disabilities;

11 i. Multiple disabilities with severe sensory impairment;

12 j. Orthopedic impairment;

13 k. Preschool severe delay;

14 l. Speech or language impairment;

15 m. Traumatic brain injury; or

16 n. Visual impairment; and

17 (b) Shall not include a child if the determining factor for  
18 the classification is one or more of the following:

19 a. A lack of appropriate instruction in reading, including  
20 essential components of reading instruction;

21 b. A lack of appropriate instruction in mathematics; or

22 c. Difficulty in writing, speaking, or understanding the  
23 English language due to an environmental background in which a  
24 language other than English is primarily or exclusively used;

25 (2) "Curriculum", a complete course of study for a  
26 particular content area or grade level, including any  
27 supplemental materials;

28 (3) "Educational assistance organization", the same meaning

as used in section 135.712;

(4) "Parent", the same meaning as used in section 135.712;

(5) "Private school", a school that is not a part of the public school system of the state of Missouri and that charges tuition for the rendering of elementary or secondary educational services;

(6) "Program", the Missouri empowerment scholarship accounts program;

(7) "Qualified school", a home school as defined in section 167.031, a private school as defined in this subsection, a public school as defined in section 160.011, or a public or private virtual school that is located in Missouri and that does not discriminate on the basis of race, color, or national origin;

(8) "Qualified student", a resident of this state who:

(a) Is any of the following:

a. Identified by a district as a child with a disability;

b. A child with a disability who is eligible to receive services from a school district under the Individuals with Disabilities Education Act;

c. A child who is a ward of the juvenile court and who is residing with a prospective permanent placement and for whom the case plan is adoption or permanent guardianship; or

d. A child who was a ward of the juvenile court and who achieved permanency through adoption permanent guardianship; and

(b) Did any of the following:

a. Attended a public school as a full-time student for at least one semester from the previous twelve months and who transferred from a public school under a contract to participate

1 in the Missouri empowerment scholarship accounts program;

2 b. Previously participated in the Missouri empowerment  
3 scholarship account program; or

4 c. Is a child who is eligible to begin kindergarten under  
5 sections 160.051 to 160.055.

6 166.705. 1. A parent of a qualified student may establish  
7 a Missouri empowerment scholarship account for the student by  
8 entering into a written agreement with an educational assistance  
9 organization. The agreement shall provide that:

10 (1) The qualified student shall enroll in a qualified  
11 school and receive an education in at least the subjects of  
12 reading, grammar, mathematics, social studies, and science;

13 (2) The qualified student shall not be enrolled in a school  
14 operated by the qualified student's district of residence or a  
15 charter school and shall release the district of residence from  
16 all obligations to educate the qualified student while the  
17 qualified student is enrolled in the program; except that, this  
18 subdivision shall not relieve the student's district of residence  
19 from the obligation to conduct an evaluation for disabilities;

20 (3) The qualified student shall receive a grant, in the  
21 form of money deposited pursuant to section 135.714, in the  
22 qualified student's Missouri empowerment scholarship account;

23 (4) The money deposited in the qualified student's Missouri  
24 empowerment scholarship account shall be used only for the  
25 following expenses of the qualified student:

26 (a) Tuition or fees at a qualified school;

27 (b) Textbooks required by a qualified school;

28 (c) Educational therapies or services for the qualified

student from a licensed or accredited practitioner or provider,  
including licensed or accredited paraprofessionals or educational  
aides;

(d) Tutoring services provided by a tutor accredited by a  
state, regional, or national accrediting organization;

(e) Curriculum;

(f) Tuition or fees for a nonpublic online learning  
program;

(g) Fees for a nationally standardized norm-referenced  
achievement test, advanced placement examinations, international  
baccalaureate examinations, or any exams related to college or  
university admission;

(h) Fees for management of the empowerment scholarship  
account by firms selected by the educational assistance  
organization;

(i) Services provided by a public school, including  
individual classes and extracurricular programs;

(j) Insurance or surety bond payments as required by the  
state treasurer;

(k) Computer hardware or other technological devices that  
are used to help meet a qualified student's educational needs and  
that are approved by an educational assistance organization; and

(l) Fees for summer education programs and specialized  
after-school education programs;

(5) Moneys deposited in the qualified student's account  
shall not be used for the following:

(a) Consumable educational supplies including, but not  
limited to, paper, pens, pencils, or markers; and

1       (b) Tuition at a private school located outside of the  
2       state of Missouri.

3       2. Missouri empowerment scholarship accounts are renewable  
4       on an annual basis upon request of the parent of a qualified  
5       student. Notwithstanding any changes to the qualified student's  
6       multidisciplinary evaluation team plan, a student who has  
7       previously qualified for a Missouri empowerment scholarship  
8       account shall remain eligible to apply for renewal until the  
9       student completes high school and submits scores from a  
10      nationally standardized norm-referenced achievement test,  
11      advanced placement examination, international baccalaureate  
12      examination, or any exam related to college or university  
13      admission purchased with Missouri empowerment scholarship account  
14      funds to the state treasurer.

15      3. A signed agreement under this section shall satisfy the  
16      compulsory school attendance requirements of section 167.031.

17      4. A qualified school or a provider of services purchased  
18      under this section shall not share, refund, or rebate any  
19      Missouri empowerment scholarship account moneys with the parent  
20      or qualified student in any manner.

21      5. If a qualified student withdraws from the program by  
22      enrolling in a school other than a qualified school, or is  
23      disqualified from the program under the provisions of section  
24      166.710, the qualified student's Missouri empowerment scholarship  
25      account shall be closed and any remaining funds shall be returned  
26      to the educational assistance organization for redistribution to  
27      other qualified students. Under such circumstances, the  
28      obligation to provide an education for such student shall

1 transfer back to the student's district of residence.

2 6. Any funds remaining in a qualified student's scholarship  
3 account at the end of a school year shall remain in the account  
4 and shall not be returned to the educational assistance  
5 organization. Any funds remaining in a qualified student's  
6 scholarship account upon graduation from a qualified school shall  
7 be returned to the educational assistance organization for  
8 redistribution to other qualified students.

9 7. Moneys received under sections 166.700 to 166.720 shall  
10 not constitute Missouri taxable income to the parent of the  
11 qualified student.

12 8. Any qualified student under subparagraph d of paragraph  
13 (a) of subdivision (10) of section 166.700 who receives a  
14 scholarship under the provisions of this section shall continue  
15 to be eligible to receive his or her scholarship upon a legal  
16 adoption.

17 166.710. 1. Beginning in the 2019-2020 school year, the  
18 state treasurer shall conduct or contract for annual audits of  
19 empowerment scholarship accounts to ensure compliance with the  
20 requirements of subsection 1 of section 166.705. The state  
21 treasurer shall also conduct or contract for random, quarterly,  
22 and annual audits of empowerment scholarship accounts as needed  
23 to ensure compliance with the requirements of subsection 1 of  
24 section 166.705.

25 2. A parent or qualified student or vendor may be  
26 disqualified from program participation if the state treasurer,  
27 or his or her designee, finds the party has committed an  
28 intentional program violation consisting of any misrepresentation



1 or other act that materially violates any law or rule governing  
2 the program. The state treasurer may remove any parent or  
3 qualified student from eligibility for a Missouri empowerment  
4 scholarship program account. A parent may appeal the state  
5 treasurer's decision to the administrative hearing commission. A  
6 parent may appeal the administrative hearing commission's  
7 decision to the circuit court of the county in which the student  
8 resides.

9 3. The state treasurer may refer cases of substantial  
10 misuse of moneys to the attorney general for investigation if the  
11 state treasurer obtains evidence of fraudulent use of an account.

12 4. The state treasurer shall promulgate the following rules  
13 to implement and administer the Missouri empowerment scholarship  
14 accounts program:

15 (1) Rules for conducting examinations of use of account  
16 funds;

17 (2) Rules for conducting random, quarterly, and annual  
18 reviews of accounts;

19 (3) Creating an online anonymous fraud reporting service;

20 (4) Creating an anonymous telephone hotline for fraud  
21 reporting; and

22 (5) A surety bond requirement for account holders.

23 5. Any rule or portion of a rule, as that term is defined  
24 in section 536.010 that is created under the authority delegated  
25 in this section shall become effective only if it complies with  
26 and is subject to all of the provisions of chapter 536, and, if  
27 applicable, section 536.028. This section and chapter 536 are  
28 nonseverable and if any of the powers vested with the general

1 assembly pursuant to chapter 536, to review, to delay the  
2 effective date, or to disapprove and annul a rule are  
3 subsequently held unconstitutional, then the grant of rulemaking  
4 authority and any rule proposed or adopted after August 28, 2017,  
5 shall be invalid and void.

6 166.715. 1. A person commits a class A misdemeanor if they  
7 are found to have knowingly used moneys granted under section  
8 135.714 for purposes other than those provided for in sections  
9 166.700 to 166.720.

10 2. No financial institution shall be liable in any civil  
11 action for providing a savings account's financial information to  
12 the state treasurer unless the information provided is false and  
13 the financial institution providing the false information does so  
14 knowingly and with malice.

15 166.720. 1. Sections 166.700 to 166.720 do not permit any  
16 governmental agency to exercise control or supervision over any  
17 qualified school in which a qualified student enrolls other than  
18 a qualified school that is a public school.

19 2. A qualified school that accepts a payment from a parent  
20 under sections 166.700 to 166.720 shall not be an agent of the  
21 state or federal government.

22 3. A qualified school shall not be required to alter its  
23 creed, practices, admissions policy, or curriculum in order to  
24 accept students whose parents pay tuition or fees from an  
25 empowerment scholarship account to participate as a qualified  
26 school.

27 4. In any legal proceeding challenging the application of  
28 sections 166.700 to 166.720 to a qualified school, the state

1 shall bear the burden of establishing that the law is necessary  
2 and does not impose any undue burden on qualified schools.

3 167.121. 1. If the residence of a pupil is so located that  
4 attendance in the district of residence constitutes an unusual or  
5 unreasonable transportation hardship because of natural barriers,  
6 travel time, or distance, the commissioner of education or his or  
7 her designee may assign the pupil to another district. Subject  
8 to the provisions of this section, all existing assignments shall  
9 be reviewed prior to July 1, 1984, and from time to time  
10 thereafter, and may be continued or rescinded. The board of  
11 education of the district in which the pupil lives shall pay the  
12 tuition of the pupil assigned. The tuition shall not exceed the  
13 pro rata cost of instruction.

14 2. (1) For the school year beginning July 1, 2008, and  
15 each succeeding school year, a parent or guardian residing in a  
16 lapsed public school district or a parent or guardian residing in  
17 a district that has [scored] received an annual performance  
18 report score consistent with a state board of education  
19 classification of either unaccredited or provisionally  
20 accredited[, or a combination thereof, on two consecutive annual  
21 performance reports] may enroll the parent's or guardian's child  
22 in the Missouri virtual school created in section 161.670  
23 provided the pupil first enrolls in the school district of  
24 residence. The school district of residence shall include the  
25 pupil's enrollment in the virtual school created in section  
26 161.670 in determining the district's average daily attendance.  
27 Full-time enrollment in the virtual school shall constitute one  
28 average daily attendance equivalent in the school district of

1 residence. Average daily attendance for part-time enrollment in  
2 the virtual school shall be calculated as a percentage of the  
3 total number of virtual courses enrolled in divided by the number  
4 of courses required for full-time attendance in the school  
5 district of residence.

6 (2) A pupil's residence, for purposes of this section,  
7 means residency established under section 167.020. Except for  
8 students residing in a K-8 district attending high school in a  
9 district under section 167.131, the board of the home district  
10 shall pay to the virtual school the amount required under section  
11 161.670.

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

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

28 167.127. If a school district contains a facility that

1 serves neglected or delinquent children residing in a court-  
2 ordered group home, an institution for neglected children, or an  
3 institution for delinquent children, the department of elementary  
4 and secondary education shall be prohibited from creating any  
5 report or publication related to the Missouri school improvement  
6 program, or any successor program, in which data from the  
7 district's regularly enrolled pupils is aggregated with data from  
8 the children residing in such facilities.

9       167.131. 1. The board of education of each district in  
10 this state that does not maintain [an accredited] a high school  
11 [pursuant to the authority of the state board of education to  
12 classify schools as established in section 161.092] offering work  
13 through the twelfth grade shall pay [the] tuition [of] as  
14 calculated by the receiving district under subsection 2 of this  
15 section and provide transportation consistent with the provisions  
16 of section 167.241 for each pupil resident therein who has  
17 completed the work of the highest grade offered in the attendance  
18 centers of the district and who attends an accredited public high  
19 school in another district of the same or an adjoining county.

20       2. The rate of tuition to be charged by the district  
21 attended and paid by the sending district is the per pupil cost  
22 of maintaining the district's grade level grouping which includes  
23 the school attended. The cost of maintaining a grade level  
24 grouping shall be determined by the board of education of the  
25 district but in no case shall it exceed all amounts spent for  
26 teachers' wages, incidental purposes, debt service, maintenance  
27 and replacements. The term "debt service", as used in this  
28 section, means expenditures for the retirement of bonded

1 indebtedness and expenditures for interest on bonded  
2 indebtedness. Per pupil cost of the grade level grouping shall  
3 be determined by dividing the cost of maintaining the grade level  
4 grouping by the average daily pupil attendance. If there is  
5 disagreement as to the amount of tuition to be paid, the facts  
6 shall be submitted to the state board of education, and its  
7 decision in the matter shall be final. Subject to the  
8 limitations of this section, each pupil shall be free to attend  
9 the public school of his or her choice.

10 167.642. 1. No underperforming district, as defined in  
11 section 167.848, located in a county with a charter form of  
12 government and with more than nine hundred fifty thousand  
13 inhabitants shall promote a student from the fifth grade to the  
14 sixth grade or from the eighth grade to the ninth grade who is  
15 two years or more below grade level as measured by quantifiable  
16 student performance data designated by the local district to  
17 satisfy the requirements of this section. The term "quantifiable  
18 student performance data" shall be as defined in subsection 2 of  
19 section 161.096.

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

25 167.685. 1. Each unaccredited attendance center shall  
26 offer free tutoring and supplemental education services to  
27 students who are performing below grade level or identified by  
28 the attendance center as struggling, using funds from the school

1 improvement fund to the extent that such funds are available.

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

9 3. 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 of public moneys in accordance with  
12 distribution requirements and procedures developed by the  
13 department of elementary and secondary education and shall make  
14 disbursement of private funds according to the directions of the  
15 donor. If the donor did not specify how the private funds were  
16 to be disbursed, the state treasurer shall contact the donor to  
17 determine the manner of disbursement. The fund shall be a  
18 dedicated fund and, upon appropriation, moneys in the fund shall  
19 be used solely for the administration of this section.

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

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

27 167.688. 1. Any underperforming district, as defined in  
28 section 167.848, may perform any or all of the following actions

1 including, but not limited to:

2 (1) Implement a new curriculum, including appropriate  
3 professional development, based on scientifically based research  
4 that offers substantial promise of improving educational  
5 achievement of low-achieving students;

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

8 (3) Enter into a contract with an education management  
9 company or education services provider that has a demonstrated  
10 record of effectiveness operating a school or schools;

11 (4) For any unaccredited attendance center, enter into a  
12 collaborative relationship and agreement with an accredited  
13 district in which teachers from the unaccredited attendance  
14 center may exchange positions with teachers from an accredited  
15 attendance center in an accredited district for a period of two  
16 school weeks; or

17 (5) Implement any other change that is suggested by the  
18 state board of education, an expert or contractor approved under  
19 this section, or an assistance team under section 161.087, in  
20 accordance with state law, that the school board has reason to  
21 believe will result in improved performance for accreditation  
22 purposes.

23 2. Any underperforming district that offers an attendance  
24 recovery program designed exclusively to allow students to  
25 recapture attendance hours lost due to absences shall be allowed  
26 to include such attendance recovery hours in the district's  
27 attendance rate for purposes of the Missouri school improvement  
28 program accreditation scoring. Districts may offer attendance



1 recovery programs on Saturdays or at any time before or after the  
2 school's regularly scheduled school hours. Extended hour and day  
3 programs designed for remediation or enrichment purposes shall  
4 not fulfill the criteria of attendance recovery programs as  
5 provided in this subsection.

6 167.825. 1. For school year 2017-18, students who  
7 transferred from an unaccredited district to an accredited  
8 district in the same or an adjoining county under section 167.131  
9 as it existed on July 1, 2016, shall be allowed to participate  
10 under the same terms that governed such transfers in school year  
11 2016-17, except that section 167.829 shall apply to determine the  
12 reimbursement of their tuition.

13 2. Notwithstanding the provisions of subsection 1 of this  
14 section, for school year 2017-18, any student who transferred  
15 from an unaccredited district to an accredited district in the  
16 same or an adjoining county in school year 2015-16 or school year  
17 2016-17 but did not attend a public school in the unaccredited  
18 district for the school year prior to the transfer, unless the  
19 student was entering kindergarten or first grade when he or she  
20 transferred, shall no longer be eligible to transfer under this  
21 section in school year 2017-18.

22 3. If an unaccredited district becomes classified as  
23 provisionally accredited or accredited without provisions by the  
24 state board of education, any resident student of the  
25 unaccredited district who transferred under section 167.131 as it  
26 existed on July 1, 2016, shall be permitted to continue the  
27 student's educational program through the completion of middle  
28 school, junior high school, or high school, whichever occurs

1 first, except that a student who attends any attendance center  
2 serving students through high school graduation but starting at  
3 grades lower than ninth grade shall be permitted to complete high  
4 school in the attendance center to which he or she has  
5 transferred. No student shall be required to return to an  
6 unaccredited attendance center within said district under any  
7 circumstance except as provided under this subsection. In order  
8 to qualify under this subsection, a student shall have previously  
9 attended an attendance center in the sending district for at  
10 least one school year immediately before initially transferring,  
11 unless the student was entering kindergarten or was a first grade  
12 student, and shall continue to reside within the boundaries of  
13 the unaccredited district as those boundaries existed when the  
14 student entered the transfer program to maintain eligibility.

15 4. Notwithstanding any other provision of law, any student  
16 who was participating in the school transfer program before  
17 January 1, 2016, and who attended, for at least one school year  
18 immediately prior to transferring, a school in an unaccredited  
19 district, shall have the option of transferring to a virtual  
20 school created pursuant to section 162.1250, an approved charter  
21 school, or another attendance center in the student's district of  
22 residence that offers the student's grade level of enrollment, as  
23 further provided in section 167.826.

24 167.826. 1. Any student may transfer to another attendance  
25 center in the student's district of residence that offers the  
26 student's grade level of enrollment and that is accredited  
27 without provisions by the state board of education if such  
28 student is enrolled in and has attended an unaccredited

1 attendance center within the student's resident district for the  
2 full school year immediately prior to requesting the transfer.

3 2. No such transfer under subsection 1 of this section  
4 shall result in a class size and assigned enrollment in a  
5 receiving attendance center that exceeds the standards for class  
6 size and assigned enrollment as promulgated in the Missouri  
7 school improvement program's resource standards, unless the  
8 school district consents to such. If the student chooses to  
9 attend a magnet school, an academically selective school, or a  
10 school with a competitive entrance process within his or her  
11 district of residence that has admissions requirements, the  
12 student shall meet such admissions requirements in order to  
13 attend. The school board of each district shall determine the  
14 capacity at each of the district's attendance centers that the  
15 state board of education has assigned a classification  
16 designation of accredited or accredited with distinction. The  
17 district's school board shall be responsible for coordinating  
18 student transfers from unaccredited attendance centers to  
19 accredited attendance centers within the district. No student  
20 enrolled in and attending an attendance center that does not  
21 offer classes above the second grade level shall be eligible to  
22 transfer under this section.

23 3. Any student who is enrolled in and has attended an  
24 unaccredited attendance center for the full school year  
25 immediately prior to requesting the transfer and who has first  
26 attempted but is unable to transfer to an accredited attendance  
27 center within his or her district of residence under subsection 1  
28 of this section due to a lack of capacity in accredited

attendance centers in the district of residence may apply to the department of elementary and secondary education to transfer to:

(1) An accredited attendance center in an adjoining district; or

(2) An approved charter school, as defined in section 167.848, in an adjoining district.

4. The application to the department of elementary and secondary education to transfer shall be made by March first before the school year in which the student intends to transfer.

5. A student who is eligible to begin kindergarten or first grade at an unaccredited attendance center may apply to the department of elementary and secondary education for a transfer if he or she resides in the attendance area of an unaccredited attendance center on March first preceding the school year of first attendance. A student who does not apply by March first shall be required to enroll and attend for one school year to become eligible to transfer. If the student chooses to apply to attend a magnet school, an academically selective school, or a school with a competitive entrance process that has admissions requirements, the student shall furnish proof that he or she meets such admissions requirements. Any student who does not maintain residency in the attendance area of his or her attendance center in the district of residence shall lose eligibility to transfer. Any student who transfers but later withdraws shall lose eligibility to transfer. The transfer provisions of this subsection shall not apply to a district created under sections 162.815 to 162.840 or to any early childhood programs or early childhood special education programs.

1       6. No unaccredited attendance center or provisionally  
2 accredited attendance center shall be eligible to receive  
3 transfer students, except that a transfer student who chooses to  
4 attend a provisionally accredited attendance center in the  
5 district of residence shall be allowed to transfer to such  
6 attendance center if there is an available slot.

7       7. If a charter school may receive nonresident transfer  
8 students under this section because it has been operating for  
9 less than three years but then loses its status as an approved  
10 charter school immediately after those three years because its  
11 three-year average score on its annual performance report is  
12 below seventy percent, any students who previously transferred to  
13 the charter school may remain enrolled in the charter school but  
14 no additional nonresident students may transfer to the charter  
15 school.

16       8. No attendance center with a three-year average score of  
17 seventy percent or lower on its annual performance report shall  
18 be eligible to receive any transfer students, irrespective of its  
19 state board of education classification designation, except that  
20 any student who was granted a transfer to such an attendance  
21 center prior to the effective date of this section may remain  
22 enrolled in that attendance center.

23       9. For a receiving attendance center or receiving approved  
24 charter school, no acceptance of a transfer student shall require  
25 any of the following actions, unless the school board of the  
26 receiving attendance center's district or the receiving approved  
27 charter school's governing board has approved the action:

28       (1) A class size and assigned enrollment in a receiving

1 attendance center that exceeds the number of students provided by  
2 its approved policy on class size under subsection 10 of this  
3 section;

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

5 (3) The construction of additional classrooms.

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

1 state board of education finds that the policy is unduly  
2 restrictive to student transfers, the state board may limit the  
3 policy. The state board's decision shall be final.

4 11. For each student who transfers to another district or  
5 approved charter school, the student's district of residence  
6 shall pay the tuition amount for each transfer student to the  
7 receiving district or receiving approved charter school in two  
8 increments annually, once at the start of the school year and  
9 once at the start of the second semester of the school year.  
10 Each receiving district and receiving approved charter school  
11 shall adopt a policy establishing a tuition rate by February  
12 first annually.

13 12. If an unaccredited attendance center becomes classified  
14 as provisionally accredited or accredited without provisions by  
15 the state board of education, any student who was assigned to  
16 such attendance center and who has transferred under this section  
17 shall be permitted to continue his or her educational program in  
18 that education option through the completion of middle school,  
19 junior high school, or high school, whichever occurs first,  
20 except that a student who attends any attendance center serving  
21 students through high school graduation but starting at grades  
22 lower than ninth grade shall be permitted to complete high school  
23 in the attendance center to which he or she has transferred.

24 13. The department of elementary and secondary education  
25 shall designate at least one accredited attendance center in an  
26 adjoining district to which the district operating the  
27 unaccredited attendance center shall provide transportation for  
28 transfer students. If the designated attendance center reaches

1 full student capacity and is unable to receive additional  
2 students, the department of elementary and secondary education  
3 shall designate at least one additional accredited attendance  
4 center to which the district operating an unaccredited attendance  
5 center shall provide transportation for transfer students. When  
6 determining transportation arrangements under this subsection,  
7 the department of elementary and secondary education shall not  
8 contract with or collaborate with any established regional  
9 association or cooperative of school districts located in any  
10 city not within a county or any county with a charter form of  
11 government and with more than nine hundred fifty thousand  
12 inhabitants.

13 14. Notwithstanding the provisions of subsection 11 of this  
14 section to the contrary, if costs associated with the provision  
15 of special education and related services to a student with a  
16 disability exceed the tuition amount established under this  
17 section, the transfer student's district of residence shall  
18 remain responsible to pay the excess cost to the receiving  
19 district or receiving approved charter school. If the receiving  
20 district is a component district of a special school district,  
21 the transfer student's district of residence, including any  
22 metropolitan school district, shall contract with the special  
23 school district for the entirety of the costs to provide special  
24 education and related services, excluding transportation pursuant  
25 to this section. The special school district may contract with  
26 the transfer student's district of residence, including any  
27 metropolitan district, for the provision of transportation of a  
28 student with a disability, or the transfer student's district of



1 residence may provide transportation on its own.

2 15. A special school district shall continue to provide  
3 special education and related services, with the exception of  
4 transportation under this section, to a student with a disability  
5 transferring from an unaccredited attendance center within a  
6 component district to an accredited attendance center within the  
7 same or a different component district within the special school  
8 district.

9 16. If any metropolitan school district operates an  
10 unaccredited attendance center, it shall remain responsible for  
11 the provision of special education and related services,  
12 including transportation, to students with disabilities. A  
13 special school district in an adjoining county to a metropolitan  
14 school district may contract with the metropolitan school  
15 district for the reimbursement of special education services  
16 pursuant to sections 162.705 and 162.710 provided by the special  
17 school district for transfer students who are residents of the  
18 district operating an unaccredited attendance center.

19 17. Regardless of whether transportation is identified as a  
20 related service within a student's individualized education  
21 program, a receiving district that is not part of a special  
22 school district shall not be responsible for providing  
23 transportation to a student transferring under this section. A  
24 district operating an unaccredited attendance center may contract  
25 with a receiving district that is not part of a special school  
26 district pursuant to sections 162.705 and 162.710 for  
27 transportation of students with disabilities.

28 18. If a seven-director district or urban school district

1 operates an unaccredited attendance center, it may contract with  
2 a receiving district that is not part of a special school  
3 district in the same or an adjoining county for the reimbursement  
4 of special education and related services pursuant to sections  
5 162.705 and 162.710 provided by the receiving district for  
6 transfer students who are residents of the district operating an  
7 unaccredited attendance center.

8 167.827. 1. By September 1, 2017, and by January first  
9 annually, each district shall report to the department of  
10 elementary and secondary education its number of available  
11 enrollment slots in accredited attendance centers by grade level.  
12 Each approved charter school that is eligible to receive transfer  
13 students under section 167.826 shall report the number of  
14 available enrollment slots by September 1, 2017, and by January  
15 first annually.

16 2. The department of elementary and secondary education  
17 shall make information and assistance available to parents or  
18 guardians who intend to transfer their child from an unaccredited  
19 attendance center to an accredited attendance center within the  
20 district or an adjoining district or an approved charter school  
21 within the district or in an adjoining district.

22 3. The parent or guardian of a student who intends to  
23 transfer his or her child from an unaccredited attendance center  
24 to an accredited attendance center within the district, in an  
25 adjoining district, or an approved charter school within the  
26 district or in an adjoining district shall send initial  
27 notification to the department of elementary and secondary  
28 education for the county in which he or she resides by March

1 first for enrollment in the subsequent school year.

2 4. The department of elementary and secondary education  
3 shall assign those students who are unable to transfer to an  
4 accredited attendance center in their district of residence and  
5 seek to transfer to an accredited attendance center in an  
6 adjoining district or an approved charter school in an adjoining  
7 district. When assigning transfer students to approved charter  
8 schools, the department shall coordinate with each approved  
9 charter school and its admissions process if capacity is  
10 insufficient to enroll all students who submit a timely  
11 application. An approved charter school shall not be required to  
12 receive any transfer students that would require it to institute  
13 a lottery procedure for determining the admission of resident  
14 students. The department of elementary and secondary education  
15 shall give first priority to students who live in the same  
16 household with any family member within the first or second  
17 degree of consanguinity or affinity who have already transferred  
18 and who apply to attend the same attendance center. If  
19 insufficient grade-appropriate enrollment slots are available for  
20 a student to be able to transfer, that student shall receive  
21 first priority the following school year. The department of  
22 elementary and secondary education shall only disrupt student and  
23 parent choice for transfer if the available slots are requested  
24 by more students than there are slots available. The department  
25 of elementary and secondary education shall consider the  
26 following factors in assigning attendance centers, with the  
27 student's or parent's choice as the most important factor:

28 (1) The student's or parent's choice of the receiving

1 attendance center;

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

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

5  
6 The department of elementary and secondary education shall not  
7 consider student academic performance, free and reduced price  
8 lunch status, or athletic ability in assigning a student to an  
9 attendance center. When assigning transfer students to approved  
10 charter schools, the department of elementary and secondary  
11 education shall coordinate with each approved charter school and  
12 its admissions process if capacity is insufficient to enroll all  
13 students who submit a timely application.

14 5. The department of elementary and secondary education may  
15 deny a transfer to a student who in the most recent school year  
16 has been suspended from an attendance center two or more times or  
17 who has been suspended for an act of school violence under  
18 subsection 2 of section 160.261. A student whose transfer is  
19 initially precluded under this subsection may be permitted to  
20 transfer on a provisional basis as a probationary transfer  
21 student, subject to no further disruptive behavior, upon a  
22 statement from the student's current attendance center that the  
23 student is not disruptive. A student who is denied a transfer  
24 under this subsection has the right to an in-person meeting with  
25 a representative of the department. The department of elementary  
26 and secondary education shall develop administrative guidelines  
27 to provide common standards for determining disruptive behavior  
28 that shall include, but not be limited to, criteria under the

1 safe schools act.

2 6. Notwithstanding any other provision of law, the test  
3 scores of transfer students attending attendance centers in  
4 districts other than their district of residence under section  
5 167.826 shall be counted as follows:

6 (1) In the first year of attendance in a district or  
7 approved charter school, a transfer student's score on a  
8 statewide assessment shall not be included when calculating the  
9 status or progress scores on the district's or charter school's  
10 annual performance report scores. The growth score shall be  
11 weighted at one hundred percent.

12 (2) In the second year of attendance, a transfer student's  
13 score on a statewide assessment shall be weighted at thirty  
14 percent when calculating the district's or charter school's  
15 performance for purposes of the district's or charter school's  
16 annual performance report status or progress score, with the  
17 growth score weighted at one hundred percent.

18 (3) In the third year of attendance, a transfer student's  
19 score on a statewide assessment shall be weighted at seventy  
20 percent when calculating the district's or charter school's  
21 performance for purposes of the district's or charter school's  
22 annual performance report status or progress score, with the  
23 growth score weighted at one hundred percent.

24 (4) In the fourth year of attendance and any subsequent  
25 years of attendance, a transfer student's score on a statewide  
26 assessment shall be weighted at one hundred percent when  
27 calculating the district's or charter school's performance for  
28 purposes of the district's or charter school's annual performance

1 report status or progress score, with the growth score weighted  
2 at one hundred percent.

3 7. When performing the requirements of this section the  
4 department of elementary and secondary education shall not  
5 contract with or collaborate with any established regional  
6 association or cooperative of school districts located in any  
7 city not within a county or any county with a charter form of  
8 government and with more than nine hundred fifty thousand  
9 inhabitants. No such regional association or cooperative of  
10 school districts shall receive any applications for transfers nor  
11 perform any functions assigned to the department.

12 167.828. 1. Any student who is enrolled in and has  
13 attended an unaccredited attendance center for the full school  
14 year immediately prior to requesting a transfer and who has first  
15 attempted but is unable to transfer to an accredited attendance  
16 center within his or her district of residence under section  
17 167.826 due to a lack of capacity in accredited attendance  
18 centers may apply to the department of elementary and secondary  
19 education to transfer to a nonsectarian private school, as  
20 defined in section 167.848, located in his or her district of  
21 residence.

22 2. The amount of tuition to be paid shall be paid from the  
23 district's operating levy for school purposes and shall not  
24 exceed the tuition rate of the sending district or nonsectarian  
25 private school's tuition rate, whichever is lower.

26 3. A nonsectarian private school shall qualify to receive  
27 tuition payments under this section only if it satisfies the  
28 following conditions:

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

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

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

10       (4) Holds a valid occupancy permit if required by its  
11 municipality;

12       (5) Certifies that it will not discriminate in admissions  
13 on the basis of race, color, religion, national origin, or  
14 disability;

15       (6) For all students enrolled in the school under the  
16 nonsectarian option set forth in this section, complies with the  
17 following statutes and any regulations promulgated thereunder by  
18 the department of elementary and secondary education: 43.408,  
19 43.540, 160.041, 160.045, 160.257, 160.261, 160.262, 160.263,  
20 160.518 for state assessments, the cost of which shall be paid  
21 consistent with the manner in which they are paid for students in  
22 public schools, 160.522, 160.539, 160.570, 160.660, 160.775,  
23 160.1990, 161.102, 161.650, 161.850, 162.014, 162.068, 162.069,  
24 162.208, 162.215, 162.401, 162.670, 162.720, subdivisions (1) to  
25 (3) of 162.821, 162.1250, 162.1125, subdivisions (1) and (2) of  
26 subsection 1 of 163.021 for eligibility to receive local funds  
27 but compliance with these sections shall not make nonsectarian  
28 private schools eligible to receive state funding under 163.031,

167.018, 167.019, 167.020, 167.022, 167.023, 167.031, 167.115,  
167.117, 167.122, 167.123, 167.161, 167.166, 167.171, 167.181,  
167.191, 167.208, 167.211, 167.227, 167.268, 167.275, 167.280,  
167.621 to 167.635, 167.645, 167.700, 167.720, 167.765, 170.005,  
170.011, 170.051, 170.315, 170.340, 171.021, 171.031 to 171.033,  
171.053, 171.151, 171.171, 178.530, 182.815, 182.817, 191.765 to  
191.777, 210.003, 210.110, 210.115, 210.145, 210.150, 210.165,  
210.167, 210.760, 210.865, 211.032, 211.034, 211.181, 211.185,  
211.188, 320.010, 452.375, 452.376, and 544.193. Nothing in this  
subdivision shall be construed to exempt the nonsectarian private  
school from other statutes and regulations which applied to the  
nonsectarian schools as of January 1, 2017;

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

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

(9) Certifies to the department of elementary and secondary  
education and to the sending district that it shall accept the  
tuition amount specified in subsection 2 of this section as  
payment in full for the transfer student and shall not require



1 the parent or guardian to pay any additional amount for tuition;  
2 and

3 (10) Files with the department of elementary and secondary  
4 education and the sending district a statement of intent to  
5 accept transfer students that includes the information listed in  
6 this subsection.

7 4. When the percentage of transfer students at a  
8 nonsectarian private school receiving transfer students under  
9 this section reaches twenty-five percent of the school's  
10 enrollment, the school shall conform to the Missouri school  
11 improvement program performance standards to continue its  
12 eligibility for the program under this section.

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

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

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

26 167.829. 1. A district operating an unaccredited  
27 attendance center that transfers a student to an accredited  
28 attendance center in an adjoining district under section 167.826

1 or to a nonsectarian private school under section 167.828 shall  
2 pay tuition to the receiving district or to the nonsectarian  
3 private school in an amount equal to the tuition rate of the  
4 receiving district or subsection 2 of section 167.828, whichever  
5 is applicable. If the tuition charged by the receiving district  
6 attendance center under this section exceeds the tuition rate of  
7 the sending district, the difference in rates shall be paid from  
8 the supplemental tuition fund created in subsection 2 of this  
9 section. The supplemental tuition fund shall not be used to pay  
10 any difference in tuition rates between a sending district and a  
11 nonsectarian private school.

12 2. There is hereby created in the state treasury the  
13 "Supplemental Tuition Fund". The fund shall consist of any  
14 moneys appropriated annually by the general assembly from general  
15 revenue to such fund, any moneys paid into the state treasury and  
16 required by law to be credited to such fund and any gifts,  
17 bequests, or public or private donations to such fund. The state  
18 treasurer shall be custodian of the fund. The department of  
19 elementary and secondary education shall administer the fund. In  
20 accordance with sections 30.170 and 30.180, the state treasurer  
21 may approve disbursements. The fund shall be a dedicated fund  
22 and, upon appropriation, moneys in the fund shall be used solely  
23 for the administration of this section. Notwithstanding the  
24 provisions of section 33.080 to the contrary, any moneys  
25 remaining in the fund at the end of the biennium shall not revert  
26 to the credit of the general revenue fund. The state treasurer  
27 shall invest moneys in the fund in the same manner as other funds  
28 are invested. Any interest and moneys earned on such investments

1 shall be credited to the fund.

2 167.848. For purposes of sections 161.087, 161.238,  
3 162.1250, 162.1305, 162.1310, 162.1313, 167.642, 167.685,  
4 167.688, and 167.825 to 167.848, the following terms mean:

5 (1) "Accredited attendance center", an attendance center  
6 that is classified as accredited or accredited with distinction  
7 by the state board of education pursuant to the authority of the  
8 state board of education to classify attendance centers as  
9 established in sections 161.087, 161.092, and 161.238;

10 (2) "Accredited district", a school district that is  
11 classified as accredited or accredited with distinction by the  
12 state board of education pursuant to the authority of the state  
13 board of education to classify school districts as established in  
14 sections 161.087 and 161.092;

15 (3) "Approved charter school", a charter school that has  
16 existed for less than three years or a charter school with a  
17 three-year average score of seventy percent or higher on its  
18 annual performance report;

19 (4) "Attendance center", a public school building or  
20 buildings or part of a school building that constitutes one unit  
21 for accountability purposes under the Missouri school improvement  
22 program;

23 (5) "Borderline district", a school district that has a  
24 current annual performance report score between seventy-five and  
25 seventy with the last two consecutive years showing a decline in  
26 the score, with a district third-grade or eighth-grade statewide  
27 reading assessment that shows that fifty percent or more of the  
28 students are at a level less than proficient, and a transient

1 student ratio in the top quartile of districts, or a school  
2 district that has at least one attendance center that is  
3 borderline and underperforming;

4 (6) "Nonsectarian school", "nonsectarian private school" or  
5 "private nonsectarian school", a school that is not part of the  
6 public school system of the state of Missouri, that charges  
7 tuition for the rendering of elementary and secondary educational  
8 services, and that is not disqualified from accepting public  
9 funds by any provision of the Missouri or United States  
10 Constitutions;

11 (7) "Provisionally accredited attendance center", an  
12 attendance center that is classified as provisionally accredited  
13 by the state board of education pursuant to the authority of the  
14 state board of education to classify attendance centers as  
15 established in sections 161.087, 161.092, and 161.238;

16 (8) "Provisionally accredited district", a school district  
17 that is classified as provisionally accredited by the state board  
18 of education pursuant to the authority of the state board of  
19 education to classify school districts as established in sections  
20 161.087 and 161.092;

21 (9) "Unaccredited attendance center", an attendance center  
22 that is classified as unaccredited by the state board of  
23 education pursuant to the authority of the state board of  
24 education to classify attendance centers as established in  
25 sections 161.087, 161.092, and 161.238;

26 (10) "Unaccredited district", a school district classified  
27 as unaccredited by the state board of education pursuant to the  
28 authority of the state board of education to classify school

1 districts as established in sections 161.087 and 161.092;

2 (11) "Underperforming", a school district or an attendance  
3 center that has been classified as unaccredited or provisionally  
4 accredited pursuant to the authority of the state board of  
5 education to classify schools or has a three-year average annual  
6 performance report score consistent with a classification of  
7 provisionally accredited or unaccredited.

8 167.890. 1. The department of elementary and secondary  
9 education shall compile and maintain student performance data  
10 scores of all transfer students enrolled in districts other than  
11 their resident districts as provided in sections 167.825 and  
12 167.826 and make such data available on the Missouri  
13 comprehensive data system. No personally identifiable data shall  
14 be accessible on the database.

15 2. The department of elementary and secondary education may  
16 promulgate all necessary rules and regulations for the  
17 administration of this section. Any rule or portion of a rule,  
18 as that term is defined in section 536.010, that is created under  
19 the authority delegated in this section shall become effective  
20 only if it complies with and is subject to all of the provisions  
21 of chapter 536 and, if applicable, section 536.028. This section  
22 and chapter 536 are nonseverable, and if any of the powers vested  
23 with the general assembly pursuant to chapter 536 to review, to  
24 delay the effective date, or to disapprove and annul a rule are  
25 subsequently held unconstitutional, then the grant of rulemaking  
26 authority and any rule proposed or adopted after the effective  
27 date of this section shall be invalid and void.

28 170.320. 1. There is hereby created in the state treasury

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

11 2. The state treasurer shall be custodian of the fund. In  
12 accordance with sections 30.170 and 30.180, the state treasurer  
13 may approve disbursements of public moneys in accordance with  
14 distribution requirements and procedures developed by the  
15 department of elementary and secondary education and shall make  
16 disbursements of private funds according to the directions of the  
17 donor. If the donor did not specify how the private funds were  
18 to be disbursed, the state treasurer shall contact the donor to  
19 determine the manner of disbursement. The fund shall be a  
20 dedicated fund and, upon appropriation, moneys in the fund shall  
21 be used solely for the administration of this section.

22 3. Notwithstanding the provisions of section 33.080 to the  
23 contrary, any moneys remaining in the fund at the end of the  
24 biennium shall not revert to the credit of the general revenue  
25 fund.

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

1           171.031. 1. Each school board shall prepare annually a  
2 calendar for the school term, specifying the opening date and  
3 providing a minimum term of at least one hundred seventy-four  
4 days for schools with a five-day school week or one hundred  
5 forty-two days for schools with a four-day school week, and one  
6 thousand forty-four hours of actual pupil attendance. In  
7 addition, such calendar shall include six make-up days for  
8 possible loss of attendance due to inclement weather as defined  
9 in subsection 1 of section 171.033.

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

15           3. A district may set an opening date that is more than ten  
16 calendar days prior to the first Monday in September only if the  
17 local school board first gives public notice of a public meeting  
18 to discuss the proposal of opening school on a date more than ten  
19 days prior to the first Monday in September, and the local school  
20 board holds said meeting and, at the same public meeting, a  
21 majority of the board votes to allow an earlier opening date. If  
22 all of the previous conditions are met, the district may set its  
23 opening date more than ten calendar days prior to the first  
24 Monday in September. The condition provided in this subsection  
25 must be satisfied by the local school board each year that the  
26 board proposes an opening date more than ten days before the  
27 first Monday in September.

28           4. If any local district violates the provisions of this

1 section, the department of elementary and secondary education  
2 shall withhold an amount equal to one quarter of the state  
3 funding the district generated under section 163.031 for each  
4 date the district was in violation of this section.

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

8 6. The state board of education may grant an exemption from  
9 this section to a school district that demonstrates highly  
10 unusual and extenuating circumstances justifying exemption from  
11 the provisions of subsections 2 to 4 of this section. Any  
12 exemption granted by the state board of education shall be valid  
13 for one academic year only.

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

16 (1) Vocational schools which may adopt an eight-hour day in  
17 a metropolitan school district and a school district in a first  
18 class county adjacent to a city not within a county, and any  
19 school that adopts a four-day school week in accordance with  
20 section 171.029; and

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

24 8. The school board of any district in this state that has  
25 been classified as unaccredited or provisionally accredited by  
26 the state board of education or that is accredited but has a  
27 three-year average annual performance report score consistent  
28 with a classification of unaccredited or provisionally accredited



1 may increase the length of the school day upon adoption of a  
2 resolution by a majority vote to authorize such action. Such a  
3 school district may also increase the annual hours of instruction  
4 above the required number of hours in subsection 1 of this  
5 section by the adoption of a resolution by a majority vote to  
6 authorize such action. The school board of any district in this  
7 state that operates an attendance center that has been classified  
8 as unaccredited or provisionally accredited by the state board of  
9 education may increase the length of the school day for said  
10 attendance center upon adoption of a resolution by a majority  
11 vote to authorize such action. Such a school district may also  
12 increase the annual hours of instruction of any unaccredited or  
13 provisionally accredited attendance center above the required  
14 number of hours in subsection 1 of this section by the adoption  
15 of a resolution by a majority vote to authorize such action.

16 9. (1) There is hereby created in the state treasury the  
17 "Extended Learning Time Fund". The fund shall consist of any  
18 moneys that may be appropriated by the general assembly from  
19 general revenue to such fund, any moneys paid into the state  
20 treasury and required by law to be credited to such fund, and any  
21 gifts, bequests, or public or private donations to such fund.

22 (2) The state treasurer shall be custodian of the fund. In  
23 accordance with sections 30.170 and 30.180, the state treasurer  
24 may approve disbursements in accordance with distribution  
25 requirements and procedures developed by the department of  
26 elementary and secondary education. The fund shall be a  
27 dedicated fund and, upon appropriation, moneys in the fund shall  
28 be used solely for the administration of subsection 8 of this

1 section.

2 (3) Notwithstanding the provisions of section 33.080 to the  
3 contrary, any moneys remaining in the fund at the end of the  
4 biennium shall not revert to the credit of the general revenue  
5 fund.

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

9 210.861. 1. When the tax prescribed by section 210.860 or  
10 section 67.1775 is established, the governing body of the city or  
11 county or city not within a county shall appoint a board of  
12 directors consisting of nine members, who shall be residents of  
13 the city or county or city not within a county. All board  
14 members shall be appointed to serve for a term of three years,  
15 except that of the first board appointed, three members shall be  
16 appointed for one-year terms, three members for two-year terms  
17 and three members for three-year terms. Board members may be  
18 reappointed. In a city not within a county, or any county of the  
19 first classification with a charter form of government with a  
20 population not less than nine hundred thousand inhabitants, or  
21 any county of the first classification with a charter form of  
22 government with a population not less than two hundred thousand  
23 inhabitants and not more than six hundred thousand inhabitants,  
24 or any noncharter county of the first classification with a  
25 population not less than one hundred seventy thousand and not  
26 more than two hundred thousand inhabitants, or any noncharter  
27 county of the first classification with a population not less  
28 than eighty thousand and not more than eighty-three thousand

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

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

23 3. The board may contract with public or not-for-profit  
24 agencies licensed or certified where appropriate to provide  
25 qualified services and may place conditions on the use of such  
26 funds. The board shall reserve the right to audit the  
27 expenditure of any and all funds. The board and any agency with  
28 which the board contracts may establish eligibility standards for

1 the use of such funds and the receipt of services. No member of  
2 the board shall serve on the governing body, have any financial  
3 interest in, or be employed by any agency which is a recipient of  
4 funds generated pursuant to section 210.860 or section 67.1775.

5 4. Revenues collected and deposited in the community  
6 children's services fund may be expended for the purchase of the  
7 following services:

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

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

18 (3) Individual, group, or family professional counseling  
19 and therapy services; psychological evaluations; and mental  
20 health screenings.

21 5. Revenues collected and deposited in the community  
22 children's services fund may not be expended for inpatient  
23 medical, psychiatric, and chemical dependency services, or for  
24 transportation services.

25 6. (1) In fiscal years 2018 and any fiscal year  
26 thereafter, in any county with a charter form of government and  
27 with more than nine hundred fifty thousand inhabitants that  
28 contains all or any portion of a school district that has been

1 designated as unaccredited or provisionally accredited by the  
2 state board of education, up to five percent of the community  
3 children's services fund's yearly revenues, based on the total  
4 dollar amount needed to provide services as determined by a needs  
5 assessment, shall be devoted to a grant program that delivers  
6 services directly to schools in such districts according to the  
7 procedure in this subsection. The president of the school board  
8 shall notify the board of directors within five business days  
9 after such designation. The board shall, in its budget process  
10 for the following fiscal year, ensure that the total amount of  
11 funds needed to provide services based on the needs assessment is  
12 allocated according to this subsection, not to exceed five  
13 percent of the fund's yearly revenues. If the total amount of  
14 funds needed to provide such services exceeds five percent of the  
15 fund's yearly revenues, the funds shall be distributed in an  
16 order based on the greatest need for each district. Any moneys  
17 distributed from the fund to a district shall be subject to an  
18 annual audit.

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

25 (3) The board shall appoint one of its members to a direct  
26 school service coordinating committee, which is hereby created.  
27 The board may appoint an additional one of its members to serve  
28 as an ex officio member. The board shall appoint a social worker

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

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

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

19 Section 1. If any provision of this act, or the application  
20 thereof to anyone or to any circumstances is held invalid, the  
21 remainder of the provisions of this act and the application of  
22 such provisions to others or other circumstances shall not be  
23 affected thereby.

24 Section B. Because of the importance of improving and  
25 sustaining Missouri's elementary and secondary education system  
26 and establishing standards for student transfers to school  
27 districts, the repeal and reenactment of sections 160.410,  
28 160.415, 162.081, 163.021, 163.036, 167.121, 167.131, 171.031,

1 and 210.861 and the enactment of sections 161.087, 161.238,  
2 161.1000, 162.1303, 162.1305, 162.1310, 162.1313, 167.127,  
3 167.642, 167.685, 167.688, 167.825, 167.826, 167.827, 167.828,  
4 167.829, 167.848, 167.890, 170.320, and 1 of this act is deemed  
5 necessary for the immediate preservation of the public health,  
6 welfare, peace, and safety, and is hereby declared to be an  
7 emergency act within the meaning of the constitution, and the  
8 repeal and reenactment of sections 160.410, 160.415, 162.081,  
9 163.021, 163.036, 167.121, 167.131, 171.031, and 210.861 and the  
10 enactment of sections 161.087, 161.238, 161.1000, 162.1303,  
11 162.1305, 162.1310, 162.1313, 167.127, 167.642, 167.685, 167.688,  
12 167.825, 167.826, 167.827, 167.828, 167.829, 167.848, 167.890,  
13 170.320, and 1 of this act shall be in full force and effect upon  
14 its passage and approval.