

Journal of the Senate

FIRST REGULAR SESSION

FORTY-EIGHTH DAY—TUESDAY, APRIL 4, 2017

The Senate met pursuant to adjournment.

President Parson in the Chair.

Reverend Carl Gauck offered the following prayer:

“Our heart is glad in him, because we trust in his holy name. Let your steadfast love, O Lord, be upon us, even as we hope in you.” (Psalm 33:21-22)

All powerful Father, our souls hunger for Your promise that gives us hope and encourages us to move forward along the path You have for us to travel. We long for Your love and Your hope in our lives. We ask, bring gladness to our hearts as we trust in You to strengthen us to do that which is pleasing in Your sight. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Brown	Chappelle-Nadal	Cunningham	Curls	Dixon	Eigel	Emery
Hegeman	Holsman	Hoskins	Hummel	Kehoe	Koenig	Kraus
Libla	Munzlinger	Nasheed	Onder	Richard	Riddle	Rizzo
Romine	Rowden	Sater	Schaaf	Schatz	Schupp	Sifton
Silvey	Wallingford	Walsh	Wasson	Wieland—33		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Riddle offered Senate Resolution No. 607, regarding D. Karen Digh Allen, which was adopted.

REFERRALS

President Pro Tem Richard referred **SCS** for **SB 240** to the Committee on Fiscal Oversight.

SENATE BILLS FOR PERFECTION

Senator Koenig moved that **SB 313**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 313**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 313

An Act to amend chapters 135 and 166, RSMo, by adding thereto ten new sections relating to educational scholarships, with a penalty provision.

Was taken up.

Senator Koenig moved that **SCS** for **SB 313** be adopted.

Senator Koenig offered **SS** for **SCS** for **SB 313**, entitled:

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

An Act to amend chapters 135 and 166, RSMo, by adding thereto ten new sections relating to educational scholarships, with a penalty provision.

Senator Koenig moved that **SS** for **SCS** for **SB 313** be adopted.

Senator Sifton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 313, Page 8, Section 135.719, Line 23, by inserting after all of said line the following:

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

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

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

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

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

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

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

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

(4) “Graduation rate”, the [quotient of the number of graduates in the current year as of June thirtieth divided by the sum of the number of graduates in the current year as of June thirtieth plus the number of twelfth graders who dropped out in the current year plus the number of eleventh graders who dropped out in the preceding year plus the number of tenth graders who dropped out in the second preceding year plus the number of ninth graders who dropped out in the third preceding year] **graduation rate determined by the annual performance report required by the Missouri school improvement program**;

(5) “High school”, a public school giving instruction in a grade or grades not lower than the ninth nor higher than the twelfth grade;

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

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

(8) “School board”, the board of education having general control of the property and affairs of any school district;

(9) “School term”, a minimum of one hundred seventy-four school days, as that term is defined in section 160.041, for schools with a five-day school week or a minimum of one hundred forty-two school days, as that term is defined in section 160.041, for schools with a four-day school week, and one thousand forty-four hours of actual pupil attendance as scheduled by the board pursuant to section 171.031 during a twelve-month period in which the academic instruction of pupils is actually and regularly carried on for a group of students in the public schools of any school district. A school term may be within a school year or may consist of parts of two consecutive school years, but does not include summer school. A district may choose to operate two or more terms for different groups of children. A school term for students participating in a school flex program as established in section 160.539 may consist of a combination of actual pupil attendance and attendance at college or technical career education or approved employment aligned with the student’s career academic plan for a total of one thousand forty-four hours;

(10) “Secretary”, the secretary of the board of a school district;

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

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

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

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

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

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

(1) In a metropolitan school district;

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

(3) In a school district that has been classified as unaccredited by the state board of education;

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

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

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

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

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

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

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

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

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

(5) Any two-year private vocational or technical school designated as a 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as amended, and accredited by the Higher Learning Commission, with its primary campus in Missouri;

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

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

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

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

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

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

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

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

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

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

9. A sponsor of a charter school, its agents and employees are not liable for any acts or omissions of a

charter school that it sponsors, including acts or omissions relating to the charter submitted by the charter school, the operation of the charter school and the performance of the charter school.

10. A charter school may affiliate with a four-year college or university, including a private college or university, or a community college as otherwise specified in subsection 3 of this section when its charter is granted by a sponsor other than such college, university or community college. Affiliation status recognizes a relationship between the charter school and the college or university for purposes of teacher training and staff development, curriculum and assessment development, use of physical facilities owned by or rented on behalf of the college or university, and other similar purposes. A university, college or community college may not charge or accept a fee for affiliation status.

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

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

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

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

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

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

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

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

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

board of the charter school.

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

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

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

(2) The granting of a charter;

(3) The performance contract that the sponsor will use to evaluate the performance of charter schools. Charter schools shall meet current state academic performance standards as well as other standards agreed upon by the sponsor and the charter school in the performance contract;

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

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

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

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

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

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

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

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

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

18. If a sponsor notifies a charter school of closure under subsection 8 of section 160.405, the department of elementary and secondary education shall exercise its financial withholding authority under subsection 12 of section 160.415 to assure all obligations of the charter school shall be met. The state, charter sponsor, or resident district shall not be liable for any outstanding liability or obligations of the charter school.

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 under section 167.131, provided that the charter school is an approved charter school, as defined in section 167.131, and subject to all other provisions of section 167.131;

(4) Nonresident pupils who are residents of Missouri and have at least one parent employed by the charter school at which the nonresident pupil is seeking enrollment unless the pupil's enrollment will cause a resident student to be denied enrollment;

(5) Nonresident pupils from the same or an adjoining county who were enrolled in and attended an unaccredited school for at least one semester immediately prior to requesting the transfer and who were unable to transfer to an accredited school within their district of residence as provided in section 167.826, provided the school is an approved charter school, as defined in section 167.848, and subject to all other provisions of section 167.826;

(6) 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

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

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

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

(2) A charter school may also give a preference for admission of children whose siblings attend the school [or], **for admission of children resident in the district in which it operates** and whose parents are employed at the school, or, in the case of a workplace charter school, **for admission of a child whose parent is employed in the business district or at the business site of such school**; and

(3) Charter alternative and special purpose schools may also give a preference for admission to high-risk students, as defined in subdivision (5) of subsection 2 of section 160.405, when the school targets these students through its proposed mission, curriculum, teaching methods, and services.

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

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

(1) The school's charter;

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

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

(4) If a charter school is operated by a management company, a copy of the written contract between the governing board of the charter school and the educational management organization or the charter management organization for services. The charter school may charge reasonable fees, not to exceed the rate specified in section 610.026 for furnishing copies of documents under this subsection.

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

6. If a change in school district boundary lines occurs under section 162.223, 162.431, 162.441, or 162.451, or by action of the state board of education under section 162.081, including attachment of a school district's territory to another district or dissolution, such that a student attending a charter school

prior to such change no longer resides in a school district in which the charter school is located, then the student may complete the current academic year at the charter school. The student shall be considered a resident student. The student's parent or legal guardian shall be responsible for the student's transportation to and from the charter school.

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

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

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

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

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

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

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

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

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

4. A charter school that has declared itself as a local educational agency shall receive from the

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

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

6. For purposes of calculation and distribution of state school aid to charter schools under this section, a charter school's weighted average daily attendance shall include any nonresident pupil who is a resident of Missouri, who attends the charter school, and whose parent is employed at the charter school.

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

[7.] **8.** In the case of a proposed charter school that intends to contract with an education service provider for substantial educational services or management services, the request for proposals shall additionally require the charter school applicant to:

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

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

of the contract;

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

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

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

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

[8.] **9.** A charter school may enter into contracts with community partnerships and state agencies acting in collaboration with such partnerships that provide services to children and their families linked to the school.

[9.] **10.** A charter school shall be eligible for transportation state aid pursuant to section 163.161 and shall be free to contract with the local district, or any other entity, for the provision of transportation to the students of the charter school.

[10.] **11.** (1) The proportionate share of state and federal resources generated by students with disabilities or staff serving them shall be paid in full to charter schools enrolling those students by their school district where such enrollment is through a contract for services described in this section. The proportionate share of money generated under other federal or state categorical aid programs shall be directed to charter schools serving such students eligible for that aid.

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

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

[12.] **13.** A charter school is authorized to incur debt in anticipation of receipt of funds. A charter school may also borrow to finance facilities and other capital items. A school district may incur bonded indebtedness or take other measures to provide for physical facilities and other capital items for charter schools that it sponsors or contracts with. Except as otherwise specifically provided in sections 160.400 to 160.425, upon the dissolution of a charter school, any liabilities of the corporation will be satisfied through the procedures of chapter 355. A charter school shall satisfy all its financial obligations within twelve months of notice from the sponsor of the charter school's closure under subsection 8 of section 160.405. After satisfaction of all its financial obligations, a charter school shall return any remaining state and federal funds to the department of elementary and secondary education for disposition as stated in subdivision (17) of subsection 1 of section 160.405. The department of elementary and secondary education may withhold funding at a level the department determines to be adequate during a school's last year of operation until the department determines that school records, liabilities, and reporting requirements, including a full audit, are satisfied.

[13.] **14.** Charter schools shall not have the power to acquire property by eminent domain.

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

160.425. 1. The “Missouri Charter Public School Commission” is hereby created with the authority to sponsor high quality charter schools throughout the state of Missouri **as specified in section 160.400.**

2. The commission shall consist of nine members appointed by the governor, by and with the advice and consent of the senate. No more than five of the members shall be of the same political party. No more than two members shall be from the same congressional district. The term of office of each member shall be four years, except those of the members first appointed, of which three shall be appointed for a term of one year, two for a term of two years, two for a term of three years, and two for a term of four years. At the expiration of the term of each member, the governor, by and with the advice and consent of the senate, shall appoint a successor.

3. The appointees to the commission shall be selected as follows:

(1) One member selected by the governor from a slate of three recommended by the commissioner of education;

(2) One member selected by the governor from a slate of three recommended by the commissioner of higher education;

(3) One member selected by the governor from a slate of three recommended by the president pro tempore of the senate;

(4) One member selected by the governor from a slate of three recommended by the speaker of the house of representatives; and

(5) Five additional members appointed by the governor, one of whom shall be selected from a slate of three nominees recommended by the Missouri School Boards Association.

4. Members appointed to the commission shall collectively possess strong experience and expertise in governance, management and finance, school leadership, assessment, curriculum and instruction, and education law. All members of the commission shall have demonstrated understanding of and commitment to charter schooling as a strategy for strengthening public education.

5. The commission shall annually elect a chairperson and vice chairperson, who shall act as chairperson in his or her absence. The commission shall meet at the call of the chairperson. The chairperson may call meetings at such times as he or she deems advisable and shall call a meeting when requested to do so by three or more members of the commission. Members of the commission are not eligible to receive compensation.

6. The commission may approve proposed charters for its sponsorship under sections 160.400 to 160.425 and shall:

(1) Comply with all of the requirements applicable to sponsors under sections 160.400 to 160.425;

(2) Exercise sponsorship over charters approved by the commission under sections 160.400 to 160.425, including receipt of sponsorship funding under subsection 11 of section 160.400.

7. Charter schools sponsored by the commission shall comply with all of the requirements applicable to charter schools under sections 160.400 to 160.425.

8. The commission shall conduct its business in accordance with chapter 610.

9. The department of elementary and secondary education shall provide start-up funding for the commission to operate. The commission shall reimburse the department's costs from any funds it receives as sponsor under section 160.400.

10. The commission is authorized to receive and expend gifts, grants, and donations of any kind from any public or private entity to carry out the purposes of sections 160.400 to 160.425, subject to the terms and conditions under which they are given, provided that all such terms and conditions are permissible under law.

11. The commission may employ staff including, but not limited to, an executive director as needed to carry out its duties. The commission may establish personnel, payroll, benefit, and other such systems as needed and may provide death and disability benefits. Commission employees shall be considered state employees for the purposes of membership in the Missouri state employees' retirement system and the Missouri consolidated health care plan. Compensation paid by the commission shall constitute pay from a state department for purposes of accruing benefits under the Missouri state employees' retirement system.

12. There is hereby created in the state treasury the "Missouri Charter Public School Commission Revolving Fund", which shall consist of money collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund, and moneys in the fund shall be used solely by the Missouri charter public school commission for purposes of sections 160.400 to 160.425 and section 167.349. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

161.084. When classifying the public schools of the state under section 161.092, if there is no state board of education member who is a resident of the congressional district in which such school district under consideration is located, the state board of education shall assign such school district a classification designation of unaccredited or change a district's classification designation from accredited to provisionally accredited only after notifying the governor of its intent to change the classification of the district. The governor shall make the appointment under section 161.052 within thirty days of notification.

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

(1) Unaccredited;

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

2. The state board of education shall develop and implement a process to provide assistance teams to borderline districts, as defined in section 167.848, as determined by the department of elementary and secondary education and to underperforming districts, as defined in section 167.848, upon assignment of a classification designation of unaccredited or provisionally accredited or determination made by the state board of education. The composition and size of the team may vary, based on academic, demographic, and financial circumstances of the district, but in no case will the team have fewer than ten members, two of whom shall be active classroom teachers in the district, two of whom shall be principals, and one of whom shall be a parent of a student in the district. The department staff member assigned to the region in which the district is located may be included in the assistance team's activities but shall not be formally assigned to the team. The team shall provide recommendations for improvement based on the needs of the community and the district and analysis of, at a minimum, the assessment data, classroom practices, and communication processes within attendance centers, within the district, and with the larger community. Separate teams may be used to provide analysis and recommendations at the discretion of the state board. Beginning with school year 2017-18, the team shall provide its recommendations no later than June 30, 2018, for underperforming districts and borderline districts. The state board shall prioritize the assignment of teams so that the districts with the lower annual performance report scores are addressed first. The assistance team's suggestions for improvement shall be mandatory for underperforming districts but shall not be mandatory for borderline districts. If an underperforming district disagrees with any suggestion of the assistance team, the district shall propose a different method of accomplishing the goal of the assistance team's suggestion and the state board of education shall be the final arbiter of the matter.

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

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

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

2. The classifications assigned by the state board under subsection 1 of this section shall become

effective immediately and shall remain in effect until the state board develops, adopts, and implements the system of classification described in subsection 3 of this section. At such time, the state board shall classify attendance centers based on the system of classification described in subsection 3 of this section.

3. By January 1, 2018, the state board of education shall, through administrative rule, develop a system of classification that accredits attendance centers within a district separately from the district as a whole using the classification designations provided in section 161.087. The state board of education's system shall not assign classification designations to attendance centers that do not offer classes above the second grade level. When the state board adopts its system, it shall assign a classification designation to each attendance center, except for those attendance centers that do not offer classes above the second grade level. The state board of education may assign classification numbers outside the range of numbers assigned to high schools, middle schools, junior high schools, or elementary schools as classification designations for attendance centers that are exempt from the accreditation classification system. Public separate special education schools within a special school district and within a school district are exempted from the accreditation requirements of this section and section 161.087. While not applicable for the purpose of accreditation, a special school district shall continue to report all scores on its annual performance report to the department of elementary and secondary education for all its schools. Juvenile detention centers within a special school district are also exempted from the accreditation standards of this section and section 161.087.

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

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

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

7. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only 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 the effective date of this section shall be invalid and void.

161.1005. 1. By July 1, 2018, the department shall employ a dyslexia therapist, licensed psychometrist, licensed speech-language pathologist, certified academic language therapist, or certified training specialist to serve as the department's dyslexia specialist. Such dyslexia specialist shall have a minimum of three years of field experience in screening, identifying, and treating dyslexia and related disorders.

2. The department shall ensure that the dyslexia specialist has completed training and received

certification from a program approved by the legislative task force on dyslexia and is able to provide necessary information and support to school district teachers.

3. The dyslexia specialist shall:

- (1) Be highly trained in dyslexia and related disorders, including best practice interventions and treatment models;**
- (2) Be responsible for the implementation of professional development; and**
- (3) Serve as the primary source of information and support for districts addressing the needs of students with dyslexia and related disorders.**

4. In addition to the duties assigned under subsection 3 of this section, the dyslexia specialist shall also assist the department with developing and administering professional development programs to be made available to school districts no later than the 2018-19 school year. The programs shall focus on educating teachers regarding the indicators of dyslexia, the science surrounding teaching a student who is dyslexic, and classroom accommodations necessary for a student with dyslexia.

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

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

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

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

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

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

(a) Appoint a special administrative board for the operation of all or part of the district. **If a special administrative board is appointed for the operation of a part of a school district, the state board of education shall determine an equitable apportionment of state and federal aid for the part of the district, and the school district shall provide local revenue in proportion to the weighted average daily**

attendance of the part. The number of members of the special administrative board shall not be less than five, the majority of whom shall be residents of the district. The members of the special administrative board shall reflect the population characteristics of the district and shall collectively possess strong experience in school governance, management and finance, and leadership. **The state board of education may appoint members of the district's elected school board to the special administrative board, but members of the elected school board shall not comprise more than forty-nine percent of the special administrative board's membership.** Within fourteen days after the appointment by the state board of education, the special administrative board shall organize by the election of a president, vice president, secretary and a treasurer, with their duties and organization as enumerated in section 162.301. The special administrative board shall appoint a superintendent of schools to serve as the chief executive officer of the school district, **or a subset of schools**, and to have all powers and duties of any other general superintendent of schools in a seven-director school district. **Nothing in this section shall be construed to permit either the state board of education or a special administrative board to raise, in any way not specifically allowed by law, the tax levy of the district or any part of the district without a vote of the people.** Any special administrative board appointed under this section shall be responsible for the operation of the district **or part of the district** until such time that the district is classified by the state board of education as provisionally accredited for at least two successive academic years, after which time the state board of education may provide for a transition pursuant to section 162.083; or

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

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

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

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

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

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

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

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

years and the state board of education determines its academic progress is not consistent with attaining accredited status after the third school year, then the state board of education shall proceed under subdivision (2) of subsection 3 of this section in the following school year.

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

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

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

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

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

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

(2) Lapse the corporate organization of the district and implement one of the options available

under subdivision (2) of subsection 3 of this section.

10. The provisions of subsection 9 of this section shall not apply to any district solely on the basis of financial difficulty resulting from paying tuition and providing transportation for transfer students under sections 167.825 to 167.827.

162.1310. If the state board of education classifies any district or attendance center as unaccredited, the district shall notify the parent or guardian of any student enrolled in the unaccredited district or unaccredited attendance center of the loss of accreditation within seven business days. The district shall also notify district taxpayers of the loss of accreditation within seven business days. The district's notice shall include an explanation of which students may be eligible to transfer, the transfer process under sections 167.825 to 167.827, and any services students may be entitled to receive. The district's notice shall be written in a clear, concise, and easy-to-understand manner. The district shall post the notice in a conspicuous and accessible place in each district attendance center. The district shall also send the notice to each municipality located within the boundaries of the district.

162.1313. The school board of any district that operates an underperforming school, as defined in section 167.848, shall adopt a policy regarding the availability of home visits by school personnel. Pursuant to such policy, the school may offer the parent or guardian of a student enrolled in any such school the opportunity to have one or more annual home visits. If the school decides to offer one or more annual home visits, the school 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, personnel and finances, as required by the state board of education, which shall include the preparation of a financial statement which shall be submitted to the state board of education the same as required by the provisions of section 165.111 for districts;

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

(4) Computes average daily attendance as defined in subdivision (2) of section 163.011 as modified by section 171.031. Whenever there has existed within the district an infectious disease, contagion, epidemic, plague or similar condition whereby the school attendance is substantially reduced for an extended period

in any school year, the apportionment of school funds and all other distribution of school moneys shall be made on the basis of the school year next preceding the year in which such condition existed; **and**

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

2. For the 2006-07 school year and thereafter, no school district shall receive more state aid, as calculated under subsections 1 and 2 of section 163.031, for its education program, exclusive of categorical add-ons, than it received per weighted average daily attendance for the school year 2005-06 from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts, unless it has an operating levy for school purposes, as determined pursuant to section 163.011, of not less than two dollars and seventy-five cents after all adjustments and reductions. Any district which is required, pursuant to Article X, Section 22 of the Missouri Constitution, to reduce its operating levy below the minimum tax rate otherwise required under this subsection shall not be construed to be in violation of this subsection for making such tax rate reduction. Pursuant to Section 10(c) of Article X of the state constitution, a school district may levy the operating levy for school purposes required by this subsection less all adjustments required pursuant to Article X, Section 22 of the Missouri Constitution if such rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year. Nothing in this section shall be construed to mean that a school district is guaranteed to receive an amount not less than the amount the school district received per eligible pupil for the school year 1990-91. The provisions of this subsection shall not apply to any school district located in a county of the second classification which has a nuclear power plant located in such district or to any school district located in a county of the third classification which has an electric power generation unit with a rated generating capacity of more than one hundred fifty megawatts which is owned or operated or both by a rural electric cooperative except that such school districts may levy for current school purposes and capital projects an operating levy not to exceed two dollars and seventy-five cents less all adjustments required pursuant to Article X, Section 22 of the Missouri Constitution.

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

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

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

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

and secondary education asserting that the district is providing an adequate education to the students of such district. If a school district asserts that it is not providing an adequate education to its students, such inadequacy shall be deemed to be a result of insufficient local effort. The provisions of this subsection shall not apply to any special district established under sections 162.815 to 162.940.”; and

Further amend said bill, Page 17, Section 166.720, Line 14, by inserting after all of said line the following:

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

2. (1) For the school year beginning July 1, 2008, and each succeeding school year, a parent or guardian residing in a lapsed public school district or **a parent or guardian residing in** a district that has [scored] **received an annual performance report score consistent with a state board of education classification of** either unaccredited or provisionally accredited[, or a combination thereof, on two consecutive annual performance reports] may enroll the parent’s or guardian’s child in the Missouri virtual school created in section 161.670 provided the pupil first enrolls in the school district of residence. The school district of residence shall include the pupil’s enrollment in the virtual school created in section 161.670 in determining the district’s average daily attendance. Full-time enrollment in the virtual school shall constitute one average daily attendance equivalent in the school district of residence. Average daily attendance for part-time enrollment in the virtual school shall be calculated as a percentage of the total number of virtual courses enrolled in divided by the number of courses required for full-time attendance in the school district of residence.

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

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

(4) Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only 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, 2007, shall be invalid and void.

167.127. If a school district contains a facility that serves neglected children or delinquent children residing in a court-ordered group home, an institution for neglected children, or an institution for delinquent children, the department of elementary and secondary education shall be prohibited from creating any report or publication related to the Missouri school improvement program, or any

successor program, in which data from the district’s regularly enrolled pupils is aggregated with data from the children residing in such facilities, unless the department creates an annotation to such report or publication with the data collected only from the district’s regularly enrolled pupils and an explanation of the effects of the data from the children enrolled in such facilities on the aggregate data of the district.

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

2. The rate of tuition to be charged by the district attended and paid by the sending district is the per pupil cost of maintaining the district’s grade level grouping which includes the school attended. The rate of tuition to be charged by the approved charter school attended and paid by the sending district is the per pupil cost of maintaining the approved charter school’s grade level grouping. For a district, the cost of maintaining a grade level grouping shall be determined by the board of education of the district but in no case shall it exceed all amounts spent for teachers’ wages, incidental purposes, debt service, maintenance and replacements. For an approved charter school, the cost of maintaining a grade level grouping shall be determined by the approved charter school but in no case shall it exceed all amounts spent by the district in which the approved charter school is located for teachers’ wages, incidental purposes, debt service, maintenance, and replacements. The term “debt service”, as used in this section, means expenditures for the retirement of bonded indebtedness and expenditures for interest on bonded indebtedness. Per pupil cost of the grade level grouping shall be determined by dividing the cost of maintaining the grade level grouping by the average daily pupil attendance. If there is disagreement as to the amount of tuition to be paid, the facts shall be submitted to the state board of education, and its decision in the matter shall be final. Subject to the limitations of this section, each pupil shall be free to attend the public school of his or her choice.

3. For purposes of this section, “approved charter school” means a charter school that has existed for less than three years or a charter school with a three-year average score of seventy percent or higher on its annual performance report.

167.132. 1. For purposes of this section, the following terms mean:

(1) “Available receiving district”, an accredited district able to receive transfer students under section 167.826;

(2) “Average per-pupil current expenditure”, the average per-pupil current expenditure for a district as a whole as reported to the department of elementary and secondary education in its most recent school accountability report card under section 160.522;

(3) “Receiving approved charter school”, an approved charter school, as defined in section 167.848, receiving transfer students under section 167.826;

(4) “Receiving district”, a district receiving transfer students under section 167.826;

(5) “Sending district”, a district from which students are transferring to an available receiving

district or an approved charter school, as allowed under section 167.826.

2. Notwithstanding any other provisions of law to the contrary, a receiving district or a receiving approved charter school may negotiate with a sending district to accept a reduced tuition rate for transfer students. The receiving district or receiving approved charter school may limit the number of transfer students accepted at the reduced tuition rate as calculated under subsection 3 of this section. If the receiving district or receiving approved charter school elects to accept tuition as calculated under subsection 3 of this section and does not limit the number of transfer students accepted at such reduced rate, such district or approved charter school shall receive students through the education authority based solely on the parent request and available seats.

3. In school year 2017-18 and subsequent years, if a sending district and a receiving district or receiving approved charter school have agreed upon a reduced tuition rate, such tuition shall be calculated as the product of:

(1) The sum of the average per-pupil current expenditures of all available receiving districts for the sending district divided by the number of all available receiving districts for the sending district; and

(2) Seventy percent.

4. The appropriate education authority, as defined in section 167.848, that is coordinating the transfers for students in the sending district shall perform the calculation in subsection 3 of this section annually.

5. If there is disagreement as to the amount of tuition to be paid, the facts shall be submitted to the state board of education, and its decision in the matter shall be final.

6. For each of the first two full school years that a receiving district or receiving approved charter school charges a rate of tuition as calculated under subsection 3 of this section, accepts a minimum of twenty-five transfer students at such reduced rate, and does not limit the number of transfer students accepted at such reduced rate, if the aggregate scores of student growth of all the transfer students in the receiving district or receiving approved charter school meet or exceed targets established in the state accountability system, the receiving district or receiving approved charter school shall earn additional credit in academic achievement on its annual performance report. The department of elementary and secondary education shall promulgate an administrative rule to implement the provisions of this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only 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 the effective date of this section shall be invalid and void.

7. If a receiving district elects to accept tuition as calculated under subsection 3 of this section and does not limit the number of transfer students accepted at such reduced rate, the department of elementary and secondary education shall consider such action as an additional criterion when determining whether to assign the receiving district a classification of accredited with distinction.

8. If a receiving district or receiving approved charter school elects to accept tuition as calculated under subsection 3 of this section and does not limit the number of transfer students accepted at such reduced rate, ten percent of the amount calculated under subdivision (1) of subsection 3 of this section for the receiving district or receiving approved charter school shall be paid from the supplemental tuition fund created in subsection 9 of this section.

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

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

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

3. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements of public moneys in accordance with distribution requirements and procedures developed by the department of elementary and secondary education and shall make disbursement of private funds according to the directions of the donor. If the donor did not specify how the private funds were to be disbursed, the state treasurer shall contact the donor to determine the manner of disbursement. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of this section. A district that receives moneys from the fund may use such moneys to cover the cost of online tutoring services provided through a contract with a public library under section 170.215.

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

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

167.688. 1. Any underperforming district, as defined in section 167.848, may perform any or all of the following actions including, but not limited to:

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

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

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

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

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

2. Any underperforming district that offers an attendance recovery program designed exclusively to allow students to recapture attendance hours lost due to absences shall be allowed to include such attendance recovery hours in the district's attendance rate for purposes of the Missouri school improvement program accreditation scoring. Districts may offer attendance recovery programs on Saturdays or at any time before or after the school's regularly scheduled school hours. Extended hour and day programs designed for remediation or enrichment purposes shall not fulfill the criteria of attendance recovery programs as provided in this subsection.

167.730. 1. Beginning July 1, 2018, and continuing thereafter, every public school, including every charter school, in the metropolitan school district or in any urban school district containing most or all of a home rule city with more than four hundred thousand inhabitants and located in more than one county shall incorporate a response-to-intervention tiered approach to reading instruction to focus resources on students who are determined by their school to need additional or changed instruction to make progress as readers. At a minimum, the reading levels of students in kindergarten through tenth grade shall be assessed at the beginning and middle of the school year, and students who score below district benchmarks shall be provided with intensive and systematic reading instruction.

2. Beginning January 1, 2018, and every January first thereafter, every public school, including every charter school, in the metropolitan school district or in any urban school district containing most or all of a home rule city with more than four hundred thousand inhabitants and located in more than one county shall prepare a personalized learning plan for any kindergarten or first grade student whose most recent school-wide reading assessment result shows the student is working below grade level unless the student has been determined by other means in the current school year to be working at grade level or above. The provisions of this section shall not apply to students otherwise served under an individualized education program, to students receiving services through a plan prepared under Section 504 of the Rehabilitation Act of 1973 that includes an element addressing reading below grade level, or to students determined to have limited English proficiency.

3. For any student who is required by this section to have a personalized learning plan, the student’s main teacher shall consult with the student’s parent or guardian during the preparation of the plan and shall consult, as appropriate, any district personnel or department of elementary and secondary education personnel with necessary expertise to develop such a plan. The school shall require the written consent of the parent or guardian to implement the plan; however, if the school is unsuccessful in contacting the parent or guardian by January fifteenth, the school may send a letter by certified mail to the student’s last known address stating its intention to implement the plan by February first.

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

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

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

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

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

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

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

167.825. 1. For school year 2017-18, students who transferred from an unaccredited district to an accredited district in the same or an adjoining county under section 167.131 as it existed on July 1, 2014, shall be allowed to participate under the same terms that governed such transfers in school

years 2014-15 through 2016-17, except that section 167.132 shall apply to determine the reimbursement of their tuition.

2. For school year 2017-18, if an unaccredited district becomes classified as provisionally accredited or accredited without provisions by the state board of education, any resident student of the unaccredited district who has transferred under section 167.131 as it existed on July 1, 2014, shall be permitted to continue the student's educational program through the completion of middle school, junior high school, or high school, whichever occurs first, except that a student who attends any school serving students through high school graduation but starting at grades lower than ninth grade shall be permitted to complete high school in the school to which he or she has transferred.

3. Notwithstanding any other provision of law, any student who was participating in the school transfer program before January 1, 2017, and who attended, for at least one semester immediately prior to transferring, a school in an unaccredited district, shall have the option of transferring to a virtual school as provided in subsection 8 of section 162.1250, an approved charter school, or another public school in the student's district of residence that offers the student's grade level of enrollment, as further provided in section 167.826.

167.826. 1. Any student may transfer to another public school in the student's district of residence that offers the student's grade level of enrollment and that is accredited without provisions by the state board of education if such student is enrolled in and has attended an unaccredited school in an unaccredited district for the full semester immediately prior to requesting the transfer.

2. Any student may transfer to another public school in the student's district of residence that offers the student's grade level of enrollment and that is accredited without provisions by the state board of education if such student is enrolled in and has attended an unaccredited school, for the full semester immediately prior to requesting the transfer, in:

(1) An urban school district;

(2) A metropolitan school district;

(3) A district that has most or all of its land area located in a county with a charter form of government and with more than nine hundred fifty thousand inhabitants; or

(4) A district that has most or all of its land area located in a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants.

3. No such transfer under subsections 1 and 2 of this section shall result in a class size and assigned enrollment in a receiving school that exceeds the standards for class size and assigned enrollment as promulgated in the Missouri school improvement program's resource standards. If the student chooses to attend a magnet school, an academically selective school, or a school with a competitive entrance process within his or her district of residence that has admissions requirements, the student shall meet such admissions requirements in order to attend. The school board of each district described in subsections 1 and 2 of this section that operates an unaccredited school shall determine the capacity at each of the district's attendance centers that the state board of education has assigned a classification designation of accredited or accredited with distinction. The district's school board shall be responsible for coordinating student transfers from unaccredited schools to accredited

schools within the district. No student enrolled in and attending an attendance center that does not offer classes above the second grade level shall be eligible to transfer under this section.

4. Any student who is enrolled in and has attended an unaccredited school in an unaccredited district for the full semester immediately prior to requesting the transfer and who has first attempted but is unable to transfer to an accredited school within his or her district of residence under subsection 1 of this section due to a lack of capacity in accredited schools in the district of residence may apply for a scholarship to the appropriate education authority to transfer to:

(1) An accredited school in another district located in the same or an adjoining county;

(2) An approved charter school, as defined in section 167.848, in another district located in the same or an adjoining county; or

(3) A nonsectarian private school, as defined in section 167.848.

5. After the state board of education has assigned classification designations to all attendance centers under subsection 3 of section 161.238 and continuing thereafter, any student who is eligible to transfer under subsection 2 of this section and who has first attempted but is unable to transfer to an accredited school within his or her district of residence under subsection 2 of this section due to a lack of capacity in accredited schools in the district of residence may apply for a scholarship to the appropriate education authority to transfer to:

(1) An accredited school in another district located in the same or an adjoining county;

(2) An approved charter school, as defined in section 167.848, in another district located in the same or an adjoining county; or

(3) A nonsectarian private school, as defined in section 167.848.

6. The application to the education authority to transfer shall be made by March first before the school year in which the student intends to transfer.

7. A student who is eligible to begin kindergarten or first grade at an unaccredited school as described in subsection 1 or 2 of this section may apply to the appropriate education authority for a transfer if he or she resides in the attendance area of an unaccredited school 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 semester 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.

8. No unaccredited district, provisionally accredited district, unaccredited school, or provisionally accredited school shall be eligible to receive transfer students, except that, within an unaccredited district, students may transfer from unaccredited schools to accredited schools, and a transfer student who chooses to attend a provisionally accredited school in the district of residence shall be allowed

to transfer to such school if there is an available slot.

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

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

11. For a receiving district or receiving approved charter school, no acceptance of a transfer student shall require any of the following actions, unless the school board of the receiving district or the receiving approved charter school's governing board has approved the action:

(1) A class size and assigned enrollment in a receiving school that exceeds the number of students provided by its approved policy on class size under subsection 12 of this section;

(2) The hiring of additional classroom teachers; or

(3) The construction of additional classrooms.

12. Each receiving district and each receiving approved charter school shall have the right to establish and adopt, by objective means, a policy for desirable class size and student-teacher ratios. A district's policy may allow for estimated growth in the resident student population. An approved charter school may use the class size, student-teacher ratios, and growth projections for student enrollment contained in the charter school's charter application and charter when adopting a policy. Any district or approved charter school that adopts such a policy shall do so by January first annually. A receiving district or receiving approved charter school shall publish its policy and shall not be required to accept any transfer students under this section that would violate its class size or student-teacher ratio. If a student seeking to transfer is denied admission to a district or approved charter school based on a lack of space under the policy, the student or the student's parent or guardian may appeal the ruling to the state board of education if he or she believes the district's policy or approved charter school's policy is unduly restrictive to student transfers. If more than one student or parent appeals a denial of admission from the same district or approved charter school to the state board of education, the state board shall make an effort to hear such actions at the same time. If the state board of education finds that the policy is unduly restrictive to student transfers, the state board may limit the policy. The state board's decision shall be final.

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

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

15. (1) Except as provided in subdivision (2) of this subsection, if a district described in subsection 1 or 2 of this section operates an unaccredited school, the education authority for the county in which the district is located shall designate at least one accredited district in the same or an adjoining county to which the district operating the unaccredited school shall provide transportation for transfer students. If the designated district reaches full student capacity and is unable to receive additional students, the education authority shall designate at least one additional accredited district to which the district operating an unaccredited school shall provide transportation for transfer students.

(2) For the 2017-18 school year, and until such time as the governor has appointed a number of members sufficient to constitute a quorum to the education authority whose geographic coverage area includes a district operating an unaccredited school, the department of elementary and secondary education shall designate at least one accredited district in the same or an adjoining county to which a district operating an unaccredited school shall provide transportation for transfer students. If the designated district reaches full student capacity and is unable to receive additional students, the department shall designate at least one additional accredited district to which a district operating an unaccredited school shall provide transportation for transfer students.

(3) During the 2017-18 school year, for any district in a county with a charter form of government and with more than nine hundred fifty thousand inhabitants that the state board of education classified as unaccredited effective January 1, 2014, the costs of providing transportation for transfer students to a designated accredited district in the same or an adjoining county shall be paid from the student transfer transportation fund. There is hereby created in the state treasury the “Student Transfer Transportation Fund”, which shall consist of moneys appropriated to this fund. The state treasurer shall be custodian of the fund. The commissioner of education shall administer the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund, and moneys in the fund shall be used solely by the department of elementary and secondary education for the purposes of this subdivision. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

16. Notwithstanding the provisions of subsection 13 of this section to the contrary, if costs associated with the provision of special education and related services to a student with a disability exceed the tuition amount established under this section, the transfer student’s district of residence shall remain responsible to pay the excess cost to the receiving district or receiving approved charter school. If the receiving district is a component district of a special school district, the transfer

student's district of residence, including any metropolitan school district, shall contract with the special school district for the entirety of the costs to provide special education and related services, excluding transportation pursuant to this section. The special school district may contract with the transfer student's district of residence, including any metropolitan district, for the provision of transportation of a student with a disability, or the transfer student's district of residence may provide transportation on its own.

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

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

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

20. If a seven-director district or urban school district as described under subsection 1 or 2 of this section operates an unaccredited school, it may contract with a receiving district that is not part of a special school district in the same or an adjoining county for the reimbursement of special education and related services pursuant to sections 162.705 and 162.710 provided by the receiving district for transfer students who are residents of the district operating an unaccredited school.

167.827. 1. By August 1, 2017, and by January first annually, each district eligible to receive transfer students under section 167.826 shall report to the education authority for the county in which the district is located its number of available enrollment slots in accredited schools by grade level. Each district described in subsection 1 or 2 of section 167.826 operating an unaccredited school shall report to the education authority the number of available enrollment slots in the accredited schools of the district by August 1, 2017, and by January first annually. Each approved charter school and nonsectarian private school that is eligible to receive transfer students under section 167.826 shall report the number of available enrollment slots by August 1, 2017, and by January first annually.

2. Any education authority whose geographic area includes a district described in subsection 1 or 2 of section 167.826 operating an unaccredited school shall make information and assistance available to parents or guardians who intend to transfer their child from an unaccredited school to an accredited school in another district in the same or an adjoining county or an approved charter school in another district in the same or an adjoining county or a nonsectarian private school.

3. The parent or guardian of a student who intends to transfer his or her child from an

unaccredited school to an accredited school in another district in the same or an adjoining county or an approved charter school in another district in the same or an adjoining county shall send initial notification to the education authority for the county in which he or she resides by March first for enrollment in the subsequent school year.

4. The education authority whose geographic area includes a district that operates an unaccredited school described in subsection 1 or 2 of section 167.826 shall assign those students who are unable to transfer to an accredited school in their district of residence and seek to transfer to an accredited school in another district in the same or an adjoining county or an approved charter school in another district in the same or an adjoining county or a nonsectarian private school. When assigning transfer students to approved charter schools, an education authority shall coordinate with each approved charter school and its admissions process if capacity is insufficient to enroll all students who submit a timely application. An approved charter school shall not be required to receive any transfer students that would require it to institute a lottery procedure for determining the admission of resident students. The authority shall give first priority to students who live in the same household with any family member within the first or second degree of consanguinity or affinity who have already transferred and who apply to attend the same school. If insufficient grade-appropriate enrollment slots are available for a student to be able to transfer, that student shall receive first priority the following school year. The authority shall only disrupt student and parent choice for transfer if the available slots are requested by more students than there are slots available. The authority shall consider the following factors in assigning schools, with the student's or parent's choice as the most important factor:

- (1) The student's or parent's choice of the receiving school;
- (2) The best interests of the student; and
- (3) Distance and travel time to a receiving school.

The education authority shall not consider student academic performance, free and reduced price lunch status, or athletic ability in assigning a student to a school. When assigning transfer students to approved charter schools, an education authority shall coordinate with each approved charter school and its admissions process if capacity is insufficient to enroll all students who submit a timely application.

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

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

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

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

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

(4) In the fourth year of attendance and any subsequent years of attendance, a transfer student's score on a statewide assessment shall be weighted at one hundred percent when calculating the district's or charter school's performance for purposes of the district's or charter school's annual performance report status or progress score, with the growth score weighted at one hundred percent.

7. When performing the requirements of this section, section 167.132, or sections 167.830 to 167.845, if an education authority whose geographic area includes a district that operates an unaccredited school as described in subsection 1 or 2 of section 167.826 is not coordinating transfers due to insufficient funding or because the governor has not yet appointed a number of members sufficient to constitute a quorum to the education authority, the department of elementary and secondary education shall contract with or collaborate with any organizations it chooses, subject to the exception described in subsection 8 of this section, in order to coordinate transfers that each education authority is required to coordinate under such sections. The department of elementary and secondary education and such organization or organizations it chooses shall fulfill all functions of the education authorities, including the duty to perform the tuition calculation as described in subsection 4 of section 167.132. Any applications for transfers and any reports of available enrollment slots that the education authorities would have received shall be submitted to the department of elementary and secondary education or such organization or organizations it chooses instead.

167.828. 1. The school board of any unaccredited district located in any city not within a county, any county with a charter form of government and with more than nine hundred fifty thousand inhabitants, or in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants that operates an unaccredited school shall provide a scholarship for any student who has enrolled in and attended an unaccredited school in the district for one semester to attend a nonsectarian private school, as defined in section 167.848, located in his or her district of residence and is assigned to such school by the education authority.

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

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

(2) Seventy percent of the unaccredited district's cost of maintaining a grade level grouping as

provided by subdivision (1) of subsection 6 of section 167.826.

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

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

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

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

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

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

(6) For all students enrolled in the school under the nonsectarian option set forth in section 167.826, complies with the following statutes and any regulations promulgated thereunder by the department of elementary and secondary education: sections 43.408, 43.540, 160.041, 160.045, 160.257, 160.261, 160.262, 160.263, 160.518 for state assessments, the cost of which shall be paid consistent with the manner in which they are paid for students in public schools, 160.522, 160.539, 160.570, 160.660, 160.775, 160.1990, 161.850, 161.102, 161.650, 162.014, 162.068, 162.069, 162.208, 162.215, 162.401, 162.670, 162.720, subdivisions (1) to (3) of section 162.821, 162.1250, 162.1125, subdivisions (1) and (2) of subsection 1 of section 163.021 for eligibility to receive local funds but compliance with these sections shall not make nonsectarian private schools eligible to receive state funding under section 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, 2014;

(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 unaccredited 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 the parent or guardian to pay any additional amount for tuition; and

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

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

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

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

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

Shall the (school district's name) allow the use of the district's local operating funds for school purposes to pay a scholarship at nonsectarian private schools for students who are assigned to an unaccredited public school in the district and who apply to transfer to nonsectarian private schools under section 167.828, RSMo?

YES

NO

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

(2) Whenever the governing body of a school district specified in subsection 1 of this section that has not authorized the use of its local operating funds for school purposes as provided in this subsection receives a petition from a nonsectarian private school, signed by the school's chief operating officer, calling for an election to authorize the use of local operating funds for school purposes to pay scholarship at a private nonsectarian school under this subsection, the governing

body shall submit to the voters a proposal to authorize such use of funds at the next general election for which the deadline for submission of such ballot proposals is open. If a majority of the votes cast on the question by the qualified voters voting thereon is in favor of the proposal, the option for students to transfer to a nonsectarian private school shall become effective in that district the next school year. If a majority of the votes cast on the proposal by the qualified voters voting thereon is opposed to the proposal, the option shall not become effective unless and until the proposal is resubmitted under this subsection to the qualified voters at a general election and such proposal is approved by a majority of the qualified voters voting on the proposal.

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

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

167.830. 1. There is hereby established the “St. Louis Area Education Authority”. The authority is hereby constituted a public instrumentality and body politic and corporate, and the exercise by the authority of the powers conferred by this section shall be deemed and held to be the performance of an essential public function. Unless otherwise provided, the authority shall be subject to all general laws pertaining to the operation of seven-director districts as defined in section 160.011.

2. If any metropolitan school district, any district located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants, or any district located in an adjoining county to them operates at least one unaccredited school, the authority shall coordinate student transfers from unaccredited schools to schools in accredited districts as set forth in section 167.826 and, if applicable, to approved charter schools or nonsectarian private schools.

3. The authority shall consist of five members to be appointed by the governor, by and with the advice and consent of the senate, each of whom shall be a resident of the state. The members shall reflect the population characteristics of the districts they represent. Not more than three of the five members of the authority shall be of the same political party. Two members shall be residents of the metropolitan school district, two members shall be residents of school districts located in a county with a charter form of government and with more than nine hundred fifty thousand inhabitants, and one member shall be a resident of a district located in an adjoining county to a county with a charter form of government and with more than nine hundred fifty thousand inhabitants. The length of term for members shall be six years except for the initial members, who shall be appointed in the following manner:

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

- (3) One member shall be appointed for a term of four years;**
- (4) One member shall be appointed for a term of five years; and**
- (5) One member shall be appointed for a term of six years.**

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

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

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

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

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

- (1) Have perpetual succession as a body politic and corporate;**
- (2) Adopt bylaws for the regulation of its affairs and the conduct of its business;**
- (3) Sue and be sued and prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;**
- (4) Establish and use a corporate seal and alter the same at pleasure;**
- (5) Maintain an office at such place or places in the state of Missouri as it may designate;**
- (6) Employ an executive director and other staff as needed, with compensation fixed by the**

authority;

(7) Coordinate student transfers located in its jurisdiction, as provided by law; and

(8) Coordinate and collaborate with local districts, approved charter schools, and local governments for the transfer of students, as provided by law.

167.833. 1. There is hereby created in the state treasury the “St. Louis Area Education Authority Fund”. The fund shall consist of any appropriations, gifts, bequests, or public or private donations to such fund. Any moneys in the fund shall be used to fund the operations of the education authority. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements of public moneys in accordance with distribution requirements and procedures developed by the department of elementary and secondary education and shall make disbursement of private funds according to the directions of the donor. If the donor did not specify how the private funds were to be disbursed, the state treasurer shall contact the donor to determine the manner of disbursement. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of sections 167.830 and 167.833.

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

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

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

2. If any district located in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants or in an adjoining county operates at least one unaccredited school, the authority shall coordinate student transfers from unaccredited schools to schools in accredited districts as set forth in section 167.826 and, if applicable, to approved charter schools or nonsectarian private schools.

3. The authority shall consist of five members appointed by the governor, by and with the advice and consent of the senate, each of whom shall be a resident of the state. Three members shall be residents of an urban school district containing most or all of a home rule city with more than four hundred thousand inhabitants and located in more than one county. One member shall be a resident of a school district located in a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants but such member shall be a resident of a school district other than an urban school district containing most or all of a home rule city with more than four hundred thousand inhabitants and located in more than one county. One member shall be a resident of a school district located in a county adjoining to a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants. The members shall reflect the population characteristics of the districts they

represent. Not more than three of the five members of the authority shall be of the same political party. The length of term for members shall be six years except for the initial members, who shall be appointed in the following manner:

- (1) One member shall be appointed for a term of two years;
- (2) One member shall be appointed for a term of three years;
- (3) One member shall be appointed for a term of four years;
- (4) One member shall be appointed for a term of five years; and
- (5) One member shall be appointed for a term of six years.

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

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

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

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

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

- (1) Have perpetual succession as a body politic and corporate;
- (2) Adopt bylaws for the regulation of its affairs and the conduct of its business;

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

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

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

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

(7) Coordinate student transfers located in its jurisdiction, as provided by law; and

(8) Coordinate and collaborate with local districts, approved charter schools, and local governments for the transfer of students, as provided by law.

167.839. 1. There is hereby created in the state treasury the “Kansas City Area Education Authority Fund”. The fund shall consist of any appropriations, gifts, bequests, or public or private donations to such fund. Any moneys in the fund shall be used to fund the operations of the education authority. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements of public moneys in accordance with distribution requirements and procedures developed by the department of elementary and secondary education and shall make disbursement of private funds according to the directions of the donor. If the donor did not specify how the private funds were to be disbursed, the state treasurer shall contact the donor to determine the manner of disbursement. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of sections 167.836 and 167.839.

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

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

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

(1) Any city not within a county;

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

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

2. If any district located in the statewide education authority’s jurisdiction operates at least one unaccredited school, the authority shall coordinate student transfers from unaccredited schools to schools in accredited districts as set forth in section 167.826 and, if applicable, to approved charter

schools or nonsectarian private schools.

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

- (1) One member shall be appointed for a term of two years;**
- (2) One member shall be appointed for a term of three years;**
- (3) One member shall be appointed for a term of four years;**
- (4) One member shall be appointed for a term of five years; and**
- (5) One member shall be appointed for a term of six years.**

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

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

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

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

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

- (1) Have perpetual succession as a body politic and corporate;**
- (2) Adopt bylaws for the regulation of its affairs and the conduct of its business;**
- (3) Sue and be sued and prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;**
- (4) Establish and use a corporate seal and alter the same at pleasure;**
- (5) Maintain an office at such place or places in the state of Missouri as it may designate;**
- (6) Employ an executive director and other staff as needed, with compensation fixed by the authority;**
- (7) Coordinate student transfers located in its jurisdiction, as provided by law; and**
- (8) Coordinate and collaborate with local districts, approved charter schools, and local governments for the transfer of students, as provided by law.**

167.845. 1. There is hereby created in the state treasury the “Statewide Education Authority Fund”. The fund shall consist of any appropriations, gifts, bequests, or public or private donations to such fund. Any moneys in the fund shall be used to fund the operations of the education authority. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements of public moneys in accordance with distribution requirements and procedures developed by the department of elementary and secondary education and shall make disbursement of private funds according to the directions of the donor. If the donor did not specify how the private funds were to be disbursed, the state treasurer shall contact the donor to determine the manner of disbursement. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of sections 167.842 and 167.845.

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

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

167.848. For purposes of sections 161.084, 161.087, 161.238, 162.1250, 162.1305, 162.1310, 162.1313, 167.642, 167.685, 167.688, and 167.825 to 167.848, the following terms mean:

(1) “Accredited district”, a school district that is classified as accredited or accredited with distinction by the state board of education pursuant to the authority of the state board of education to classify schools as established in sections 161.087 and 161.092;

(2) “Accredited school”, an attendance center that is classified as accredited or accredited with distinction by the state board of education pursuant to the authority of the state board of education to classify schools as established in sections 161.087, 161.092, and 161.238;

(3) “Approved charter school”, a charter school that has existed for less than three years or a

charter school with a three-year average score of seventy percent or higher on its annual performance report;

(4) “Attendance center”, a public school building or buildings or part of a school building that constitutes one unit for accountability purposes under the Missouri school improvement program;

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

(6) “Education authority” or “authority”, an education authority established under sections 167.830 to 167.845;

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

(8) “Provisionally accredited district”, a school district that is classified as provisionally accredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in sections 161.087 and 161.092;

(9) “Provisionally accredited school”, an attendance center that is classified as provisionally accredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in sections 161.087, 161.092, and 161.238;

(10) “Unaccredited district”, a school district classified as unaccredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in sections 161.087 and 161.092;

(11) “Unaccredited school”, an attendance center that is classified as unaccredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in sections 161.087, 161.092, and 161.238;

(12) “Underperforming”, a school district or an attendance center that has been classified as unaccredited or provisionally accredited pursuant to the authority of the state board of education to classify schools or has a three-year average annual performance report score consistent with a classification of provisionally accredited or unaccredited.

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

2. The department of elementary and secondary education may promulgate all necessary rules and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only 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 the effective date of this section shall be invalid and void.

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

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

(1) Assistance with homework;

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

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

(4) Test preparation tools.

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

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

(1) Protect individual student privacy;

(2) Prohibit voice communication between the parties; and

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

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

6. Any entity that offers online tutoring services under this section shall maintain an archive of all communications between students and tutors for two years.

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

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

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

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

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

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

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

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

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

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

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

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

(1) Vocational schools which may adopt an eight-hour day in a metropolitan school district and a school district in a first class county adjacent to a city not within a county, and any school that adopts a four-day

school week in accordance with section 171.029; and

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

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

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

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

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

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

177.015. 1. Each district that owns a building that is not occupied shall, by March fifteenth annually, prepare a public document listing the status of each district-owned building that is not occupied. The document shall include the address of each building and the amount of money the district spends annually on the building including, but not limited to, a separate accounting for repairs, maintenance, utilities, and insurance. The document shall include an estimate of the fair market value of each building. The district shall post this information on its internet website and make the document available to each district taxpayer.

2. For purposes of this section, the term “occupied” means a district-owned building used for the education of children between the ages of four and twenty-one for at least three hours a day for a school term.

7. (1) In fiscal years 2018 and 2019, in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants that contains all or any portion of a school district that has been designated as unaccredited or provisionally accredited by the state board of education, up to five percent of the community children’s services fund’s yearly revenues, based on the total dollar amount needed to provide services as determined by a needs assessment, shall be devoted to a grant program that delivers services directly to schools in such districts according to the procedure in this subsection. The president of the school board shall notify the board of directors within five

business days after such designation. The board shall, in its budget process for the following fiscal year, ensure that the total amount of funds needed to provide services based on the needs assessment is allocated according to this subsection, not to exceed five percent of the fund's yearly revenues. If the total amount of funds needed to provide such services exceeds five percent of the fund's yearly revenues, the funds shall be distributed in an order based on the greatest need for each district. Any moneys distributed from the fund to a district shall be subject to an annual audit.

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

(3) The board shall appoint one of its members to a direct school service coordinating committee, which is hereby created. The board may appoint an additional one of its members to serve as an ex officio member. The board shall appoint a social worker to the committee. The school board of each affected district shall appoint two parents with a child enrolled in a public school in the district based on school district identification numbers from the department of elementary and secondary education, rotating year to year from highest number to lowest number. The school board of each affected district shall appoint a school services staff member. The superintendent of each affected district shall serve on the committee. An additional member from each affected district may be appointed to serve as an ex officio member.

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

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

(6) The provisions of this subsection shall terminate on June 30, 2019.

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

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

Further amend the title and enacting clause accordingly.

Senator Sifton moved that the above amendment be adopted.

Senator Sifton offered SSA 1 for SA 1:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 313, Page 8, Section

135.719, Line 23, by inserting after all of said line the following:

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

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

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

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

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

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

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

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

(4) “Graduation rate”, the [quotient of the number of graduates in the current year as of June thirtieth divided by the sum of the number of graduates in the current year as of June thirtieth plus the number of twelfth graders who dropped out in the current year plus the number of eleventh graders who dropped out in the preceding year plus the number of tenth graders who dropped out in the second preceding year plus the number of ninth graders who dropped out in the third preceding year] **graduation rate determined by the annual performance report required by the Missouri school improvement program**;

(5) “High school”, a public school giving instruction in a grade or grades not lower than the ninth nor higher than the twelfth grade;

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

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

(8) “School board”, the board of education having general control of the property and affairs of any school district;

(9) “School term”, a minimum of one hundred seventy-four school days, as that term is defined in section 160.041, for schools with a five-day school week or a minimum of one hundred forty-two school days, as that term is defined in section 160.041, for schools with a four-day school week, and one thousand forty-four hours of actual pupil attendance as scheduled by the board pursuant to section 171.031 during a twelve-month period in which the academic instruction of pupils is actually and regularly carried on for a group of students in the public schools of any school district. A school term may be within a school year or may consist of parts of two consecutive school years, but does not include summer school. A district may choose to operate two or more terms for different groups of children. A school term for students participating in a school flex program as established in section 160.539 may consist of a combination of actual pupil attendance and attendance at college or technical career education or approved employment

aligned with the student's career academic plan for a total of one thousand forty-four hours;

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

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

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

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

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

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

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

(1) In a metropolitan school district;

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

(3) In a school district that has been classified as unaccredited by the state board of education;

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

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

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

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

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

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

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

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

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

(5) Any two-year private vocational or technical school designated as a 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as amended, and accredited by the Higher Learning Commission, with its primary campus in Missouri;

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

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

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

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

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

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

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

the city.

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

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

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

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

10. A charter school may affiliate with a four-year college or university, including a private college or university, or a community college as otherwise specified in subsection 3 of this section when its charter is granted by a sponsor other than such college, university or community college. Affiliation status recognizes a relationship between the charter school and the college or university for purposes of teacher training and staff development, curriculum and assessment development, use of physical facilities owned by or rented on behalf of the college or university, and other similar purposes. A university, college or community college may not charge or accept a fee for affiliation status.

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

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

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

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

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

(5) Designs and implements a transparent and rigorous process that uses comprehensive data to make

merit-based renewal decisions.

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

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

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

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

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

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

(2) The granting of a charter;

(3) The performance contract that the sponsor will use to evaluate the performance of charter schools. Charter schools shall meet current state academic performance standards as well as other standards agreed upon by the sponsor and the charter school in the performance contract;

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

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

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

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

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

(2) If the department determines that a sponsor is in material noncompliance with its sponsorship duties, the sponsor shall be notified and given reasonable time for remediation. If remediation does not address the compliance issues identified by the department, the commissioner of education shall conduct a public hearing and thereafter provide notice to the charter sponsor of corrective action that will be recommended to the state board of education. Corrective action by the department may include withholding the sponsor's funding and suspending the sponsor's authority to sponsor a school that it currently sponsors or to sponsor any additional school until the sponsor is reauthorized by the state board of education under section 160.403.

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

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

18. If a sponsor notifies a charter school of closure under subsection 8 of section 160.405, the department of elementary and secondary education shall exercise its financial withholding authority under subsection 12 of section 160.415 to assure all obligations of the charter school shall be met. The state, charter sponsor, or resident district shall not be liable for any outstanding liability or obligations of the charter school.

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 under section 167.131, provided that the charter school is an approved charter school, as defined in section 167.131, and subject to all other provisions of section 167.131;

(4) Nonresident pupils who are residents of Missouri and have at least one parent employed by the charter school at which the nonresident pupil is seeking enrollment unless the pupil's enrollment will cause a resident student to be denied enrollment;

(5) Nonresident pupils from the same or an adjoining county who were enrolled in and attended

an unaccredited school for at least one semester immediately prior to requesting the transfer and who were unable to transfer to an accredited school within their district of residence as provided in section 167.826, provided the school is an approved charter school, as defined in section 167.848, and subject to all other provisions of section 167.826;

(6) 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

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

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

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

(2) A charter school may also give a preference for admission of children whose siblings attend the school [or], **for admission of children resident in the district in which it operates** and whose parents are employed at the school, or, in the case of a workplace charter school, **for admission of** a child whose parent is employed in the business district or at the business site of such school; and

(3) Charter alternative and special purpose schools may also give a preference for admission to high-risk students, as defined in subdivision (5) of subsection 2 of section 160.405, when the school targets these students through its proposed mission, curriculum, teaching methods, and services.

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

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

(1) The school's charter;

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

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

(4) If a charter school is operated by a management company, a copy of the written contract between the governing board of the charter school and the educational management organization or the charter management organization for services. The charter school may charge reasonable fees, not to exceed the rate specified in section 610.026 for furnishing copies of documents under this subsection.

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

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

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

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

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

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

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

(3) If the department overpays or underpays the amount due to the charter school, such overpayment

or underpayment shall be repaid by the public charter school or credited to the public charter school in twelve equal payments in the next fiscal year.

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

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

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

4. A charter school that has declared itself as a local educational agency shall receive from the department of elementary and secondary education an annual amount equal to the product of the charter school's weighted average daily attendance and the state adequacy target, multiplied by the dollar value modifier for the district, plus local tax revenues per weighted average daily attendance from the incidental and teachers funds in excess of the performance levy as defined in section 163.011 plus all other state aid attributable to such pupils. If a charter school declares itself as a local educational agency, the department of elementary and secondary education shall, upon notice of the declaration, reduce the payment made to the school district by the amount specified in this subsection and pay directly to the charter school the annual amount reduced from the school district's payment.

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

6. For purposes of calculation and distribution of state school aid to charter schools under this section, a charter school's weighted average daily attendance shall include any nonresident pupil who is a resident of Missouri, who attends the charter school, and whose parent is employed at the charter school.

7. The charter school and a local school board may agree by contract for services to be provided by the school district to the charter school. The charter school may contract with any other entity for services. Such services may include but are not limited to food service, custodial service, maintenance, management assistance, curriculum assistance, media services and libraries and shall be subject to negotiation between

the charter school and the local school board or other entity. Documented actual costs of such services shall be paid for by the charter school.

[7.] **8.** In the case of a proposed charter school that intends to contract with an education service provider for substantial educational services or management services, the request for proposals shall additionally require the charter school applicant to:

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

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

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

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

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

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

[8.] **9.** A charter school may enter into contracts with community partnerships and state agencies acting in collaboration with such partnerships that provide services to children and their families linked to the school.

[9.] **10.** A charter school shall be eligible for transportation state aid pursuant to section 163.161 and shall be free to contract with the local district, or any other entity, for the provision of transportation to the students of the charter school.

[10.] **11.** (1) The proportionate share of state and federal resources generated by students with disabilities or staff serving them shall be paid in full to charter schools enrolling those students by their school district where such enrollment is through a contract for services described in this section. The proportionate share of money generated under other federal or state categorical aid programs shall be directed to charter schools serving such students eligible for that aid.

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

[11.] **12.** A charter school may not charge tuition or impose fees that a school district is prohibited from charging or imposing, except that a charter school may receive tuition payments from districts in the same or an adjoining county for nonresident students who transfer to an approved charter school, as defined in

section 167.131, from an unaccredited district.

[12.] **13.** A charter school is authorized to incur debt in anticipation of receipt of funds. A charter school may also borrow to finance facilities and other capital items. A school district may incur bonded indebtedness or take other measures to provide for physical facilities and other capital items for charter schools that it sponsors or contracts with. Except as otherwise specifically provided in sections 160.400 to 160.425, upon the dissolution of a charter school, any liabilities of the corporation will be satisfied through the procedures of chapter 355. A charter school shall satisfy all its financial obligations within twelve months of notice from the sponsor of the charter school's closure under subsection 8 of section 160.405. After satisfaction of all its financial obligations, a charter school shall return any remaining state and federal funds to the department of elementary and secondary education for disposition as stated in subdivision (17) of subsection 1 of section 160.405. The department of elementary and secondary education may withhold funding at a level the department determines to be adequate during a school's last year of operation until the department determines that school records, liabilities, and reporting requirements, including a full audit, are satisfied.

[13.] **14.** Charter schools shall not have the power to acquire property by eminent domain.

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

160.425. 1. The "Missouri Charter Public School Commission" is hereby created with the authority to sponsor high quality charter schools throughout the state of Missouri **as specified in section 160.400.**

2. The commission shall consist of nine members appointed by the governor, by and with the advice and consent of the senate. No more than five of the members shall be of the same political party. No more than two members shall be from the same congressional district. The term of office of each member shall be four years, except those of the members first appointed, of which three shall be appointed for a term of one year, two for a term of two years, two for a term of three years, and two for a term of four years. At the expiration of the term of each member, the governor, by and with the advice and consent of the senate, shall appoint a successor.

3. The appointees to the commission shall be selected as follows:

(1) One member selected by the governor from a slate of three recommended by the commissioner of education;

(2) One member selected by the governor from a slate of three recommended by the commissioner of higher education;

(3) One member selected by the governor from a slate of three recommended by the president pro tempore of the senate;

(4) One member selected by the governor from a slate of three recommended by the speaker of the house of representatives; and

(5) Five additional members appointed by the governor, one of whom shall be selected from a slate of three nominees recommended by the Missouri School Boards Association.

4. Members appointed to the commission shall collectively possess strong experience and expertise in governance, management and finance, school leadership, assessment, curriculum and instruction, and education law. All members of the commission shall have demonstrated understanding of and commitment to charter schooling as a strategy for strengthening public education.

5. The commission shall annually elect a chairperson and vice chairperson, who shall act as chairperson in his or her absence. The commission shall meet at the call of the chairperson. The chairperson may call meetings at such times as he or she deems advisable and shall call a meeting when requested to do so by three or more members of the commission. Members of the commission are not eligible to receive compensation.

6. The commission may approve proposed charters for its sponsorship under sections 160.400 to 160.425 and shall:

(1) Comply with all of the requirements applicable to sponsors under sections 160.400 to 160.425;

(2) Exercise sponsorship over charters approved by the commission under sections 160.400 to 160.425, including receipt of sponsorship funding under subsection 11 of section 160.400.

7. Charter schools sponsored by the commission shall comply with all of the requirements applicable to charter schools under sections 160.400 to 160.425.

8. The commission shall conduct its business in accordance with chapter 610.

9. The department of elementary and secondary education shall provide start-up funding for the commission to operate. The commission shall reimburse the department's costs from any funds it receives as sponsor under section 160.400.

10. The commission is authorized to receive and expend gifts, grants, and donations of any kind from any public or private entity to carry out the purposes of sections 160.400 to 160.425, subject to the terms and conditions under which they are given, provided that all such terms and conditions are permissible under law.

11. The commission may employ staff including, but not limited to, an executive director as needed to carry out its duties. The commission may establish personnel, payroll, benefit, and other such systems as needed and may provide death and disability benefits. Commission employees shall be considered state employees for the purposes of membership in the Missouri state employees' retirement system and the Missouri consolidated health care plan. Compensation paid by the commission shall constitute pay from a state department for purposes of accruing benefits under the Missouri state employees' retirement system.

12. There is hereby created in the state treasury the "Missouri Charter Public School Commission Revolving Fund", which shall consist of money collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund, and moneys in the fund shall be used solely by the Missouri charter public school commission for purposes of sections 160.400 to 160.425 and section 167.349. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are

invested. Any interest and moneys earned on such investments shall be credited to the fund.

161.084. When classifying the public schools of the state under section 161.092, if there is no state board of education member who is a resident of the congressional district in which such school district under consideration is located, the state board of education shall assign such school district a classification designation of unaccredited or change a district's classification designation from accredited to provisionally accredited only after notifying the governor of its intent to change the classification of the district. The governor shall make the appointment under section 161.052 within thirty days of notification.

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

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

2. The state board of education shall develop and implement a process to provide assistance teams to borderline districts, as defined in section 167.848, as determined by the department of elementary and secondary education and to underperforming districts, as defined in section 167.848, upon assignment of a classification designation of unaccredited or provisionally accredited or determination made by the state board of education. The composition and size of the team may vary, based on academic, demographic, and financial circumstances of the district, but in no case will the team have fewer than ten members, two of whom shall be active classroom teachers in the district, two of whom shall be principals, and one of whom shall be a parent of a student in the district. The department staff member assigned to the region in which the district is located may be included in the assistance team's activities but shall not be formally assigned to the team. The team shall provide recommendations for improvement based on the needs of the community and the district and analysis of, at a minimum, the assessment data, classroom practices, and communication processes within attendance centers, within the district, and with the larger community. Separate teams may be used to provide analysis and recommendations at the discretion of the state board. Beginning with school year 2017-18, the team shall provide its recommendations no later than June 30, 2018, for underperforming districts and borderline districts. The state board shall prioritize the assignment of teams so that the districts with the lower annual performance report scores are addressed first. The assistance team's suggestions for improvement shall be mandatory for underperforming districts but shall not be mandatory for borderline districts. If an underperforming district disagrees with any suggestion of the assistance team, the district shall propose a different method of accomplishing the goal of the assistance team's suggestion and the state board of education shall be the final arbiter of the matter.

161.238. 1. Notwithstanding any provision of chapter 536 and subdivisions (9) and (14) of section 161.092 to the contrary, the state board of education shall adopt a policy to classify individual attendance centers. Attendance centers that do not offer classes above the second grade level are

exempt from classification under this subsection. The policy shall require that an attendance center's classification be based solely on a three-year average of the attendance center's annual performance report scores using the three most recent years. The state board shall assign a classification consistent with such three-year average score. The state board shall implement such policy and:

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

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

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

3. By January 1, 2018, the state board of education shall, through administrative rule, develop a system of classification that accredits attendance centers within a district separately from the district as a whole using the classification designations provided in section 161.087. The state board of education's system shall not assign classification designations to attendance centers that do not offer classes above the second grade level. When the state board adopts its system, it shall assign a classification designation to each attendance center, except for those attendance centers that do not offer classes above the second grade level. The state board of education may assign classification numbers outside the range of numbers assigned to high schools, middle schools, junior high schools, or elementary schools as classification designations for attendance centers that are exempt from the accreditation classification system. Public separate special education schools within a special school district and within a school district are exempted from the accreditation requirements of this section and section 161.087. While not applicable for the purpose of accreditation, a special school district shall continue to report all scores on its annual performance report to the department of elementary and secondary education for all its schools. Juvenile detention centers within a special school district are also exempted from the accreditation standards of this section and section 161.087.

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

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

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

7. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only 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 the effective date of this section shall be invalid and void.

161.950. 1. The provisions of sections 161.950 to 161.956 shall be known as the “Missouri Parent/Teacher Involvement Act”. The “Missouri Parent/Teacher Involvement Program” is hereby established for the purpose of providing grant awards to schools in which a majority of school staff, including administrators, teachers, counselors, and other support staff agree to develop and build trusting relationships between families and school staff, thereby increasing communication and accountability, with the goal of contributing to the academic and social success of pupils. The department of elementary and secondary education shall coordinate and administer the program. Priority for distribution of grant moneys under the program established under sections 161.950 to 161.956 shall be given to districts with Missouri assessment program scores in the lowest twentieth percentile.

2. Schools serving grades K-12 within the state shall operate parent/teacher involvement programs that meet the following requirements:

(1) At least fifty percent of the staff employed at the school site shall voluntarily agree to participate in either periodic visits to the homes of pupils or in community meetings that are held at times and locations convenient to parents and legal guardians;

(2) Prior to the commencement of home visits, a school shall establish a compact in which parents and legal guardians agree to participate in periodic home visits or community meetings;

(3) A teacher who participates in the program shall receive training in strategies for communicating effectively with parents and legal guardians and in conducting periodic home visits or community meetings. These strategies may include providing parents and legal guardians with guidance on how to reinforce educational objectives with their children at home;

(4) Teachers, administrators, counselors, and other support staff shall be compensated for their participation in home visits or community meetings at an hourly rate no less than the hourly rate derived from their regular base salary;

(5) All home visits and community meetings under the program shall be conducted by a pair or team that includes at least one staff member and, in the case of schools maintaining K-5, the classroom teacher of the pupil.

3. For purposes of subsection 2 of this section, “community meetings” means periodic public meetings between the teacher and the parent or legal guardian held by schools for the purpose of strengthening communication between the schools and parents and legal guardians for the improvement of pupil academic achievement.

161.950. 1. The provisions of sections 161.950 to 161.956 shall be known as the “Missouri Parent/Teacher Involvement Act”. The “Missouri Parent/Teacher Involvement Program” is hereby

established for the purpose of providing grant awards to schools in which a majority of school staff, including administrators, teachers, counselors, and other support staff agree to develop and build trusting relationships between families and school staff, thereby increasing communication and accountability, with the goal of contributing to the academic and social success of pupils. The department of elementary and secondary education shall coordinate and administer the program. Priority for distribution of grant moneys under the program established under sections 161.950 to 161.956 shall be given to districts with Missouri assessment program scores in the lowest twentieth percentile.

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(2) Prior to the commencement of home visits, a school shall establish a compact in which parents and legal guardians agree to participate in periodic home visits or community meetings;

(3) A teacher who participates in the program shall receive training in strategies for communicating effectively with parents and legal guardians and in conducting periodic home visits or community meetings. These strategies may include providing parents and legal guardians with guidance on how to reinforce educational objectives with their children at home;

(4) Teachers, administrators, counselors, and other support staff shall be compensated for their participation in home visits or community meetings at an hourly rate no less than the hourly rate derived from their regular base salary;

(5) All home visits and community meetings under the program shall be conducted by a pair or team that includes at least one staff member and, in the case of schools maintaining K-5, the classroom teacher of the pupil.

3. For purposes of subsection 2 of this section, “community meetings” means periodic public meetings between the teacher and the parent or legal guardian held by schools for the purpose of strengthening communication between the schools and parents and legal guardians for the improvement of pupil academic achievement.

161.952. 1. Beginning with school year 2017-18, each school board shall adopt a policy on parental involvement in the schools of the district. The policy shall be designed to build consistent and effective communication between the parents and guardians of pupils enrolled in the district and the teachers and administrators assigned to the schools the pupils attend. The policy shall provide the opportunity for parents and guardians to be actively involved in the pupil’s education and to be informed of the following:

(1) The importance of the involvement of parents and guardians in directly affecting the success of their children’s educational efforts;

(2) How and when to assist their children or foster children in and support their children’s or foster children’s classroom learning activities;

(3) Techniques, strategies, and skills to use at home to improve their children’s academic success and to support their children’s academic efforts at school and their children’s development as future responsible adult members of society.

2. The state board of education shall adopt recommendations for the development of parental involvement policies under this section.

161.954. 1. There is hereby created in the state treasury the “Missouri Parent/Teacher Involvement Program Fund”, which shall consist of money appropriated for the program established under section 161.950. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely for the administration of sections 161.950 to 161.956.

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

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

161.956. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under sections 161.950 to 161.956 shall automatically sunset six years after the effective date of sections 161.950 to 161.956 unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under sections 161.950 to 161.956 shall automatically sunset twelve years after the effective date of the reauthorization of sections 161.950 to 161.956; and

(3) Sections 161.950 to 161.956 shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under sections 161.950 to 161.956 is sunset.

161.1005. 1. By July 1, 2018, the department shall employ a dyslexia therapist, licensed psychometrist, licensed speech-language pathologist, certified academic language therapist, or certified training specialist to serve as the department’s dyslexia specialist. Such dyslexia specialist shall have a minimum of three years of field experience in screening, identifying, and treating dyslexia and related disorders.

2. The department shall ensure that the dyslexia specialist has completed training and received certification from a program approved by the legislative task force on dyslexia and is able to provide necessary information and support to school district teachers.

3. The dyslexia specialist shall:

(1) Be highly trained in dyslexia and related disorders, including best practice interventions and treatment models;

(2) Be responsible for the implementation of professional development; and

(3) Serve as the primary source of information and support for districts addressing the needs of students with dyslexia and related disorders.

4. In addition to the duties assigned under subsection 3 of this section, the dyslexia specialist shall also assist the department with developing and administering professional development programs to be made available to school districts no later than the 2018-19 school year. The programs shall focus on educating teachers regarding the indicators of dyslexia, the science surrounding teaching a student who is dyslexic, and classroom accommodations necessary for a student with dyslexia.

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

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

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

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

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

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

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

(a) Appoint a special administrative board for the operation of all or part of the district. **If a special administrative board is appointed for the operation of a part of a school district, the state board of education shall determine an equitable apportionment of state and federal aid for the part of the district, and the school district shall provide local revenue in proportion to the weighted average daily attendance of the part.** The number of members of the special administrative board shall not be less than five, the majority of whom shall be residents of the district. The members of the special administrative board shall reflect the population characteristics of the district and shall collectively possess strong experience in school governance, management and finance, and leadership. **The state board of education may appoint members of the district's elected school board to the special administrative board, but members of the elected school board shall not comprise more than forty-nine percent of the special administrative board's membership.** Within fourteen days after the appointment by the state board of education, the special administrative board shall organize by the election of a president, vice president, secretary and a

treasurer, with their duties and organization as enumerated in section 162.301. The special administrative board shall appoint a superintendent of schools to serve as the chief executive officer of the school district, **or a subset of schools**, and to have all powers and duties of any other general superintendent of schools in a seven-director school district. **Nothing in this section shall be construed to permit either the state board of education or a special administrative board to raise, in any way not specifically allowed by law, the tax levy of the district or any part of the district without a vote of the people.** Any special administrative board appointed under this section shall be responsible for the operation of the district **or part of the district** until such time that the district is classified by the state board of education as provisionally accredited for at least two successive academic years, after which time the state board of education may provide for a transition pursuant to section 162.083; or

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

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

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

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

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

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

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

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

5. A special administrative board **or any other form of governance** appointed under this section shall retain the authority granted to a board of education for the operation of the lapsed school district under the laws of the state in effect at the time of the lapse and may enter into contracts with accredited school districts or other education service providers in order to deliver high-quality educational programs to the residents of the district. If a student graduates while attending a school building in the district that is

operated under a contract with an accredited school district as specified under this subsection, the student shall receive his or her diploma from the accredited school district. The authority of the special administrative board **or any other form of governance appointed under this section** shall expire at the end of the third full school year following its appointment, unless extended by the state board of education. If the lapsed district is reassigned, the [special administrative board] **governing board prior to lapse** shall provide an accounting of all funds, assets and liabilities of the lapsed district and transfer such funds, assets, and liabilities of the lapsed district as determined by the state board of education. Neither the special administrative board **nor any other form of governance appointed under this section** nor its members or employees shall be deemed to be the state or a state agency for any purpose, including section 105.711, et seq. The state of Missouri, its agencies and employees shall be absolutely immune from liability for any and all acts or omissions relating to or in any way involving the lapsed district, [the] **a special administrative board, any other form of governance appointed under this section, [its] or the members or employees of the lapsed district, a special administrative board, or any other form of governance appointed under this section.** Such immunities, and immunity doctrines as exist or may hereafter exist benefitting boards of education, their members and their employees, shall be available to the special administrative board, **any other form of governance appointed under this section, [its] and the members and employees of the special administrative board or any other form of governance appointed under this section.**

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

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

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

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

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

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

10. The provisions of subsection 9 of this section shall not apply to any district solely on the basis of financial difficulty resulting from paying tuition and providing transportation for transfer students under sections 167.825 to 167.827.

162.1303. 1. For purposes of this section, “transient student” means any student who withdraws from one attendance center and enrolls in any other attendance center two or more times within two school years.

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

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

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

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

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

(1) One hundred; and

(2) The quotient of:

(a) The sum of the number of transient students and the number of students who withdrew from the district during the school year; and

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

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

162.1305. 1. For purposes of this section, "transient student" means any student who withdraws from one attendance center and enrolls in any other attendance center two or more times within two school years.

2. In the first year of attendance in a district or charter school, a transient student's score on a statewide assessment shall not be included when calculating the status or progress scores on the district's or charter school's annual performance report scores. A transient student's growth score shall be weighted at one hundred percent.

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

4. In the third year of attendance, a transient student's score on a statewide assessment shall be weighted at seventy percent when calculating the district's or charter school's performance for purposes of the district's or charter school's annual performance report status or progress score, with the transient student's growth score weighted at one hundred percent.

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

162.1310. If the state board of education classifies any district or attendance center as unaccredited, the district shall notify the parent or guardian of any student enrolled in the unaccredited district or unaccredited attendance center of the loss of accreditation within seven business days. The district shall also notify district taxpayers of the loss of accreditation within seven business days. The district's notice shall include an explanation of which students may be eligible to transfer, the transfer process under sections 167.825 to 167.827, and any services students may be entitled to receive. The district's notice shall be written in a clear, concise, and easy-to-understand manner. The district shall post the notice in a conspicuous and accessible place in each district attendance center. The district shall also send the notice to each municipality located within the boundaries of the district.

162.1313. The school board of any district that operates an underperforming school, as defined in section 167.848, shall adopt a policy regarding the availability of home visits by school personnel. Pursuant to such policy, the school may offer the parent or guardian of a student enrolled in any such school the opportunity to have one or more annual home visits. If the school decides to offer one or more annual home visits, the school 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, personnel and finances, as required by the state board of education, which shall include the preparation of a financial statement which shall be submitted to the state board of education the same as required by the provisions of section 165.111 for districts;

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

(4) Computes average daily attendance as defined in subdivision (2) of section 163.011 as modified by section 171.031. Whenever there has existed within the district an infectious disease, contagion, epidemic, plague or similar condition whereby the school attendance is substantially reduced for an extended period

in any school year, the apportionment of school funds and all other distribution of school moneys shall be made on the basis of the school year next preceding the year in which such condition existed; **and**

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

2. For the 2006-07 school year and thereafter, no school district shall receive more state aid, as calculated under subsections 1 and 2 of section 163.031, for its education program, exclusive of categorical add-ons, than it received per weighted average daily attendance for the school year 2005-06 from the foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and free textbook payment amounts, unless it has an operating levy for school purposes, as determined pursuant to section 163.011, of not less than two dollars and seventy-five cents after all adjustments and reductions. Any district which is required, pursuant to Article X, Section 22 of the Missouri Constitution, to reduce its operating levy below the minimum tax rate otherwise required under this subsection shall not be construed to be in violation of this subsection for making such tax rate reduction. Pursuant to Section 10(c) of Article X of the state constitution, a school district may levy the operating levy for school purposes required by this subsection less all adjustments required pursuant to Article X, Section 22 of the Missouri Constitution if such rate does not exceed the highest tax rate in effect subsequent to the 1980 tax year. Nothing in this section shall be construed to mean that a school district is guaranteed to receive an amount not less than the amount the school district received per eligible pupil for the school year 1990-91. The provisions of this subsection shall not apply to any school district located in a county of the second classification which has a nuclear power plant located in such district or to any school district located in a county of the third classification which has an electric power generation unit with a rated generating capacity of more than one hundred fifty megawatts which is owned or operated or both by a rural electric cooperative except that such school districts may levy for current school purposes and capital projects an operating levy not to exceed two dollars and seventy-five cents less all adjustments required pursuant to Article X, Section 22 of the Missouri Constitution.

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

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

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

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

and secondary education asserting that the district is providing an adequate education to the students of such district. If a school district asserts that it is not providing an adequate education to its students, such inadequacy shall be deemed to be a result of insufficient local effort. The provisions of this subsection shall not apply to any special district established under sections 162.815 to 162.940.”; and

Further amend said bill, Page 17, Section 166.720, Line 14, by inserting after all of said line the following:

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

2. (1) For the school year beginning July 1, 2008, and each succeeding school year, a parent or guardian residing in a lapsed public school district or **a parent or guardian residing in** a district that has [scored] **received an annual performance report score consistent with a state board of education classification of** either unaccredited or provisionally accredited[, or a combination thereof, on two consecutive annual performance reports] may enroll the parent’s or guardian’s child in the Missouri virtual school created in section 161.670 provided the pupil first enrolls in the school district of residence. The school district of residence shall include the pupil’s enrollment in the virtual school created in section 161.670 in determining the district’s average daily attendance. Full-time enrollment in the virtual school shall constitute one average daily attendance equivalent in the school district of residence. Average daily attendance for part-time enrollment in the virtual school shall be calculated as a percentage of the total number of virtual courses enrolled in divided by the number of courses required for full-time attendance in the school district of residence.

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

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

(4) Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only 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, 2007, shall be invalid and void.

167.127. If a school district contains a facility that serves neglected children or delinquent children residing in a court-ordered group home, an institution for neglected children, or an institution for delinquent children, the department of elementary and secondary education shall be prohibited from creating any report or publication related to the Missouri school improvement program, or any

successor program, in which data from the district’s regularly enrolled pupils is aggregated with data from the children residing in such facilities, unless the department creates an annotation to such report or publication with the data collected only from the district’s regularly enrolled pupils and an explanation of the effects of the data from the children enrolled in such facilities on the aggregate data of the district.

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

2. The rate of tuition to be charged by the district attended and paid by the sending district is the per pupil cost of maintaining the district’s grade level grouping which includes the school attended. The rate of tuition to be charged by the approved charter school attended and paid by the sending district is the per pupil cost of maintaining the approved charter school’s grade level grouping. For a district, the cost of maintaining a grade level grouping shall be determined by the board of education of the district but in no case shall it exceed all amounts spent for teachers’ wages, incidental purposes, debt service, maintenance and replacements. For an approved charter school, the cost of maintaining a grade level grouping shall be determined by the approved charter school but in no case shall it exceed all amounts spent by the district in which the approved charter school is located for teachers’ wages, incidental purposes, debt service, maintenance, and replacements. The term “debt service”, as used in this section, means expenditures for the retirement of bonded indebtedness and expenditures for interest on bonded indebtedness. Per pupil cost of the grade level grouping shall be determined by dividing the cost of maintaining the grade level grouping by the average daily pupil attendance. If there is disagreement as to the amount of tuition to be paid, the facts shall be submitted to the state board of education, and its decision in the matter shall be final. Subject to the limitations of this section, each pupil shall be free to attend the public school of his or her choice.

3. For purposes of this section, “approved charter school” means a charter school that has existed for less than three years or a charter school with a three-year average score of seventy percent or higher on its annual performance report.

167.132. 1. For purposes of this section, the following terms mean:

(1) **“Available receiving district”, an accredited district able to receive transfer students under section 167.826;**

(2) **“Average per-pupil current expenditure”, the average per-pupil current expenditure for a district as a whole as reported to the department of elementary and secondary education in its most recent school accountability report card under section 160.522;**

(3) **“Receiving approved charter school”, an approved charter school, as defined in section 167.848, receiving transfer students under section 167.826;**

(4) **“Receiving district”, a district receiving transfer students under section 167.826;**

(5) **“Sending district”, a district from which students are transferring to an available receiving**

district or an approved charter school, as allowed under section 167.826.

2. Notwithstanding any other provisions of law to the contrary, a receiving district or a receiving approved charter school may negotiate with a sending district to accept a reduced tuition rate for transfer students. The receiving district or receiving approved charter school may limit the number of transfer students accepted at the reduced tuition rate as calculated under subsection 3 of this section. If the receiving district or receiving approved charter school elects to accept tuition as calculated under subsection 3 of this section and does not limit the number of transfer students accepted at such reduced rate, such district or approved charter school shall receive students through the education authority based solely on the parent request and available seats.

3. In school year 2017-18 and subsequent years, if a sending district and a receiving district or receiving approved charter school have agreed upon a reduced tuition rate, such tuition shall be calculated as the product of:

(1) The sum of the average per-pupil current expenditures of all available receiving districts for the sending district divided by the number of all available receiving districts for the sending district; and

(2) Seventy percent.

4. The appropriate education authority, as defined in section 167.848, that is coordinating the transfers for students in the sending district shall perform the calculation in subsection 3 of this section annually.

5. If there is disagreement as to the amount of tuition to be paid, the facts shall be submitted to the state board of education, and its decision in the matter shall be final.

6. For each of the first two full school years that a receiving district or receiving approved charter school charges a rate of tuition as calculated under subsection 3 of this section, accepts a minimum of twenty-five transfer students at such reduced rate, and does not limit the number of transfer students accepted at such reduced rate, if the aggregate scores of student growth of all the transfer students in the receiving district or receiving approved charter school meet or exceed targets established in the state accountability system, the receiving district or receiving approved charter school shall earn additional credit in academic achievement on its annual performance report. The department of elementary and secondary education shall promulgate an administrative rule to implement the provisions of this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only 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 the effective date of this section shall be invalid and void.

7. If a receiving district elects to accept tuition as calculated under subsection 3 of this section and does not limit the number of transfer students accepted at such reduced rate, the department of elementary and secondary education shall consider such action as an additional criterion when determining whether to assign the receiving district a classification of accredited with distinction.

8. If a receiving district or receiving approved charter school elects to accept tuition as calculated under subsection 3 of this section and does not limit the number of transfer students accepted at such reduced rate, ten percent of the amount calculated under subdivision (1) of subsection 3 of this section for the receiving district or receiving approved charter school shall be paid from the supplemental tuition fund created in subsection 9 of this section.

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

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

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

3. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements of public moneys in accordance with distribution requirements and procedures developed by the department of elementary and secondary education and shall make disbursement of private funds according to the directions of the donor. If the donor did not specify how the private funds were to be disbursed, the state treasurer shall contact the donor to determine the manner of disbursement. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of this section. A district that receives moneys from the fund may use such moneys to cover the cost of online tutoring services provided through a contract with a public library under section 170.215.

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

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

167.688. 1. Any underperforming district, as defined in section 167.848, may perform any or all of the following actions including, but not limited to:

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

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

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

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

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

2. Any underperforming district that offers an attendance recovery program designed exclusively to allow students to recapture attendance hours lost due to absences shall be allowed to include such attendance recovery hours in the district's attendance rate for purposes of the Missouri school improvement program accreditation scoring. Districts may offer attendance recovery programs on Saturdays or at any time before or after the school's regularly scheduled school hours. Extended hour and day programs designed for remediation or enrichment purposes shall not fulfill the criteria of attendance recovery programs as provided in this subsection.

167.730. 1. Beginning July 1, 2018, and continuing thereafter, every public school, including every charter school, in the metropolitan school district or in any urban school district containing most or all of a home rule city with more than four hundred thousand inhabitants and located in more than one county shall incorporate a response-to-intervention tiered approach to reading instruction to focus resources on students who are determined by their school to need additional or changed instruction to make progress as readers. At a minimum, the reading levels of students in kindergarten through tenth grade shall be assessed at the beginning and middle of the school year, and students who score below district benchmarks shall be provided with intensive and systematic reading instruction.

2. Beginning January 1, 2018, and every January first thereafter, every public school, including every charter school, in the metropolitan school district or in any urban school district containing most or all of a home rule city with more than four hundred thousand inhabitants and located in more than one county shall prepare a personalized learning plan for any kindergarten or first grade student whose most recent school-wide reading assessment result shows the student is working below grade level unless the student has been determined by other means in the current school year to be working at grade level or above. The provisions of this section shall not apply to students otherwise served under an individualized education program, to students receiving services through a plan prepared under Section 504 of the Rehabilitation Act of 1973 that includes an element addressing reading below grade level, or to students determined to have limited English proficiency.

3. For any student who is required by this section to have a personalized learning plan, the student’s main teacher shall consult with the student’s parent or guardian during the preparation of the plan and shall consult, as appropriate, any district personnel or department of elementary and secondary education personnel with necessary expertise to develop such a plan. The school shall require the written consent of the parent or guardian to implement the plan; however, if the school is unsuccessful in contacting the parent or guardian by January fifteenth, the school may send a letter by certified mail to the student’s last known address stating its intention to implement the plan by February first.

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

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

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

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

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

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

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

167.825. 1. For school year 2017-18, students who transferred from an unaccredited district to an accredited district in the same or an adjoining county under section 167.131 as it existed on July 1, 2014, shall be allowed to participate under the same terms that governed such transfers in school

years 2014-15 through 2016-17, except that section 167.132 shall apply to determine the reimbursement of their tuition.

2. For school year 2017-18, if an unaccredited district becomes classified as provisionally accredited or accredited without provisions by the state board of education, any resident student of the unaccredited district who has transferred under section 167.131 as it existed on July 1, 2014, shall be permitted to continue the student's educational program through the completion of middle school, junior high school, or high school, whichever occurs first, except that a student who attends any school serving students through high school graduation but starting at grades lower than ninth grade shall be permitted to complete high school in the school to which he or she has transferred.

3. Notwithstanding any other provision of law, any student who was participating in the school transfer program before January 1, 2017, and who attended, for at least one semester immediately prior to transferring, a school in an unaccredited district, shall have the option of transferring to a virtual school as provided in subsection 8 of section 162.1250, an approved charter school, or another public school in the student's district of residence that offers the student's grade level of enrollment, as further provided in section 167.826.

167.826. 1. Any student may transfer to another public school in the student's district of residence that offers the student's grade level of enrollment and that is accredited without provisions by the state board of education if such student is enrolled in and has attended an unaccredited school in an unaccredited district for the full semester immediately prior to requesting the transfer.

2. Any student may transfer to another public school in the student's district of residence that offers the student's grade level of enrollment and that is accredited without provisions by the state board of education if such student is enrolled in and has attended an unaccredited school, for the full semester immediately prior to requesting the transfer, in:

(1) An urban school district;

(2) A metropolitan school district;

(3) A district that has most or all of its land area located in a county with a charter form of government and with more than nine hundred fifty thousand inhabitants; or

(4) A district that has most or all of its land area located in a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants.

3. No such transfer under subsections 1 and 2 of this section shall result in a class size and assigned enrollment in a receiving school that exceeds the standards for class size and assigned enrollment as promulgated in the Missouri school improvement program's resource standards. If the student chooses to attend a magnet school, an academically selective school, or a school with a competitive entrance process within his or her district of residence that has admissions requirements, the student shall meet such admissions requirements in order to attend. The school board of each district described in subsections 1 and 2 of this section that operates an unaccredited school shall determine the capacity at each of the district's attendance centers that the state board of education has assigned a classification designation of accredited or accredited with distinction. The district's school board shall be responsible for coordinating student transfers from unaccredited schools to accredited

schools within the district. No student enrolled in and attending an attendance center that does not offer classes above the second grade level shall be eligible to transfer under this section.

4. Any student who is enrolled in and has attended an unaccredited school in an unaccredited district for the full semester immediately prior to requesting the transfer and who has first attempted but is unable to transfer to an accredited school within his or her district of residence under subsection 1 of this section due to a lack of capacity in accredited schools in the district of residence may apply for a scholarship to the appropriate education authority to transfer to:

(1) An accredited school in another district located in the same or an adjoining county;

(2) An approved charter school, as defined in section 167.848, in another district located in the same or an adjoining county; or

(3) A nonsectarian private school, as defined in section 167.848.

5. After the state board of education has assigned classification designations to all attendance centers under subsection 3 of section 161.238 and continuing thereafter, any student who is eligible to transfer under subsection 2 of this section and who has first attempted but is unable to transfer to an accredited school within his or her district of residence under subsection 2 of this section due to a lack of capacity in accredited schools in the district of residence may apply for a scholarship to the appropriate education authority to transfer to:

(1) An accredited school in another district located in the same or an adjoining county;

(2) An approved charter school, as defined in section 167.848, in another district located in the same or an adjoining county; or

(3) A nonsectarian private school, as defined in section 167.848.

6. The application to the education authority to transfer shall be made by March first before the school year in which the student intends to transfer.

7. A student who is eligible to begin kindergarten or first grade at an unaccredited school as described in subsection 1 or 2 of this section may apply to the appropriate education authority for a transfer if he or she resides in the attendance area of an unaccredited school 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 semester 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.

8. No unaccredited district, provisionally accredited district, unaccredited school, or provisionally accredited school shall be eligible to receive transfer students, except that, within an unaccredited district, students may transfer from unaccredited schools to accredited schools, and a transfer student who chooses to attend a provisionally accredited school in the district of residence shall be allowed

to transfer to such school if there is an available slot.

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

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

11. For a receiving district or receiving approved charter school, no acceptance of a transfer student shall require any of the following actions, unless the school board of the receiving district or the receiving approved charter school's governing board has approved the action:

(1) A class size and assigned enrollment in a receiving school that exceeds the number of students provided by its approved policy on class size under subsection 12 of this section;

(2) The hiring of additional classroom teachers; or

(3) The construction of additional classrooms.

12. Each receiving district and each receiving approved charter school shall have the right to establish and adopt, by objective means, a policy for desirable class size and student-teacher ratios. A district's policy may allow for estimated growth in the resident student population. An approved charter school may use the class size, student-teacher ratios, and growth projections for student enrollment contained in the charter school's charter application and charter when adopting a policy. Any district or approved charter school that adopts such a policy shall do so by January first annually. A receiving district or receiving approved charter school shall publish its policy and shall not be required to accept any transfer students under this section that would violate its class size or student-teacher ratio. If a student seeking to transfer is denied admission to a district or approved charter school based on a lack of space under the policy, the student or the student's parent or guardian may appeal the ruling to the state board of education if he or she believes the district's policy or approved charter school's policy is unduly restrictive to student transfers. If more than one student or parent appeals a denial of admission from the same district or approved charter school to the state board of education, the state board shall make an effort to hear such actions at the same time. If the state board of education finds that the policy is unduly restrictive to student transfers, the state board may limit the policy. The state board's decision shall be final.

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

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

15. (1) Except as provided in subdivision (2) of this subsection, if a district described in subsection 1 or 2 of this section operates an unaccredited school, the education authority for the county in which the district is located shall designate at least one accredited district in the same or an adjoining county to which the district operating the unaccredited school shall provide transportation for transfer students. If the designated district reaches full student capacity and is unable to receive additional students, the education authority shall designate at least one additional accredited district to which the district operating an unaccredited school shall provide transportation for transfer students.

(2) For the 2017-18 school year, and until such time as the governor has appointed a number of members sufficient to constitute a quorum to the education authority whose geographic coverage area includes a district operating an unaccredited school, the department of elementary and secondary education shall designate at least one accredited district in the same or an adjoining county to which a district operating an unaccredited school shall provide transportation for transfer students. If the designated district reaches full student capacity and is unable to receive additional students, the department shall designate at least one additional accredited district to which a district operating an unaccredited school shall provide transportation for transfer students.

(3) During the 2017-18 school year, for any district in a county with a charter form of government and with more than nine hundred fifty thousand inhabitants that the state board of education classified as unaccredited effective January 1, 2014, the costs of providing transportation for transfer students to a designated accredited district in the same or an adjoining county shall be paid from the student transfer transportation fund. There is hereby created in the state treasury the “Student Transfer Transportation Fund”, which shall consist of moneys appropriated to this fund. The state treasurer shall be custodian of the fund. The commissioner of education shall administer the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund, and moneys in the fund shall be used solely by the department of elementary and secondary education for the purposes of this subdivision. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

16. Notwithstanding the provisions of subsection 13 of this section to the contrary, if costs associated with the provision of special education and related services to a student with a disability exceed the tuition amount established under this section, the transfer student’s district of residence shall remain responsible to pay the excess cost to the receiving district or receiving approved charter school. If the receiving district is a component district of a special school district, the transfer

student's district of residence, including any metropolitan school district, shall contract with the special school district for the entirety of the costs to provide special education and related services, excluding transportation pursuant to this section. The special school district may contract with the transfer student's district of residence, including any metropolitan district, for the provision of transportation of a student with a disability, or the transfer student's district of residence may provide transportation on its own.

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

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

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

20. If a seven-director district or urban school district as described under subsection 1 or 2 of this section operates an unaccredited school, it may contract with a receiving district that is not part of a special school district in the same or an adjoining county for the reimbursement of special education and related services pursuant to sections 162.705 and 162.710 provided by the receiving district for transfer students who are residents of the district operating an unaccredited school.

167.827. 1. By August 1, 2017, and by January first annually, each district eligible to receive transfer students under section 167.826 shall report to the education authority for the county in which the district is located its number of available enrollment slots in accredited schools by grade level. Each district described in subsection 1 or 2 of section 167.826 operating an unaccredited school shall report to the education authority the number of available enrollment slots in the accredited schools of the district by August 1, 2017, and by January first annually. Each approved charter school and nonsectarian private school that is eligible to receive transfer students under section 167.826 shall report the number of available enrollment slots by August 1, 2017, and by January first annually.

2. Any education authority whose geographic area includes a district described in subsection 1 or 2 of section 167.826 operating an unaccredited school shall make information and assistance available to parents or guardians who intend to transfer their child from an unaccredited school to an accredited school in another district in the same or an adjoining county or an approved charter school in another district in the same or an adjoining county or a nonsectarian private school.

3. The parent or guardian of a student who intends to transfer his or her child from an

unaccredited school to an accredited school in another district in the same or an adjoining county or an approved charter school in another district in the same or an adjoining county shall send initial notification to the education authority for the county in which he or she resides by March first for enrollment in the subsequent school year.

4. The education authority whose geographic area includes a district that operates an unaccredited school described in subsection 1 or 2 of section 167.826 shall assign those students who are unable to transfer to an accredited school in their district of residence and seek to transfer to an accredited school in another district in the same or an adjoining county or an approved charter school in another district in the same or an adjoining county or a nonsectarian private school. When assigning transfer students to approved charter schools, an education authority shall coordinate with each approved charter school and its admissions process if capacity is insufficient to enroll all students who submit a timely application. An approved charter school shall not be required to receive any transfer students that would require it to institute a lottery procedure for determining the admission of resident students. The authority shall give first priority to students who live in the same household with any family member within the first or second degree of consanguinity or affinity who have already transferred and who apply to attend the same school. If insufficient grade-appropriate enrollment slots are available for a student to be able to transfer, that student shall receive first priority the following school year. The authority shall only disrupt student and parent choice for transfer if the available slots are requested by more students than there are slots available. The authority shall consider the following factors in assigning schools, with the student's or parent's choice as the most important factor:

- (1) The student's or parent's choice of the receiving school;
- (2) The best interests of the student; and
- (3) Distance and travel time to a receiving school.

The education authority shall not consider student academic performance, free and reduced price lunch status, or athletic ability in assigning a student to a school. When assigning transfer students to approved charter schools, an education authority shall coordinate with each approved charter school and its admissions process if capacity is insufficient to enroll all students who submit a timely application.

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

6. Notwithstanding any other provision of law, the test scores of transfer students attending schools in districts other than their district of residence under section 167.826 shall be counted as

follows:

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

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

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

(4) In the fourth year of attendance and any subsequent years of attendance, a transfer student's score on a statewide assessment shall be weighted at one hundred percent when calculating the district's or charter school's performance for purposes of the district's or charter school's annual performance report status or progress score, with the growth score weighted at one hundred percent.

7. When performing the requirements of this section, section 167.132, or sections 167.830 to 167.845, if an education authority whose geographic area includes a district that operates an unaccredited school as described in subsection 1 or 2 of section 167.826 is not coordinating transfers due to insufficient funding or because the governor has not yet appointed a number of members sufficient to constitute a quorum to the education authority, the department of elementary and secondary education shall contract with or collaborate with any organizations it chooses, subject to the exception described in subsection 8 of this section, in order to coordinate transfers that each education authority is required to coordinate under such sections. The department of elementary and secondary education and such organization or organizations it chooses shall fulfill all functions of the education authorities, including the duty to perform the scholarship calculation as described in subsection 4 of section 167.132. Any applications for transfers and any reports of available enrollment slots that the education authorities would have received shall be submitted to the department of elementary and secondary education or such organization or organizations it chooses instead.

167.828. 1. The school board of any unaccredited district located in any city not within a county, any county with a charter form of government and with more than nine hundred fifty thousand inhabitants, or in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants that operates an unaccredited school shall provide a scholarship for any student who has enrolled in and attended an unaccredited school in the district for one semester to attend a nonsectarian private school, as defined in section 167.848, located in his or her district of residence and is assigned to such school by the education authority.

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

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

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

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

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

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

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

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

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

(6) For all students enrolled in the school under the nonsectarian option set forth in section 167.826, complies with the following statutes and any regulations promulgated thereunder by the department of elementary and secondary education: sections 43.408, 43.540, 160.041, 160.045, 160.257, 160.261, 160.262, 160.263, 160.518 for state assessments, the cost of which shall be paid consistent with the manner in which they are paid for students in public schools, 160.522, 160.539, 160.570, 160.660, 160.775, 160.1990, 161.850, 161.102, 161.650, 162.014, 162.068, 162.069, 162.208, 162.215, 162.401, 162.670, 162.720, subdivisions (1) to (3) of section 162.821, 162.1250, 162.1125, subdivisions (1) and (2) of subsection 1 of section 163.021 for eligibility to receive local funds but compliance with these sections shall not make nonsectarian private schools eligible to receive state funding under section 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, 2014;

(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 unaccredited

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

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

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

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

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

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

Shall the (school district's name) allow the use of the district's local operating funds for school purposes to pay for a scholarship at nonsectarian private schools for students who are assigned to an unaccredited public school in the district and who apply to transfer to nonsectarian private schools under section 167.828, RSMo?

YES

NO

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

(2) Whenever the governing body of a school district specified in subsection 1 of this section that has not authorized the use of its local operating funds for school purposes as provided in this subsection receives a petition from a nonsectarian private school, signed by the school's chief operating officer, calling for an election to authorize the use of local operating funds for school

purposes to pay for a scholarship at a private nonsectarian school under this subsection, the governing body shall submit to the voters a proposal to authorize such use of funds at the next general election for which the deadline for submission of such ballot proposals is open. If a majority of the votes cast on the question by the qualified voters voting thereon is in favor of the proposal, the option for students to transfer to a nonsectarian private school shall become effective in that district the next school year. If a majority of the votes cast on the proposal by the qualified voters voting thereon is opposed to the proposal, the option shall not become effective unless and until the proposal is resubmitted under this subsection to the qualified voters at a general election and such proposal is approved by a majority of the qualified voters voting on the proposal.

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

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

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

2. If any metropolitan school district, any district located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants, or any district located in an adjoining county to them operates at least one unaccredited school, the authority shall coordinate student transfers from unaccredited schools to schools in accredited districts as set forth in section 167.826 and, if applicable, to approved charter schools or nonsectarian private schools.

3. The authority shall consist of five members to be appointed by the governor, by and with the advice and consent of the senate, each of whom shall be a resident of the state. The members shall reflect the population characteristics of the districts they represent. Not more than three of the five members of the authority shall be of the same political party. Two members shall be residents of the metropolitan school district, two members shall be residents of school districts located in a county with a charter form of government and with more than nine hundred fifty thousand inhabitants, and one member shall be a resident of a district located in an adjoining county to a county with a charter form of government and with more than nine hundred fifty thousand inhabitants. The length of term for members shall be six years except for the initial members, who shall be appointed in the following manner:

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

- (2) One member shall be appointed for a term of three years;**
- (3) One member shall be appointed for a term of four years;**
- (4) One member shall be appointed for a term of five years; and**
- (5) One member shall be appointed for a term of six years.**

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

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

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

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

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

- (1) Have perpetual succession as a body politic and corporate;**
- (2) Adopt bylaws for the regulation of its affairs and the conduct of its business;**
- (3) Sue and be sued and prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;**
- (4) Establish and use a corporate seal and alter the same at pleasure;**
- (5) Maintain an office at such place or places in the state of Missouri as it may designate;**

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

(7) Coordinate student transfers located in its jurisdiction, as provided by law; and

(8) Coordinate and collaborate with local districts, approved charter schools, and local governments for the transfer of students, as provided by law.

167.833. 1. There is hereby created in the state treasury the “St. Louis Area Education Authority Fund”. The fund shall consist of any appropriations, gifts, bequests, or public or private donations to such fund. Any moneys in the fund shall be used to fund the operations of the education authority. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements of public moneys in accordance with distribution requirements and procedures developed by the department of elementary and secondary education and shall make disbursement of private funds according to the directions of the donor. If the donor did not specify how the private funds were to be disbursed, the state treasurer shall contact the donor to determine the manner of disbursement. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of sections 167.830 and 167.833.

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

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

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

2. If any district located in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants or in an adjoining county operates at least one unaccredited school, the authority shall coordinate student transfers from unaccredited schools to schools in accredited districts as set forth in section 167.826 and, if applicable, to approved charter schools or nonsectarian private schools.

3. The authority shall consist of five members appointed by the governor, by and with the advice and consent of the senate, each of whom shall be a resident of the state. Three members shall be residents of an urban school district containing most or all of a home rule city with more than four hundred thousand inhabitants and located in more than one county. One member shall be a resident of a school district located in a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants but such member shall be a resident of a school district other than an urban school district containing most or all of a home rule city with more than four hundred thousand inhabitants and located in more than one county. One member shall be a resident of a school district located in a county adjoining to a county with a charter form of government and with more than six hundred thousand but fewer than seven hundred

thousand inhabitants. The members shall reflect the population characteristics of the districts they represent. Not more than three of the five members of the authority shall be of the same political party. The length of term for members shall be six years except for the initial members, who shall be appointed in the following manner:

- (1) One member shall be appointed for a term of two years;
- (2) One member shall be appointed for a term of three years;
- (3) One member shall be appointed for a term of four years;
- (4) One member shall be appointed for a term of five years; and
- (5) One member shall be appointed for a term of six years.

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

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

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

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

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

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

- (2) Adopt bylaws for the regulation of its affairs and the conduct of its business;**
- (3) Sue and be sued and prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;**
- (4) Establish and use a corporate seal and alter the same at pleasure;**
- (5) Maintain an office at such place or places in the state of Missouri as it may designate;**
- (6) Employ an executive director and other staff as needed, with compensation fixed by the authority;**
- (7) Coordinate student transfers located in its jurisdiction, as provided by law; and**
- (8) Coordinate and collaborate with local districts, approved charter schools, and local governments for the transfer of students, as provided by law.**

167.839. 1. There is hereby created in the state treasury the “Kansas City Area Education Authority Fund”. The fund shall consist of any appropriations, gifts, bequests, or public or private donations to such fund. Any moneys in the fund shall be used to fund the operations of the education authority. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements of public moneys in accordance with distribution requirements and procedures developed by the department of elementary and secondary education and shall make disbursement of private funds according to the directions of the donor. If the donor did not specify how the private funds were to be disbursed, the state treasurer shall contact the donor to determine the manner of disbursement. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of sections 167.836 and 167.839.

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

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

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

- (1) Any city not within a county;**
 - (2) Any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants and adjoining counties; and**
 - (3) Any county with a charter form of government and with more than nine hundred fifty thousand inhabitants and adjoining counties.**
- 2.** If any district located in the statewide education authority’s jurisdiction operates at least one

unaccredited school, the authority shall coordinate student transfers from unaccredited schools to schools in accredited districts as set forth in section 167.826 and, if applicable, to approved charter schools or nonsectarian private schools.

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

- (1) One member shall be appointed for a term of two years;
- (2) One member shall be appointed for a term of three years;
- (3) One member shall be appointed for a term of four years;
- (4) One member shall be appointed for a term of five years; and
- (5) One member shall be appointed for a term of six years.

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

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

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

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

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

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

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

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

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

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

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

(7) Coordinate student transfers located in its jurisdiction, as provided by law; and

(8) Coordinate and collaborate with local districts, approved charter schools, and local governments for the transfer of students, as provided by law.

167.845. 1. There is hereby created in the state treasury the “Statewide Education Authority Fund”. The fund shall consist of any appropriations, gifts, bequests, or public or private donations to such fund. Any moneys in the fund shall be used to fund the operations of the education authority. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements of public moneys in accordance with distribution requirements and procedures developed by the department of elementary and secondary education and shall make disbursement of private funds according to the directions of the donor. If the donor did not specify how the private funds were to be disbursed, the state treasurer shall contact the donor to determine the manner of disbursement. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of sections 167.842 and 167.845.

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

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

167.848. For purposes of sections 161.084, 161.087, 161.238, 162.1250, 162.1305, 162.1310, 162.1313, 167.642, 167.685, 167.688, and 167.825 to 167.848, the following terms mean:

(1) “Accredited district”, a school district that is classified as accredited or accredited with distinction by the state board of education pursuant to the authority of the state board of education to classify schools as established in sections 161.087 and 161.092;

(2) “Accredited school”, an attendance center that is classified as accredited or accredited with distinction by the state board of education pursuant to the authority of the state board of education

to classify schools as established in sections 161.087, 161.092, and 161.238;

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

(4) “Attendance center”, a public school building or buildings or part of a school building that constitutes one unit for accountability purposes under the Missouri school improvement program;

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

(6) “Education authority” or “authority”, an education authority established under sections 167.830 to 167.845;

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

(8) “Provisionally accredited district”, a school district that is classified as provisionally accredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in sections 161.087 and 161.092;

(9) “Provisionally accredited school”, an attendance center that is classified as provisionally accredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in sections 161.087, 161.092, and 161.238;

(10) “Unaccredited district”, a school district classified as unaccredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in sections 161.087 and 161.092;

(11) “Unaccredited school”, an attendance center that is classified as unaccredited by the state board of education pursuant to the authority of the state board of education to classify schools as established in sections 161.087, 161.092, and 161.238;

(12) “Underperforming”, a school district or an attendance center that has been classified as unaccredited or provisionally accredited pursuant to the authority of the state board of education to classify schools or has a three-year average annual performance report score consistent with a classification of provisionally accredited or unaccredited.

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

2. The department of elementary and secondary education may promulgate all necessary rules

and regulations for the administration of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only 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 the effective date of this section shall be invalid and void.

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

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

(1) Assistance with homework;

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

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

(4) Test preparation tools.

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

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

(1) Protect individual student privacy;

(2) Prohibit voice communication between the parties; and

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

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

6. Any entity that offers online tutoring services under this section shall maintain an archive of all communications between students and tutors for two years.

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

170.320. 1. There is hereby created in the state treasury the "Parent Portal Fund". The fund shall consist of any gifts, bequests, or public or private donations to such fund. Any moneys in the fund shall be used to assist districts in establishing and maintaining a parent portal. School districts may establish a parent portal that shall be accessible by mobile technology for parents to have access to

educational information and access to student data. Any person or entity that makes a gift, bequest, or donation to the fund may specify the district that shall be the recipient of such gift, bequest, or donation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

177.015. 1. Each district that owns a building that is not occupied shall, by March fifteenth annually, prepare a public document listing the status of each district-owned building that is not occupied. The document shall include the address of each building and the amount of money the district spends annually on the building including, but not limited to, a separate accounting for repairs, maintenance, utilities, and insurance. The document shall include an estimate of the fair market value of each building. The district shall post this information on its internet website and make the document available to each district taxpayer.

2. For purposes of this section, the term “occupied” means a district-owned building used for the education of children between the ages of four and twenty-one for at least three hours a day for a school term.

7. (1) In fiscal years 2018 and 2019, in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants that contains all or any portion of a school district that has been designated as unaccredited or provisionally accredited by the state board of education,

up to five percent of the community children's services fund's yearly revenues, based on the total dollar amount needed to provide services as determined by a needs assessment, shall be devoted to a grant program that delivers services directly to schools in such districts according to the procedure in this subsection. The president of the school board shall notify the board of directors within five business days after such designation. The board shall, in its budget process for the following fiscal year, ensure that the total amount of funds needed to provide services based on the needs assessment is allocated according to this subsection, not to exceed five percent of the fund's yearly revenues. If the total amount of funds needed to provide such services exceeds five percent of the fund's yearly revenues, the funds shall be distributed in an order based on the greatest need for each district. Any moneys distributed from the fund to a district shall be subject to an annual audit.

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

(3) The board shall appoint one of its members to a direct school service coordinating committee, which is hereby created. The board may appoint an additional one of its members to serve as an ex officio member. The board shall appoint a social worker to the committee. The school board of each affected district shall appoint two parents with a child enrolled in a public school in the district based on school district identification numbers from the department of elementary and secondary education, rotating year to year from highest number to lowest number. The school board of each affected district shall appoint a school services staff member. The superintendent of each affected district shall serve on the committee. An additional member from each affected district may be appointed to serve as an ex officio member.

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

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

(6) The provisions of this subsection shall terminate on June 30, 2019.

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

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

Further amend the title and enacting clause accordingly.

Senator Sifton moved that the above substitute amendment be adopted.

At the request of Senator Koenig, **SB 313**, with **SCS, SS** for **SCS, SA 1** and **SSA 1** for **SA 1** (pending), was placed on the Informal Calendar.

On motion of Senator Kehoe, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Parson.

President Pro Tem Richard assumed the Chair.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Brown, Chairman of the Committee on Appropriations, Senator Kehoe submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 14**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

President Parson assumed the Chair.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HB 469—Education.

HB 758—Education.

HCS for **HB 151**—Veterans and Military Affairs.

HB 956—Local Government and Elections.

HB 1009—Commerce, Consumer Protection, Energy and the Environment.

HCS for **HB 915**—General Laws.

HCS for **HB 831**—Health and Pensions.

HCS for **HBs 90 & 68**—Transportation, Infrastructure and Public Safety.

SENATE BILLS FOR PERFECTION

Senator Romine moved that **SB 328**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 328**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 328

An Act to repeal sections 163.191, 172.280, 173.005, 174.160, 174.225, 174.231, 174.251, 174.324, 174.500, and 178.636, RSMo, and to enact in lieu thereof nine new sections relating to higher education, with an existing penalty provision.

Was taken up.

Senator Romine moved that **SCS** for **SB 328** be adopted.

Senator Hegeman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 328, Page 1, Section A, Line 5, by inserting after all of said line the following:

“104.1205. The board of trustees of the Missouri state employees’ retirement system shall:

- (1) Establish a defined contribution plan for outside employees which, among other things, provides for immediate vesting;
- (2) Select a third-party administrator to provide such services as the board determines to be necessary for the proper administration of the defined contribution plan;
- (3) Select the investment products which shall be made available to the participants in the defined contribution plan;
- (4) Annually establish the contribution rate used for purposes of subsection 3 of section 104.1066 for employees of institutions who are other than outside employees, which shall be done by considering all such employees to be part of the general employee population within the Missouri state employees’ retirement system;
- (5) Establish the contribution rate for outside employees which shall be equal to [one] **six** percent of payroll [less than the normal cost contribution rate established pursuant to subdivision (4) of this section; and];
- (6) **Require outside employees hired on or after July 1, 2018, to contribute two percent of the employee’s pay to the defined contribution plan which shall be credited to a separate account within the outside employee’s individual account. The employing institution, pursuant to the provisions of 26 U.S.C. Section 414(h)(2), shall pick up and pay such contributions. The contributions so picked up shall be treated as employer contributions for purposes of determining the outside employee’s pay that is includable in the outside employee’s gross income for federal income tax purposes. The outside employee’s contributions picked up by the employing institution shall be:**
 - (a) **Paid from the same source of funds used for the payment of pay to an outside employee. A deduction shall be made from each outside employee’s pay equal to the amount of the outside employee’s contributions picked up by the employing institution; and**
 - (b) **Paid by the employing institution in lieu of the contributions by the outside employee, although designated as employee contributions. The outside employee shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the employing institution to the defined contribution plan;**
- (7) Establish such rules and regulations as may be necessary to carry out the purposes of this section; **and**
- (8) **Allow outside employees to contribute two percent of the employee’s pay to a supplemental account established by the employer. Such employees may elect to change the contribution rate in accordance with the terms of the supplemental account, but shall not contribute less than two percent**

of his or her pay.”; and

Further amend said bill, section 174.324, page 16, line 13, by inserting after all of said line the following:

“Section B. Section 104.1205 of section A of this act shall become effective July 1, 2018.”; and

Further amend the title and enacting clause accordingly.

Senator Hegeman moved that the above amendment be adopted, which motion prevailed.

Senator Munzlinger offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 328, Page 11, Section 173.005, Line 238, by inserting after all of said line the following:

“173.1101. The financial assistance program established under sections 173.1101 to 173.1107 shall be hereafter known as the “Access Missouri Financial Assistance Program”. The coordinating board and all approved private, [and] public, **and virtual** institutions in this state shall refer to the financial assistance program established under sections 173.1101 to 173.1107 as the access Missouri student financial assistance program in their scholarship literature, provided that no institution shall be required to revise or amend any such literature to comply with this section prior to the date such literature would otherwise be revised, amended, reprinted or replaced in the ordinary course of such institution’s business.

173.1102. **1.** As used in sections 173.1101 to 173.1107, unless the context requires otherwise, the following terms mean:

(1) “Academic year”, the period from July first of any year through June thirtieth of the following year;

(2) “Approved private institution”, a nonprofit institution, dedicated to educational purposes, located in Missouri which:

(a) Is operated privately under the control of an independent board and not directly controlled or administered by any public agency or political subdivision;

(b) Provides a postsecondary course of instruction at least six months in length leading to or directly creditable toward a certificate or degree;

(c) Meets the standards for accreditation as determined by either the Higher Learning Commission or by other accrediting bodies recognized by the United States Department of Education or by utilizing accreditation standards applicable to nondegree-granting institutions as established by the coordinating board for higher education;

(d) Does not discriminate in the hiring of administrators, faculty and staff or in the admission of students on the basis of race, color, religion, sex, or national origin and is in compliance with the Federal Civil Rights Acts of 1964 and 1968 and executive orders issued pursuant thereto. Sex discrimination as used herein shall not apply to admission practices of institutions offering the enrollment limited to one sex;

(e) Permits faculty members to select textbooks without influence or pressure by any religious or sectarian source;

(3) “Approved public institution”, an educational institution located in Missouri which:

- (a) Is directly controlled or administered by a public agency or political subdivision;
 - (b) Receives appropriations directly or indirectly from the general assembly for operating expenses;
 - (c) Provides a postsecondary course of instruction at least six months in length leading to or directly creditable toward a degree or certificate;
 - (d) Meets the standards for accreditation as determined by either the Higher Learning Commission, or if a public community college created under the provisions of sections 178.370 to 178.400 meets the standards established by the coordinating board for higher education for such public community colleges, or by other accrediting bodies recognized by the United States Department of Education or by utilizing accreditation standards applicable to the institution as established by the coordinating board for higher education;
 - (e) Does not discriminate in the hiring of administrators, faculty and staff or in the admission of students on the basis of race, color, religion, sex, or national origin and is otherwise in compliance with the Federal Civil Rights Acts of 1964 and 1968 and executive orders issued pursuant thereto;
 - (f) Permits faculty members to select textbooks without influence or pressure by any religious or sectarian source;
- (4) “Approved virtual institution”, an educational institution that meets all of the following requirements:**
- (a) Is recognized as a qualifying institution by gubernatorial executive order, unless such order is rescinded;**
 - (b) Is recognized as a qualifying institution through a memorandum of understanding between the state of Missouri and the approved virtual institution;**
 - (c) Is accredited by a regional accrediting agency recognized by the United States Department of Education;**
 - (d) Has established and continuously maintains a physical campus or location of operation within the state of Missouri;**
 - (e) Maintains at least twenty-five full-time Missouri employees, at least one-half of which shall be faculty or administrators engaged in operations;**
 - (f) Enrolls at least one thousand Missouri residents as degree or certificate seeking students;**
 - (g) Maintains a governing body or advisory board based in Missouri with oversight of Missouri operations;**
 - (h) Is organized as a nonprofit institution; and**
 - (i) Utilizes an exclusively competency-based education model;**
- (5) “Coordinating board”, the coordinating board for higher education;**
- [(5)] (6) “Expected family contribution”, the amount of money a student and family should pay toward the cost of postsecondary education as calculated by the United States Department of Education and reported on the student aid report or the institutional student information record;**

[(6)] (7) “Financial assistance”, an amount of money paid by the state of Missouri to a qualified applicant under sections 173.1101 to 173.1107;

[(7)] (8) “Full-time student”, an individual who is enrolled in and is carrying a sufficient number of credit hours or their equivalent at an approved private, [or] public, **or virtual** institution to secure the degree or certificate toward which he or she is working in no more than the number of semesters or their equivalent normally required by that institution in the program in which the individual is enrolled. This definition shall be construed as the successor to subdivision (7) of section 173.205 for purposes of eligibility requirements of other financial assistance programs that refer to section 173.205.

2. The failure of an approved virtual institution to continuously maintain all of the requirements in paragraphs (a) to (i) of subdivision (4) of subsection 1 of this section shall preclude such institution’s students or applicants from being eligible for assistance under sections 173.1104 and 173.1105.

173.1104. 1. An applicant shall be eligible for initial or renewed financial assistance only if, at the time of application and throughout the period during which the applicant is receiving such assistance, the applicant:

(1) Is a citizen or a permanent resident of the United States;

(2) Is a resident of the state of Missouri, as determined by reference to standards promulgated by the coordinating board;

(3) Is enrolled, or has been accepted for enrollment, as a full-time undergraduate student in an approved private, [or] public, **or virtual** institution; and

(4) Is not enrolled or does not intend to use the award to enroll in a course of study leading to a degree in theology or divinity.

2. If an applicant is found guilty of or pleads guilty to any criminal offense during the period of time in which the applicant is receiving financial assistance, such applicant shall not be eligible for renewal of such assistance, provided such offense would disqualify the applicant from receiving federal student aid under Title IV of the Higher Education Act of 1965, as amended.

3. Financial assistance shall be allotted for one academic year, but a recipient shall be eligible for renewed assistance until he or she has obtained a baccalaureate degree, provided such financial assistance shall not exceed a total of ten semesters or fifteen quarters or their equivalent. Standards of eligibility for renewed assistance shall be the same as for an initial award of financial assistance, except that for renewal, an applicant shall demonstrate a grade-point average of two and five-tenths on a four-point scale, or the equivalent on another scale. This subsection shall be construed as the successor to section 173.215 for purposes of eligibility requirements of other financial assistance programs that refer to section 173.215.

173.1105. 1. An applicant who is an undergraduate postsecondary student at an approved private, [or] public, **or virtual** institution and who meets the other eligibility criteria shall be eligible for financial assistance, with a minimum and maximum award amount as follows:

(1) For academic years 2010-11, 2011-12, 2012-13, and 2013-14:

(a) One thousand dollars maximum and three hundred dollars minimum for students attending institutions classified as part of the public two-year sector;

(b) Two thousand one hundred fifty dollars maximum and one thousand dollars minimum for students attending institutions classified as part of the public four-year sector, including State Technical College of Missouri; and

(c) Four thousand six hundred dollars maximum and two thousand dollars minimum for students attending approved private institutions;

(2) For the 2014-15 academic year and subsequent years:

(a) One thousand three hundred dollars maximum and three hundred dollars minimum for students attending institutions classified as part of the public two-year sector; and

(b) Two thousand eight hundred fifty dollars maximum and one thousand five hundred dollars minimum for students attending institutions classified as part of the public four-year sector, including State Technical College of Missouri[, or;], approved private institutions, **or approved virtual institutions.**

2. All students with an expected family contribution of twelve thousand dollars or less shall receive at least the minimum award amount for his or her institution. Maximum award amounts for an eligible student with an expected family contribution above seven thousand dollars shall be reduced by ten percent of the maximum expected family contribution for his or her increment group. Any award amount shall be reduced by the amount of a student's payment from the A+ schools program or any successor program to it. For purposes of this subsection, the term "increment group" shall mean a group organized by expected family contribution in five hundred dollar increments into which all eligible students shall be placed.

3. If appropriated funds are insufficient to fund the program as described, the maximum award shall be reduced across all sectors by the percentage of the shortfall. If appropriated funds exceed the amount necessary to fund the program, the additional funds shall be used to increase the number of recipients by raising the cutoff for the expected family contribution rather than by increasing the size of the award.

4. Every three years, beginning with academic year 2009-10, the award amount may be adjusted to increase no more than the Consumer Price Index for All Urban Consumers (CPI-U), 1982-1984 = 100, not seasonally adjusted, as defined and officially recorded by the United States Department of Labor, or its successor agency, for the previous academic year. The coordinating board shall prepare a report prior to the legislative session for use of the general assembly and the governor in determining budget requests which shall include the amount of funds necessary to maintain full funding of the program based on the baseline established for the program upon the effective date of sections 173.1101 to 173.1107. Any increase in the award amount shall not become effective unless an increase in the amount of money appropriated to the program necessary to cover the increase in award amount is passed by the general assembly.

173.1107. A recipient of financial assistance may transfer from one approved public [or], private, **or virtual** institution to another without losing eligibility for assistance under sections 173.1101 to 173.1107, but the coordinating board shall make any necessary adjustments in the amount of the award. If a recipient of financial assistance at any time is entitled to a refund of any tuition, fees, or other charges under the rules and regulations of the institution in which he or she is enrolled, the institution shall pay the portion of the refund which may be attributed to the state grant to the coordinating board. The coordinating board will use these refunds to make additional awards under the provisions of sections 173.1101 to 173.1107.;" and

Further amend the title and enacting clause accordingly.

Senator Munzlinger moved that the above amendment be adopted, which motion prevailed.

Senator Kehoe assumed the Chair.

President Parson assumed the Chair.

Senator Nasheed offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 328, Page 4, Section 172.280, Line 4, by striking “the state's only public research”; and further amend line 5, by striking “university and”; and

Further amend said bill, Page 11, Section 174.160, Line 1, by inserting after “174.160.” the following: “**1.**”; and

Further amend said bill and section, Page 12, Line 26, by inserting after all of said line the following:

“**2. The provisions of subsection 1 of this section shall not go into effect in any year in which the state of Missouri fails to fully fund the Lincoln University annual land grant match.**”.

Senator Nasheed moved that the above amendment be adopted.

At the request of Senator Romine, **SB 328**, with **SCS** and **SA 3** (pending), was placed on the Informal Calendar.

Senator Hoskins moved that **SB 395** be taken up for perfection, which motion prevailed.

On motion of Senator Hoskins, **SB 395** was declared perfected and ordered printed.

Senator Onder moved that **SB 67** be taken up for perfection, which motion prevailed.

Senator Onder offered **SS** for **SB 67**, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 67

An Act to repeal sections 188.036, 188.047, 188.052, 188.055, 188.075, and 197.230, RSMo, and to enact in lieu thereof seven new sections relating to abortion, with penalty provisions.

Senator Onder moved that **SS** for **SB 67** be adopted.

Senator Hoskins assumed the Chair.

President Parson assumed the Chair.

Senator Hoskins offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 67, Page 1, Section A, Line 5 of said page, by inserting after all of said line the following:

“188.028. 1. **Except in the case of a medical emergency**, no person shall knowingly perform or induce an abortion upon a pregnant woman under the age of eighteen years unless:

(1) The attending physician has secured the informed written consent of the minor and one parent or guardian, **and the consenting parent or guardian of the minor has notified any other custodial parent or guardian in writing prior to the securing of the informed written consent of the minor and one parent or guardian.** For purposes of this subdivision, “custodial parent” means any parent of a minor

in a family in which the parents have not separated or dissolved their marriage, or any parent of a minor who has been awarded joint legal custody or joint physical custody of such minor by a court of competent jurisdiction. Notice shall not be required for any parent or guardian:

(a) Who has been found guilty of any offense in violation of chapter 565, relating to offenses against the person; chapter 566, relating to sexual offenses; chapter 567, relating to prostitution; chapter 568, relating to offenses against the family; or chapter 573, relating to pornography and related offenses, if a child was a victim;

(b) Who has been found guilty of any offense in any other state or foreign country, or under federal, tribal, or military jurisdiction if a child was a victim, which would be a violation of chapter 565, 566, 567, 568, or 573 if committed in this state;

(c) Who is listed on the child abuse or neglect central registry under sections 210.109 to 210.183 or on the sexual offender registry under sections 589.400 to 589.425;

(d) Against whom an order of protection has been issued, including a foreign order of protection given full faith and credit in this state under section 455.067;

(e) Whose custodial, parental, or guardianship rights have been terminated by a court of competent jurisdiction; or

(f) Whose whereabouts are unknown after reasonable inquiry, who is a fugitive from justice, who is habitually in an intoxicated or drugged condition, or who has been declared mentally incompetent or incapacitated by a court of competent jurisdiction; or

(2) The minor is emancipated and the attending physician has received the informed written consent of the minor; or

(3) The minor has been granted the right to self-consent to the abortion by court order pursuant to subsection 2 of this section, and the attending physician has received the informed written consent of the minor; or

(4) The minor has been granted consent to the abortion by court order, and the court has given its informed written consent in accordance with subsection 2 of this section, and the minor is having the abortion willingly, in compliance with subsection 3 of this section.

2. The right of a minor to self-consent to an abortion under subdivision (3) of subsection 1 of this section or court consent under subdivision (4) of subsection 1 of this section may be granted by a court pursuant to the following procedures:

(1) The minor or next friend shall make an application to the juvenile court which shall assist the minor or next friend in preparing the petition and notices required pursuant to this section. The minor or the next friend of the minor shall thereafter file a petition setting forth the initials of the minor; the age of the minor; the names and addresses of each parent, guardian, or, if the minor's parents are deceased and no guardian has been appointed, any other person standing in loco parentis of the minor; that the minor has been fully informed of the risks and consequences of the abortion; that the minor is of sound mind and has sufficient intellectual capacity to consent to the abortion; that, if the court does not grant the minor majority rights for the purpose of consent to the abortion, the court should find that the abortion is in the best interest of the

minor and give judicial consent to the abortion; that the court should appoint a guardian ad litem of the child; and if the minor does not have private counsel, that the court should appoint counsel. The petition shall be signed by the minor or the next friend;

(2) A hearing on the merits of the petition, to be held on the record, shall be held as soon as possible within five days of the filing of the petition. If any party is unable to afford counsel, the court shall appoint counsel at least twenty-four hours before the time of the hearing. At the hearing, the court shall hear evidence relating to the emotional development, maturity, intellect and understanding of the minor; the nature, possible consequences, and alternatives to the abortion; and any other evidence that the court may find useful in determining whether the minor should be granted majority rights for the purpose of consenting to the abortion or whether the abortion is in the best interests of the minor;

(3) In the decree, the court shall for good cause:

(a) Grant the petition for majority rights for the purpose of consenting to the abortion; or

(b) Find the abortion to be in the best interests of the minor and give judicial consent to the abortion, setting forth the grounds for so finding; or

(c) Deny the petition, setting forth the grounds on which the petition is denied;

(4) If the petition is allowed, the informed consent of the minor, pursuant to a court grant of majority rights, or the judicial consent, shall bar an action by the parents or guardian of the minor on the grounds of battery of the minor by those performing **or inducing** the abortion. The immunity granted shall only extend to the performance **or inducement** of the abortion in accordance herewith and any necessary accompanying services which are performed in a competent manner. The costs of the action shall be borne by the parties;

(5) An appeal from an order issued under the provisions of this section may be taken to the court of appeals of this state by the minor or by a parent or guardian of the minor. The notice of intent to appeal shall be given within twenty-four hours from the date of issuance of the order. The record on appeal shall be completed and the appeal shall be perfected within five days from the filing of notice to appeal. Because time may be of the essence regarding the performance **or inducement** of the abortion, the supreme court of this state shall, by court rule, provide for expedited appellate review of cases appealed under this section.

3. If a minor desires an abortion, then she shall be orally informed of and, if possible, sign the written consent required [by section 188.039] **under this chapter** in the same manner as an adult person. No abortion shall be performed **or induced** on any minor against her will, except that an abortion may be performed **or induced** against the will of a minor pursuant to a court order described in subdivision (4) of subsection 1 of this section that the abortion is necessary to preserve the life of the minor.”; and

Further amend the title and enacting clause accordingly.

Senator Hoskins moved that the above amendment be adopted.

At the request of Senator Onder, **SB 67**, with **SS** and **SA 1** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Kehoe, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 395**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Riddle offered Senate Resolution No. 608, regarding Donald “Doc” Kritzer, Fulton, which was adopted.

Senator Hummel offered Senate Resolution No. 609, regarding Laurence Edwin “Larry” Lumpe, Saint Louis, which was adopted.

Senator Hummel offered Senate Resolution No. 610, regarding Rose Marie Griggs, Saint Louis, which was adopted.

Senator Hummel offered Senate Resolution No. 611, regarding Charles F. “Charlie” Mikusch, Saint Louis, which was adopted.

Senator Romine offered Senate Resolution No. 612, regarding Janet L. Lashley, Belleview, which was adopted.

Senator Romine offered Senate Resolution No. 613, regarding Rebecca R. Forbes, Bismarck, which was adopted.

Senator Romine offered Senate Resolution No. 614, regarding Phyllis Scott, Bismarck, which was adopted.

Senator Romine offered Senate Resolution No. 615, regarding Kenny Boyer, Cadet, which was adopted.

Senator Romine offered Senate Resolution No. 616, regarding Claudia M. Harper, Cadet, which was adopted.

Senator Onder offered Senate Resolution No. 617, regarding Michelle Pellegrino, Lake Saint Louis, which was adopted.

Senator Onder offered Senate Resolution No. 618, regarding Teddy G. “Ted” Richardson, O’Fallon, which was adopted.

Senator Onder offered Senate Resolution No. 619, regarding Archie Lee Ripetto, O’Fallon, which was adopted.

Senator Kehoe offered Senate Resolution No. 620, regarding First Baptist Church, Syracuse, which was adopted.

Senator Kehoe offered Senate Resolution No. 621, regarding Donna J. Webster, Jefferson City, which was adopted.

Senator Schaaf offered Senate Resolution No. 622, regarding the Fiftieth Wedding Anniversary of Robert and Patricia McCammon, St. Joseph, which was adopted.

On motion of Senator Kehoe, the Senate recessed until 7:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Parson.

SENATE BILLS FOR PERFECTION

Senator Onder moved that **SB 67**, with **SS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Sifton offered **SSA 1** for **SA 1**, entitled:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 67, Page 1, Section A, Line 5, by inserting after all of said line the following:

“188.027. 1. Except in the case of medical emergency, no abortion shall be performed or induced on a woman without her voluntary and informed consent, given freely and without coercion. Consent to an abortion is voluntary and informed and given freely and without coercion if, and only if, at least seventy-two hours prior to the abortion:

(1) The physician who is to perform or induce the abortion or a qualified professional has informed the woman orally, reduced to writing, and in person, of the following:

(a) The name of the physician who will perform or induce the abortion;

(b) Medically accurate information that a reasonable patient would consider material to the decision of whether or not to undergo the abortion, including:

a. A description of the proposed abortion method;

b. The immediate and long-term medical risks to the woman associated with the proposed abortion method including, but not limited to, infection, hemorrhage, cervical tear or uterine perforation, harm to subsequent pregnancies or the ability to carry a subsequent child to term, and possible adverse psychological effects associated with the abortion; and

c. The immediate and long-term medical risks to the woman, in light of the anesthesia and medication that is to be administered, the unborn child’s gestational age, and the woman’s medical history and medical condition;

(c) Alternatives to the abortion which shall include making the woman aware that information and materials shall be provided to her detailing such alternatives to the abortion;

(d) A statement that the physician performing or inducing the abortion is available for any questions concerning the abortion, together with the telephone number that the physician may be later reached to answer any questions that the woman may have;

(e) [The location of the hospital that offers obstetrical or gynecological care located within thirty miles of the location where the abortion is performed or induced and at which the physician performing or inducing the abortion has clinical privileges and where the woman may receive follow-up care by the physician if complications arise;

(f)] The gestational age of the unborn child at the time the abortion is to be performed or induced; and

[(g)] (f) The anatomical and physiological characteristics of the unborn child at the time the abortion is to be performed or induced;

(2) The physician who is to perform or induce the abortion or a qualified professional has presented the woman, in person, printed materials provided by the department, which describe the probable anatomical and physiological characteristics of the unborn child at two-week gestational increments from conception to full term, including color photographs or images of the developing unborn child at two-week gestational increments. Such descriptions shall include information about brain and heart functions, the presence of external members and internal organs during the applicable stages of development and information on when the unborn child is viable. The printed materials shall prominently display the following statement: "The life of each human being begins at conception. Abortion will terminate the life of a separate, unique, living human being.";

(3) The physician who is to perform or induce the abortion or a qualified professional has presented the woman, in person, printed materials provided by the department, which describe the various surgical and drug-induced methods of abortion relevant to the stage of pregnancy, as well as the immediate and long-term medical risks commonly associated with each abortion method including, but not limited to, infection, hemorrhage, cervical tear or uterine perforation, harm to subsequent pregnancies or the ability to carry a subsequent child to term, and the possible adverse psychological effects associated with an abortion;

(4) The physician who is to perform or induce the abortion or a qualified professional shall provide the woman with the opportunity to view at least seventy-two hours prior to the abortion an active ultrasound of the unborn child and hear the heartbeat of the unborn child if the heartbeat is audible. The woman shall be provided with a geographically indexed list maintained by the department of health care providers, facilities, and clinics that perform ultrasounds, including those that offer ultrasound services free of charge. Such materials shall provide contact information for each provider, facility, or clinic including telephone numbers and, if available, website addresses. Should the woman decide to obtain an ultrasound from a provider, facility, or clinic other than the abortion facility, the woman shall be offered a reasonable time to obtain the ultrasound examination before the date and time set for performing or inducing an abortion. The person conducting the ultrasound shall ensure that the active ultrasound image is of a quality consistent with standard medical practice in the community, contains the dimensions of the unborn child, and accurately portrays the presence of external members and internal organs, if present or viewable, of the unborn child. The auscultation of fetal heart tone must also be of a quality consistent with standard medical practice in the community. If the woman chooses to view the ultrasound or hear the heartbeat or both at the abortion facility, the viewing or hearing or both shall be provided to her at the abortion facility at least seventy-two hours prior to the abortion being performed or induced;

(5) Prior to an abortion being performed or induced on an unborn child of twenty-two weeks gestational age or older, the physician who is to perform or induce the abortion or a qualified professional has presented the woman, in person, printed materials provided by the department that offer information on the possibility of the abortion causing pain to the unborn child. This information shall include, but need not be limited to, the following:

(a) At least by twenty-two weeks of gestational age, the unborn child possesses all the anatomical

structures, including pain receptors, spinal cord, nerve tracts, thalamus, and cortex, that are necessary in order to feel pain;

(b) A description of the actual steps in the abortion procedure to be performed or induced, and at which steps the abortion procedure could be painful to the unborn child;

(c) There is evidence that by twenty-two weeks of gestational age, unborn children seek to evade certain stimuli in a manner that in an infant or an adult would be interpreted as a response to pain;

(d) Anesthesia is given to unborn children who are twenty-two weeks or more gestational age who undergo prenatal surgery;

(e) Anesthesia is given to premature children who are twenty-two weeks or more gestational age who undergo surgery;

(f) Anesthesia or an analgesic is available in order to minimize or alleviate the pain to the unborn child;

(6) The physician who is to perform or induce the abortion or a qualified professional has presented the woman, in person, printed materials provided by the department explaining to the woman alternatives to abortion she may wish to consider. Such materials shall:

(a) Identify on a geographical basis public and private agencies available to assist a woman in carrying her unborn child to term, and to assist her in caring for her dependent child or placing her child for adoption, including agencies commonly known and generally referred to as pregnancy resource centers, crisis pregnancy centers, maternity homes, and adoption agencies. Such materials shall provide a comprehensive list by geographical area of the agencies, a description of the services they offer, and the telephone numbers and addresses of the agencies; provided that such materials shall not include any programs, services, organizations, or affiliates of organizations that perform or induce, or assist in the performing or inducing of, abortions or that refer for abortions;

(b) Explain the Missouri alternatives to abortion services program under section 188.325, and any other programs and services available to pregnant women and mothers of newborn children offered by public or private agencies which assist a woman in carrying her unborn child to term and assist her in caring for her dependent child or placing her child for adoption, including but not limited to prenatal care; maternal health care; newborn or infant care; mental health services; professional counseling services; housing programs; utility assistance; transportation services; food, clothing, and supplies related to pregnancy; parenting skills; educational programs; job training and placement services; drug and alcohol testing and treatment; and adoption assistance;

(c) Identify the state website for the Missouri alternatives to abortion services program under section 188.325, and any toll-free number established by the state operated in conjunction with the program;

(d) Prominently display the statement: “There are public and private agencies willing and able to help you carry your child to term, and to assist you and your child after your child is born, whether you choose to keep your child or place him or her for adoption. The state of Missouri encourages you to contact those agencies before making a final decision about abortion. State law requires that your physician or a qualified professional give you the opportunity to call agencies like these before you undergo an abortion.”;

(7) The physician who is to perform or induce the abortion or a qualified professional has presented the woman, in person, printed materials provided by the department explaining that the father of the unborn

child is liable to assist in the support of the child, even in instances where he has offered to pay for the abortion. Such materials shall include information on the legal duties and support obligations of the father of a child, including, but not limited to, child support payments, and the fact that paternity may be established by the father's name on a birth certificate or statement of paternity, or by court action. Such printed materials shall also state that more information concerning paternity establishment and child support services and enforcement may be obtained by calling the family support division within the Missouri department of social services; and

(8) The physician who is to perform or induce the abortion or a qualified professional shall inform the woman that she is free to withhold or withdraw her consent to the abortion at any time without affecting her right to future care or treatment and without the loss of any state or federally funded benefits to which she might otherwise be entitled.

2. All information required to be provided to a woman considering abortion by subsection 1 of this section shall be presented to the woman individually, in the physical presence of the woman and in a private room, to protect her privacy, to maintain the confidentiality of her decision, to ensure that the information focuses on her individual circumstances, to ensure she has an adequate opportunity to ask questions, and to ensure that she is not a victim of coerced abortion. Should a woman be unable to read materials provided to her, they shall be read to her. Should a woman need an interpreter to understand the information presented in the written materials, an interpreter shall be provided to her. Should a woman ask questions concerning any of the information or materials, answers shall be provided in a language she can understand.

3. No abortion shall be performed or induced unless and until the woman upon whom the abortion is to be performed or induced certifies in writing on a checklist form provided by the department that she has been presented all the information required in subsection 1 of this section, that she has been provided the opportunity to view an active ultrasound image of the unborn child and hear the heartbeat of the unborn child if it is audible, and that she further certifies that she gives her voluntary and informed consent, freely and without coercion, to the abortion procedure.

4. No abortion shall be performed or induced on an unborn child of twenty-two weeks gestational age or older unless and until the woman upon whom the abortion is to be performed or induced has been provided the opportunity to choose to have an anesthetic or analgesic administered to eliminate or alleviate pain to the unborn child caused by the particular method of abortion to be performed or induced. The administration of anesthesia or analgesics shall be performed in a manner consistent with standard medical practice in the community.

5. No physician shall perform or induce an abortion unless and until the physician has obtained from the woman her voluntary and informed consent given freely and without coercion. If the physician has reason to believe that the woman is being coerced into having an abortion, the physician or qualified professional shall inform the woman that services are available for her and shall provide her with private access to a telephone and information about such services, including but not limited to the following:

- (1) Rape crisis centers, as defined in section 455.003;
- (2) Shelters for victims of domestic violence, as defined in section 455.200; and
- (3) Orders of protection, pursuant to chapter 455.

6. No physician shall perform or induce an abortion unless and until the physician has received and

signed a copy of the form prescribed in subsection 3 of this section. The physician shall retain a copy of the form in the patient's medical record.

7. In the event of a medical emergency as provided by section 188.039, the physician who performed or induced the abortion shall clearly certify in writing the nature and circumstances of the medical emergency. This certification shall be signed by the physician who performed or induced the abortion, and shall be maintained under section 188.060.

8. No person or entity shall require, obtain, or accept payment for an abortion from or on behalf of a patient until at least seventy-two hours have passed since the time that the information required by subsection 1 of this section has been provided to the patient. Nothing in this subsection shall prohibit a person or entity from notifying the patient that payment for the abortion will be required after the seventy-two-hour period has expired if she voluntarily chooses to have the abortion.

9. The term "qualified professional" as used in this section shall refer to a physician, physician assistant, registered nurse, licensed practical nurse, psychologist, licensed professional counselor, or licensed social worker, licensed or registered under chapter 334, 335, or 337, acting under the supervision of the physician performing or inducing the abortion, and acting within the course and scope of his or her authority provided by law. The provisions of this section shall not be construed to in any way expand the authority otherwise provided by law relating to the licensure, registration, or scope of practice of any such qualified professional.

10. By November 30, 2010, the department shall produce the written materials and forms described in this section. Any written materials produced shall be printed in a typeface large enough to be clearly legible. All information shall be presented in an objective, unbiased manner designed to convey only accurate scientific and medical information. The department shall furnish the written materials and forms at no cost and in sufficient quantity to any person who performs or induces abortions, or to any hospital or facility that provides abortions. The department shall make all information required by subsection 1 of this section available to the public through its department website. The department shall maintain a toll-free, twenty-four-hour hotline telephone number where a caller can obtain information on a regional basis concerning the agencies and services described in subsection 1 of this section. No identifying information regarding persons who use the website shall be collected or maintained. The department shall monitor the website on a regular basis to prevent tampering and correct any operational deficiencies.

11. In order to preserve the compelling interest of the state to ensure that the choice to consent to an abortion is voluntary and informed, and given freely and without coercion, the department shall use the procedures for adoption of emergency rules under section 536.025 in order to promulgate all necessary rules, forms, and other necessary material to implement this section by November 30, 2010.

12. If the provisions in subsections 1 and 8 of this section requiring a seventy-two-hour waiting period for an abortion are ever temporarily or permanently restrained or enjoined by judicial order, then the waiting period for an abortion shall be twenty-four hours; provided, however, that if such temporary or permanent restraining order or injunction is stayed or dissolved, or otherwise ceases to have effect, the waiting period for an abortion shall be seventy-two hours.

188.028. 1. **Except in the case of a medical emergency**, no person shall knowingly perform or induce an abortion upon a pregnant woman under the age of eighteen years unless:

(1) The attending physician has secured the informed written consent of the minor and one parent or guardian; or

(2) The minor is emancipated and the attending physician has received the informed written consent of the minor; or

(3) The minor has been granted the right to self-consent to the abortion by court order pursuant to subsection 2 of this section, and the attending physician has received the informed written consent of the minor; or

(4) The minor has been granted consent to the abortion by court order, and the court has given its informed written consent in accordance with subsection 2 of this section, and the minor is having the abortion willingly, in compliance with subsection 3 of this section.

2. The right of a minor to self-consent to an abortion under subdivision (3) of subsection 1 of this section or court consent under subdivision (4) of subsection 1 of this section may be granted by a court pursuant to the following procedures:

(1) The minor or next friend shall make an application to the juvenile court which shall assist the minor or next friend in preparing the petition and notices required pursuant to this section. The minor or the next friend of the minor shall thereafter file a petition setting forth the initials of the minor; the age of the minor; the names and addresses of each parent, guardian, or, if the minor's parents are deceased and no guardian has been appointed, any other person standing in loco parentis of the minor; that the minor has been fully informed of the risks and consequences of the abortion; that the minor is of sound mind and has sufficient intellectual capacity to consent to the abortion; that, if the court does not grant the minor majority rights for the purpose of consent to the abortion, the court should find that the abortion is in the best interest of the minor and give judicial consent to the abortion; that the court should appoint a guardian ad litem of the child; and if the minor does not have private counsel, that the court should appoint counsel. The petition shall be signed by the minor or the next friend;

(2) A hearing on the merits of the petition, to be held on the record, shall be held as soon as possible within five days of the filing of the petition. If any party is unable to afford counsel, the court shall appoint counsel at least twenty-four hours before the time of the hearing. At the hearing, the court shall hear evidence relating to the emotional development, maturity, intellect and understanding of the minor; the nature, possible consequences, and alternatives to the abortion; and any other evidence that the court may find useful in determining whether the minor should be granted majority rights for the purpose of consenting to the abortion or whether the abortion is in the best interests of the minor;

(3) In the decree, the court shall for good cause:

(a) Grant the petition for majority rights for the purpose of consenting to the abortion; or

(b) Find the abortion to be in the best interests of the minor and give judicial consent to the abortion, setting forth the grounds for so finding; or

(c) Deny the petition, setting forth the grounds on which the petition is denied;

(4) If the petition is allowed, the informed consent of the minor, pursuant to a court grant of majority rights, or the judicial consent, shall bar an action by the parents or guardian of the minor on the grounds of battery of the minor by those performing **or inducing** the abortion. The immunity granted shall only extend

to the performance **or inducement** of the abortion in accordance herewith and any necessary accompanying services which are performed in a competent manner. The costs of the action shall be borne by the parties;

(5) An appeal from an order issued under the provisions of this section may be taken to the court of appeals of this state by the minor or by a parent or guardian of the minor. The notice of intent to appeal shall be given within twenty-four hours from the date of issuance of the order. The record on appeal shall be completed and the appeal shall be perfected within five days from the filing of notice to appeal. Because time may be of the essence regarding the performance **or inducement** of the abortion, the supreme court of this state shall, by court rule, provide for expedited appellate review of cases appealed under this section.

3. If a minor desires an abortion, then she shall be orally informed of and, if possible, sign the written consent required [by section 188.039] **under this chapter** in the same manner as an adult person. No abortion shall be performed **or induced** on any minor against her will, except that an abortion may be performed **or induced** against the will of a minor pursuant to a court order described in subdivision (4) of subsection 1 of this section that the abortion is necessary to preserve the life of the minor.”; and

Further amend said bill, page 9, Section 188.075, line 19, by inserting after all of said line the following:

“188.080. Any person who is not a physician who performs or induces or attempts to perform or induce an abortion on another is guilty of a class B felony, and, upon conviction, shall be punished as provided by law. [Any physician performing or inducing an abortion who does not have clinical privileges at a hospital which offers obstetrical or gynecological care located within thirty miles of the location at which the abortion is performed or induced shall be guilty of a class A misdemeanor, and, upon conviction shall be punished as provided by law.]”; and

Further amend said bill, page 12, Section 188.160, line 25, by inserting after all of said line the following:

“197.200. As used in sections 197.200 to 197.240, unless the context clearly indicates otherwise, the following terms mean:

(1) “Ambulatory surgical center”, any public or private establishment operated primarily for the purpose of performing surgical procedures or primarily for the purpose of performing childbirths, [or any establishment operated for the purpose of performing or inducing any second or third-trimester abortions or five or more first-trimester abortions per month,] and which does not provide services or other accommodations for patients to stay more than twenty-three hours within the establishment, provided, however, that nothing in this definition shall be construed to include the offices of dentists currently licensed pursuant to chapter 332 **or facilities that are operated primarily for the purpose of providing abortions;**

(2) “Dentist”, any person currently licensed to practice dentistry pursuant to chapter 332;

(3) “Department”, the department of health and senior services;

(4) “Governmental unit”, any city, county or other political subdivision of this state, or any department, division, board or other agency of any political subdivision of this state;

(5) “Person”, any individual, firm, partnership, corporation, company, or association and the legal successors thereof;

(6) “Physician”, any person currently licensed to practice medicine pursuant to chapter 334;

(7) “Podiatrist”, any person currently licensed to practice podiatry pursuant to chapter 330.”; and
Further amend said bill, pages 12-14, Section 197.230, by striking all of said section from the bill; and
Further amend the title and enacting clause accordingly.

Senator Sifton moved that **SSA 1** for **SA 1** be adopted.

Senator Hoskins requested a roll call vote be taken on the adoption of **SSA 1** for **SA 1**. He was joined in his request by Senators Munzlinger, Onder, Riddle and Sater.

Senator Kraus assumed the Chair.

President Parson assumed the Chair.

At the request of Senator Onder, **SB 67**, with **SS**, **SA 1** and **SSA 1** for **SA 1** (pending), was placed on the Informal Calendar.

INTRODUCTION OF GUESTS

Senator Brown introduced to the Senate, Shane Lawson, Daniel Westfall, Tevin Williams, Morgan Fryman, Kyara Holloway, and Melissa Apley, University of Missouri Undergraduate Research Team.

Senator Richard introduced to the Senate, Kolton Sanders, Dalton Kivett, Trenton Young, Gannon Millard, Braxton Barnes, Kyle Sanders, Joey Williams, Johnny Meyer, Zachary Plummer, Christian Nutz and Adrian Hitchcock, 2017 Class 3 State Champion Neosho Wrestling team.

Senator Rowden introduced to the Senate, Madeline Simon and Emily Shaw, University of Missouri Undergraduate Research Team.

Senator Rowden introduced to the Senate, the Physician of the Day, Dr. Joshua Hamann, MD, Columbia.

Senator Cunningham introduced to the Senate, Caroline Dunn, Houston.

Senator Nasheed introduced to the Senate, Pastor Elder Veronica J. Richardson, Southern Union Missionary Baptist Church, St. Louis.

Senator Dixon introduced to the Senate, Joe Novak and Pat Bezdek, Springfield.

Senator Libla introduced to the Senate, Herman Styles, Poplar Bluff; Bob Bonney, Elsberry; Howard Helgenberg, St. Louis; and Howard Beck, Rock Island, Illinois.

Senator Emery introduced to the Senate, Living Faith Mennonite School, Walker.

The President introduced to the Senate, John Gideon and Ryan Southard, Lebanon.

Senator Kehoe introduced to the Senate, Alayna Backes, Mackenzie Jones, Addisyn Nilges, Natalie Wilbers, Amelia Carwile, Lily Kempker, Taylor Bax, Azlyn Luebbert, Ava Kremer and Grace Borgmeyer, Girl Scout Troop 71047, Immaculate Conception School, Loose Creek.

On motion of Senator Kehoe, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-NINTH DAY—WEDNESDAY, APRIL 5, 2017

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 275	HCS for HB 340
HCS#2 for HB 502	HCS for HB 780
HCS for HB 142	HCS for HB 573

THIRD READING OF SENATE BILLS

SS for SB 22-Chappelle-Nadal (In Fiscal Oversight)	SCS for SB 84-Kraus
SS for SCS for SB 213-Rowden	SB 434-Sater
SB 18-Kraus (In Fiscal Oversight)	SCS for SB 240-Schatz (In Fiscal Oversight)
	SB 395-Hoskins

SENATE BILLS FOR PERFECTION

SB 469-Schatz	SB 451-Nasheed
SB 517-Wasson	SB 419-Riddle
SB 435-Cunningham, with SCS	SB 264-Dixon

HOUSE BILLS ON THIRD READING

- | | |
|--|--|
| 1. HB 34-Plocher (Dixon) | 9. HB 35-Plocher (Dixon) |
| 2. HCS for HBs 1194 & 1193 (Hegeman) | 10. HCS for HBs 91, 42, 131, 265 & 314
(Brown) |
| 3. HB 462-Kolkmeyer (Munzlinger) | 11. HCS for HB 66, with SCS (Sater) (In
Fiscal Oversight) |
| 4. HB 461-Kolkmeyer (Munzlinger) | 12. HCS for HBs 190 & 208 (Eigel) |
| 5. HCS for HB 460 (Munzlinger) | 13. HCS for HB 451 (Wasson) |
| 6. HB 93-Lauer, with SCS (Wasson) (In
Fiscal Oversight) | 14. HB 51-Andrews, with SCS (Hegeman) |
| 7. HCS for HB 115, with SCS (Wasson) | 15. HCS for HB 292, with SCS (Cunningham) |
| 8. HB 655-Engler (Dixon) (In Fiscal
Oversight) | 16. HCS for HBs 337, 259 & 575 (Schatz) |

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| 17. HB 336-Shull (Rowden) | 20. HB 207-Fitzwater (Romine) |
| 18. HCS for HB 427, with SCS (Kehoe) | 21. HCS for HB 14, with SCS (Brown) |
| 19. HB 85-Redmon, with SCS (Hegeman) | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

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| SB 5-Richard | SB 117-Schupp, with SCS |
| SB 6-Richard, with SCS | SB 122-Munzlinger, with SCS |
| SB 13-Dixon | SB 123-Munzlinger |
| SB 20-Brown | SB 126-Wasson |
| SB 21-Brown | SB 129-Dixon and Sifton, with SCS |
| SB 28-Sater, with SCS (pending) | SB 130-Kraus, with SCS |
| SB 32-Emery, with SCS | SB 133-Chappelle-Nadal |
| SBs 37 & 244-Silvey, with SCS, SS for
SCS & SA 1 (pending) | SB 138-Sater |
| SB 41-Wallingford and Emery, with SS,
SA 1 & SA 1 to SA 1 (pending) | SB 141-Emery |
| SBs 44 & 63-Romine, with SCS | SB 142-Emery |
| SB 46-Libla, with SCS | SB 144-Wallingford |
| SB 49-Walsh, with SCS | SB 145-Wallingford, with SCS |
| SB 61-Hegeman, with SCS | SB 147-Romine |
| SB 67-Onder, et al, with SS, SA 1 &
SSA 1 for SA 1 (pending) | SB 156-Munzlinger, with SCS |
| SB 68-Onder and Nasheed | SB 157-Dixon, with SCS |
| SB 76-Munzlinger | SB 158-Dixon |
| SB 80-Wasson, with SCS | SB 163-Romine |
| SB 81-Dixon | SB 169-Dixon, with SCS |
| SB 83-Dixon | SB 171-Dixon and Sifton, with SCS |
| SB 85-Kraus, with SCS | SB 176-Dixon |
| SB 88-Brown, with SCS | SB 177-Dixon, with SCS |
| SB 96-Sater and Emery | SB 178-Dixon |
| SB 97-Sater, with SCS | SB 180-Nasheed, with SCS |
| SB 99-Emery | SB 183-Hoskins, with SCS |
| SB 102-Cunningham, with SCS | SB 184-Emery, with SS (pending) |
| SB 103-Wallingford | SB 185-Onder, et al, with SCS |
| SB 109-Holsman, with SCS | SB 188-Munzlinger, with SCS |
| SB 115-Schupp, with SCS | SB 189-Kehoe, with SCS |
| | SB 190-Emery, with SCS & SS#2 for SCS
(pending) |
| | SB 196-Koenig |

SB 199-Wasson
SB 200-Libla
SB 201-Onder, with SCS
SB 203-Sifton, with SCS
SB 204-Sifton
SB 207-Sifton
SB 209-Wallingford
SB 210-Onder, with SCS
SB 220-Riddle, with SCS
SB 221-Riddle
SB 223-Schatz, with SCS
SB 227-Koenig, with SCS
SB 228-Koenig, with SS & SA 1 (pending)
SB 230-Riddle
SB 232-Schatz
SB 233-Wallingford
SB 234-Libla, with SCS
SB 239-Rowden, with SCS
SB 242-Emery, with SCS
SB 243-Hegeman
SB 247-Kraus, with SCS
SB 250-Kehoe
SB 252-Dixon, with SCS
SB 258-Munzlinger
SB 259-Munzlinger
SB 260-Munzlinger
SB 261-Munzlinger
SB 262-Munzlinger
SB 263-Riddle
SB 267-Schatz, with SCS
SB 271-Wasson and Richard, with SCS
SB 280-Hoskins, with SCS
SB 284-Hegeman, with SCS
SBs 285 & 17-Koenig, with SCS
SB 286-Rizzo
SB 290-Schatz, with SCS
SB 295-Schaaf, with SCS
SB 298-Curls
SB 303-Wieland, with SCS
SB 311-Wasson, with SCS
SB 313-Koenig, with SCS, SS for SCS,
SA 1 & SSA 1 for SA 1 (pending)
SBs 314 & 340-Schatz, et al, with SCS
SB 316-Rowden, with SCS
SB 325-Kraus
SBs 327, 238 & 360-Romine, with SCS
SB 328-Romine, with SCS & SA 3 (pending)
SB 330-Munzlinger
SB 331-Hegeman
SB 333-Schaaf, with SCS
SB 336-Wieland
SB 348-Wasson
SB 349-Wasson
SB 358-Wieland
SB 362-Hummel
SB 368-Rowden
SB 371-Schaaf
SB 373-Curls
SB 376-Hoskins
SB 378-Wallingford
SB 379-Schatz
SB 381-Riddle
SB 383-Eigel and Wieland
SB 384-Rowden, with SCS
SB 389-Sater, with SCS
SB 391-Munzlinger
SB 392-Holsman
SB 406-Wasson and Sater
SB 409-Koenig
SB 410-Schatz
SB 413-Munzlinger
SB 418-Hegeman, with SCS
SB 422-Cunningham, with SCS
SB 426-Wasson, with SCS
SB 427-Wasson
SB 430-Cunningham, with SCS

SB 433-Sater, with SCS
 SB 442-Hegeman
 SB 445-Rowden
 SB 448-Emery
 SB 468-Hegeman
 SB 475-Schatz
 SB 485-Hoskins

SB 490-Schupp
 SB 526-Brown
 SJR 9-Romine, with SCS
 SJR 11-Hegeman, with SCS
 SJR 12-Eigel
 SJR 17-Kraus

HOUSE BILLS ON THIRD READING

HB 95-McGaugh (Emery)
 HCS for HB 130, with SCS, SS for SCS &
 SA 6 (pending) (Onder)

HB 251-Taylor, with SCS, SS for SCS, SA 2 &
 SA 3 to SA 2 (pending) (Onder)
 HCS for HBs 302 & 228, with SCS (Schatz)

CONSENT CALENDAR

Senate Bills

Reported 3/15

SB 399-Romine, with SCS

House Bills

Reported 3/15

HCS for HB 50, with SCS (Dixon)

RESOLUTIONS

SR 197-Richard

Reported from Committee

SCR 4-Kehoe
 SCR 9-Holsman

SCR 14-Hoskins
 SCR 21-Wallingford