

SENATE AMENDMENT NO. _____

Offered by _____ Of _____

Amend SS/SCS/Senate Bill No. 612, Page 1, Section Title, Lines 3-4,

of said title, by striking the following: "alternative education options for" and further amend line 5 of said title, by striking the word "students"; and further amend said line, by inserting immediately after the word "provisions" the following: ", an emergency clause, a delayed effective date,"; and

Further amend said bill, page 9, section 135.719, line 1 of said page, by inserting immediately after 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

1 teacher of their children and full partners in the education of
2 their children;

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

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

7 (4) "Graduation rate", the [quotient of the number of
8 graduates in the current year as of June thirtieth divided by the
9 sum of the number of graduates in the current year as of June
10 thirtieth plus the number of twelfth graders who dropped out in
11 the current year plus the number of eleventh graders who dropped
12 out in the preceding year plus the number of tenth graders who
13 dropped out in the second preceding year plus the number of ninth
14 graders who dropped out in the third preceding year] graduation
15 rate as defined by the Missouri school improvement program;

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

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

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

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

26 (9) "School term", a minimum of one hundred seventy-four
27 school days, as that term is defined in section 160.041, for
28 schools with a five-day school week or a minimum of one hundred
29 forty-two school days, as that term is defined in section

1 160.041, for schools with a four-day school week, and one
2 thousand forty-four hours of actual pupil attendance as scheduled
3 by the board pursuant to section 171.031 during a twelve-month
4 period in which the academic instruction of pupils is actually
5 and regularly carried on for a group of students in the public
6 schools of any school district. In school year 2018-19 and
7 subsequent years, one thousand forty-four hours of actual pupil
8 attendance shall also be required. A school term may be within a
9 school year or may consist of parts of two consecutive school
10 years, but does not include summer school. A district may choose
11 to operate two or more terms for different groups of children. A
12 school term for students participating in a school flex program
13 as established in section 160.539 may consist of a combination of
14 actual pupil attendance and attendance at college or technical
15 career education or approved employment aligned with the
16 student's career academic plan for a total of [one thousand
17 forty-four] the required number of hours as provided in this
18 subdivision;

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

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

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

28 (13) "Town", any town or village, whether or not
29 incorporated, the plat of which has been filed in the office of

1 the recorder of deeds of the county in which it is situated;

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

6 160.041. 1. The "minimum school day" consists of three
7 hours for schools with a five-day school week or four hours for
8 schools with a four-day school week in which the pupils are under
9 the guidance and direction of teachers in the teaching process.
10 A "school month" consists of four weeks of five days each for
11 schools with a five-day school week or four weeks of four days
12 each for schools with a four-day school week. The "school year"
13 commences on the first day of July and ends on the thirtieth day
14 of June following.

15 2. Notwithstanding the provisions of subsection 1 of this
16 section, the commissioner of education is authorized to reduce
17 the required number of hours [and] or days in which the pupils
18 are under the guidance and direction of teachers in the teaching
19 process if:

20 (1) There is damage to or destruction of a public school
21 facility which requires the dual utilization of another school
22 facility; or

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

26
27 Such reduction shall not extend beyond two calendar years in
28 duration.

29 160.410. 1. A charter school shall enroll:

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

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

5 (3) Nonresident pupils who transfer from an unaccredited
6 district under section ~~[167.131]~~ 167.826, provided that the
7 charter school is an approved charter school, as defined in
8 section ~~[167.131]~~ 167.826, and subject to all other provisions of
9 section ~~[167.131]~~ 167.826;

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

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

26 2. If capacity is insufficient to enroll all pupils who
27 submit a timely application, the charter school shall have an
28 admissions process that assures all applicants of an equal chance
29 of gaining admission and does not discriminate based on parents'

1 ability to pay fees or tuition except that:

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

9 (2) A charter school may also give a preference for
10 admission of children whose siblings attend the school or whose
11 parents are employed at the school or in the case of a workplace
12 charter school, a child whose parent is employed in the business
13 district or at the business site of such school; and

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

19 3. A charter school shall not limit admission based on
20 race, ethnicity, national origin, disability, income level,
21 proficiency in the English language or athletic ability, but may
22 limit admission to pupils within a given age group or grade
23 level. Charter schools may limit admission based on gender only
24 when the school is a single-gender school. Students of a charter
25 school who have been enrolled for a full academic year shall be
26 counted in the performance of the charter school on the statewide
27 assessments in that calendar year, unless otherwise exempted as
28 English language learners. For purposes of this subsection,
29 "full academic year" means the last Wednesday in September

1 through the administration of the Missouri assessment program
2 test without transferring out of the school and re-enrolling.

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

7 (1) The school's charter;

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

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

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

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

26 6. If a change in school district boundary lines occurs
27 under section 162.223, 162.431, 162.441, or 162.451, or by action
28 of the state board of education under section 162.081, including
29 attachment of a school district's territory to another district

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

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

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

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

1 described in this subsection.

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

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

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

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

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

27 3. A workplace charter school shall receive payment for
28 each eligible pupil as provided under subsection 2 of this
29 section, except that if the student is not a resident of the

1 district and is participating in a voluntary interdistrict
2 transfer program, the payment for such pupils shall be the same
3 as provided under section 162.1060.

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

19 5. If a school district fails to make timely payments of
20 any amount for which it is the disbursal agent, the state
21 department of elementary and secondary education shall authorize
22 payment to the charter school of the amount due pursuant to
23 subsection 2 of this section and shall deduct the same amount
24 from the next state school aid apportionment to the owing school
25 district. If a charter school is paid more or less than the
26 amounts due pursuant to this section, the amount of overpayment
27 or underpayment shall be adjusted equally in the next twelve
28 payments by the school district or the department of elementary
29 and secondary education, as appropriate. Any dispute between the

1 school district and a charter school as to the amount owing to
2 the charter school shall be resolved by the department of
3 elementary and secondary education, and the department's decision
4 shall be the final administrative action for the purposes of
5 review pursuant to chapter 536. During the period of dispute,
6 the department of elementary and secondary education shall make
7 every administrative and statutory effort to allow the continued
8 education of children in their current public charter school
9 setting.

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

20 7. In the case of a proposed charter school that intends to
21 contract with an education service provider for substantial
22 educational services or management services, the request for
23 proposals shall additionally require the charter school applicant
24 to:

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

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

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

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

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

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

23 8. A charter school may enter into contracts with community
24 partnerships and state agencies acting in collaboration with such
25 partnerships that provide services to children and their families
26 linked to the school.

27 9. A charter school shall be eligible for transportation
28 state aid pursuant to section 163.161 and shall be free to
29 contract with the local district, or any other entity, for the

1 provision of transportation to the students of the charter
2 school.

3 10. (1) The proportionate share of state and federal
4 resources generated by students with disabilities or staff
5 serving them shall be paid in full to charter schools enrolling
6 those students by their school district where such enrollment is
7 through a contract for services described in this section. The
8 proportionate share of money generated under other federal or
9 state categorical aid programs shall be directed to charter
10 schools serving such students eligible for that aid.

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

15 11. A charter school may not charge tuition or impose fees
16 that a school district is prohibited from charging or imposing,
17 except that a charter school may receive tuition payments from
18 districts in the same or an adjoining county for nonresident
19 students who transfer to an approved charter school, as defined
20 in section ~~[167.131]~~ 167.826, from an unaccredited district.

21 12. A charter school is authorized to incur debt in
22 anticipation of receipt of funds. A charter school may also
23 borrow to finance facilities and other capital items. A school
24 district may incur bonded indebtedness or take other measures to
25 provide for physical facilities and other capital items for
26 charter schools that it sponsors or contracts with. Except as
27 otherwise specifically provided in sections 160.400 to 160.425,
28 upon the dissolution of a charter school, any liabilities of the
29 corporation will be satisfied through the procedures of chapter

1 355. A charter school shall satisfy all its financial
2 obligations within twelve months of notice from the sponsor of
3 the charter school's closure under subsection 8 of section
4 160.405. After satisfaction of all its financial obligations, a
5 charter school shall return any remaining state and federal funds
6 to the department of elementary and secondary education for
7 disposition as stated in subdivision (17) of subsection 1 of
8 section 160.405. The department of elementary and secondary
9 education may withhold funding at a level the department
10 determines to be adequate during a school's last year of
11 operation until the department determines that school records,
12 liabilities, and reporting requirements, including a full audit,
13 are satisfied.

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

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

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

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

1 to govern; or

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

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

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

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

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

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

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

1 board of education may provide for a transition pursuant to
2 section 162.083; or

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

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

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

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

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

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

22 (d) Establish one or more school districts within the
23 territory of the lapsed district, with a governance structure
24 specified by the state board of education, with the option of
25 permitting a district to remain intact for the purposes of
26 assessing, collecting, and distributing property taxes, to be
27 distributed equitably on a weighted average daily attendance
28 basis, but to be divided for operational purposes, which shall
29 take effect sixty days after the adjournment of the regular

1 session of the general assembly next following the state board's
2 decision unless a statute or concurrent resolution is enacted to
3 nullify the state board's decision prior to such effective date.

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

14 5. A special administrative board or any other form of
15 governance appointed under this section shall retain the
16 authority granted to a board of education for the operation of
17 the lapsed school district under the laws of the state in effect
18 at the time of the lapse and may enter into contracts with
19 accredited school districts or other education service providers
20 in order to deliver high-quality educational programs to the
21 residents of the district. If a student graduates while
22 attending a school building in the district that is operated
23 under a contract with an accredited school district as specified
24 under this subsection, the student shall receive his or her
25 diploma from the accredited school district. The authority of
26 the special administrative board or any other form of governance
27 appointed under this section shall expire at the end of the third
28 full school year following its appointment, unless extended by
29 the state board of education. If the lapsed district is

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

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

29 7. If additional teachers are needed by a district as a

1 result of increased enrollment due to the annexation of territory
2 of a lapsed or dissolved district, such district shall grant an
3 employment interview to any permanent teacher of the lapsed or
4 dissolved district upon the request of such permanent teacher.

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

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

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

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

21 10. The provisions of subsection 9 of this section shall
22 not apply to any district solely on the basis of financial
23 difficulty resulting from paying tuition and providing
24 transportation for transfer students under sections 167.826 and
25 167.827.

26 162.1310. 1. For purposes of this section, "attendance
27 center" means a public school building, public school buildings,
28 or part of a public school building that offers education in a
29 grade or grades not higher than the twelfth grade and that

1 constitutes one unit for accountability and reporting purposes
2 for the department of elementary and secondary education.

3 2. (1) If an attendance center receives two or more
4 consecutive annual performance report scores consistent with a
5 classification of unaccredited, the district in which the
6 attendance center is located shall notify the parent or guardian
7 of any student enrolled in the attendance center of the annual
8 performance report scores within fourteen business days.

9 (2) If the state board of education classifies any district
10 as unaccredited, the district shall notify the parent or guardian
11 of any student enrolled in the unaccredited district of the loss
12 of accreditation within fourteen business days.

13 3. The district's notice shall include an explanation of
14 which students may be eligible to transfer, the transfer process
15 under sections 167.826 and 167.827, and any services students may
16 be entitled to receive. The district's notice shall be written
17 in a clear, concise, and easy-to-understand manner.

18 4. (1) If the notice concerns an attendance center's
19 annual performance report scores, the district shall post the
20 notice in a conspicuous and accessible place in the attendance
21 center.

22 (2) If the notice concerns a district's loss of
23 accreditation, the district shall post the notice in a
24 conspicuous and accessible place in each district attendance
25 center.

26 5. The district shall send any notice described under this
27 section to each municipality located within the boundaries of the
28 district.

29 163.021. 1. A school district shall receive state aid

1 for its education program only if it:

2 (1) Provides for a minimum of one hundred seventy-four days
3 and one thousand forty-four hours of actual pupil attendance in a
4 term scheduled by the board pursuant to section 160.041 for each
5 pupil or group of pupils, except that the board shall provide a
6 minimum of one hundred seventy-four days and five hundred
7 twenty-two hours of actual pupil attendance in a term for
8 kindergarten pupils. If any school is dismissed because of
9 inclement weather after school has been in session for three
10 hours, that day shall count as a school day including afternoon
11 session kindergarten students. When the aggregate hours lost in
12 a term due to inclement weather decreases the total hours of the
13 school term below the required minimum number of hours by more
14 than twelve hours for all-day students or six hours for
15 one-half-day kindergarten students, all such hours below the
16 minimum must be made up in one-half day or full day additions to
17 the term, except as provided in section 171.033. In school year
18 2018-19 and subsequent years, one thousand forty-four hours of
19 actual pupil attendance shall be required for each pupil or group
20 of pupils; except that, the board shall provide a minimum of five
21 hundred twenty-two hours of actual pupil attendance in a term for
22 kindergarten pupils;

23 (2) Maintains adequate and accurate records of attendance,
24 personnel and finances, as required by the state board of
25 education, which shall include the preparation of a financial
26 statement which shall be submitted to the state board of
27 education the same as required by the provisions of section
28 165.111 for districts;

29 (3) Levies an operating levy for school purposes of not

1 less than one dollar and twenty-five cents after all adjustments
2 and reductions on each one hundred dollars assessed valuation of
3 the district; and

4 (4) Computes average daily attendance as defined in
5 subdivision (2) of section 163.011 as modified by section
6 171.031. Whenever there has existed within the district an
7 infectious disease, contagion, epidemic, plague or similar
8 condition whereby the school attendance is substantially reduced
9 for an extended period in any school year, the apportionment of
10 school funds and all other distribution of school moneys shall be
11 made on the basis of the school year next preceding the year in
12 which such condition existed.

13 2. For the 2006-07 school year and thereafter, no school
14 district shall receive more state aid, as calculated under
15 subsections 1 and 2 of section 163.031, for its education
16 program, exclusive of categorical add-ons, than it received per
17 weighted average daily attendance for the school year 2005-06
18 from the foundation formula, line 14, gifted, remedial reading,
19 exceptional pupil aid, fair share, and free textbook payment
20 amounts, unless it has an operating levy for school purposes, as
21 determined pursuant to section 163.011, of not less than two
22 dollars and seventy-five cents after all adjustments and
23 reductions. Any district which is required, pursuant to Article
24 X, Section 22 of the Missouri Constitution, to reduce its
25 operating levy below the minimum tax rate otherwise required
26 under this subsection shall not be construed to be in violation
27 of this subsection for making such tax rate reduction. Pursuant
28 to Section 10(c) of Article X of the state constitution, a school
29 district may levy the operating levy for school purposes required

1 by this subsection less all adjustments required pursuant to
2 Article X, Section 22 of the Missouri Constitution if such rate
3 does not exceed the highest tax rate in effect subsequent to the
4 1980 tax year. Nothing in this section shall be construed to
5 mean that a school district is guaranteed to receive an amount
6 not less than the amount the school district received per
7 eligible pupil for the school year 1990-91. The provisions of
8 this subsection shall not apply to any school district located in
9 a county of the second classification which has a nuclear power
10 plant located in such district or to any school district located
11 in a county of the third classification which has an electric
12 power generation unit with a rated generating capacity of more
13 than one hundred fifty megawatts which is owned or operated or
14 both by a rural electric cooperative except that such school
15 districts may levy for current school purposes and capital
16 projects an operating levy not to exceed two dollars and
17 seventy-five cents less all adjustments required pursuant to
18 Article X, Section 22 of the Missouri Constitution.

19 3. No school district shall receive more state aid, as
20 calculated in section 163.031, for its education program,
21 exclusive of categorical add-ons, than it received per eligible
22 pupil for the school year 1993-94, if the state board of
23 education determines that the district was not in compliance in
24 the preceding school year with the requirements of section
25 163.172, until such time as the board determines that the
26 district is again in compliance with the requirements of section
27 163.172.

28 4. No school district shall receive state aid, pursuant to
29 section 163.031, if such district was not in compliance, during

1 the preceding school year, with the requirement, established
2 pursuant to section 160.530 to allocate revenue to the
3 professional development committee of the district.

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

13 6. Any school district that levies an operating levy for
14 school purposes that is less than the performance levy, as such
15 term is defined in section 163.011, shall provide written notice
16 to the department of elementary and secondary education asserting
17 that the district is providing an adequate education to the
18 students of such district. If a school district asserts that it
19 is not providing an adequate education to its students, such
20 inadequacy shall be deemed to be a result of insufficient local
21 effort. The provisions of this subsection shall not apply to any
22 special district established under sections 162.815 to 162.940.

23 163.073. 1. When an education program, as approved under
24 section 219.056, is provided for pupils by the division of youth
25 services in one of the facilities operated by the division for
26 children who have been assigned there by the courts, the division
27 of youth services shall be entitled to state aid for pupils being
28 educated by the division of youth services in an amount to be
29 determined as follows: the total amount apportioned to the

1 division of youth services shall be an amount equal to the
2 average per weighted average daily attendance amount apportioned
3 for the preceding school year under section 163.031, multiplied
4 by the number of full-time equivalent students served by
5 facilities operated by the division of youth services. The
6 number of full-time equivalent students shall be determined by
7 dividing by one hundred seventy-four days the number of
8 student-days of education service provided by the division of
9 youth services to elementary and secondary students who have been
10 assigned to the division by the courts and who have been
11 determined as inappropriate for attendance in a local public
12 school. A student day shall mean one day of education services
13 provided for one student. In school year 2018-19 and subsequent
14 years, the number of full-time equivalent students shall be the
15 quotient of the number of student-hours of education service
16 provided by the division of youth services to elementary and
17 secondary students who have been assigned to the division by the
18 courts, and who have been determined as inappropriate for
19 attendance in a local public school, divided by one thousand
20 forty-four hours. A student hour shall mean one hour of
21 education services provided for one student. In addition, other
22 provisions of law notwithstanding, the division of youth services
23 shall be entitled to funds under section 163.087. The number of
24 full-time equivalent students as defined in this section shall be
25 considered as "September membership" and as "average daily
26 attendance" for the apportioning of funds under section 163.087.

27 2. The educational program approved under section 219.056
28 as provided for pupils by the division of youth services shall
29 qualify for funding for those services provided to handicapped or

1 severely handicapped children. The department of elementary and
2 secondary education shall cooperate with the division of youth
3 services in arriving at an equitable funding for the services
4 provided to handicapped children in the facilities operated by
5 the division of youth services.

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

19 Further amend said bill, page 20, section 167.125, line 5 of
20 said page, by inserting after all of said line the following:

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

1 the district and who attends an accredited public high school in
2 another district of the same or an adjoining county [or who
3 attends an approved charter school in the same or an adjoining
4 county].

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

1 free to attend the public school of his or her choice.

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

6 167.132. 1. For purposes of this section, the following
7 terms mean:

8 (1) "Receiving approved charter school", an approved
9 charter school, as defined under section 167.826, receiving
10 transfer students under section 167.826;

11 (2) "Receiving district", a school district receiving
12 transfer students under section 167.826;

13 (3) "Sending district", a school district from which
14 students are transferring to a receiving district or approved
15 charter school, as allowed under section 167.826;

16 (4) "State adequacy target", the same meaning given to the
17 term under section 163.011.

18 2. Notwithstanding any other provision of law, the tuition
19 rate paid by a sending district to the receiving district or the
20 receiving approved charter school for transfer students shall be
21 the lesser of:

22 (1) The tuition rate set by the receiving district or the
23 receiving approved charter school under the policy adopted in
24 accordance with section 167.826; or

25 (2) The state adequacy target plus the average sum produced
26 per child by the local tax effort above the state adequacy target
27 of the sending district.

28 167.151. 1. The school board of any district, in its
29 discretion, may admit to the school pupils not entitled to free

1 instruction and prescribe the tuition fee to be paid by them,
2 except as provided in sections 167.121 [and], 167.131, 167.132,
3 and 167.826.

4 2. Orphan children, children with only one parent living,
5 and children whose parents do not contribute to their support—if
6 the children are between the ages of six and twenty years and are
7 unable to pay tuition—may attend the schools of any district in
8 the state in which they have a permanent or temporary home
9 without paying a tuition fee.

10 3. Any person who pays a school tax in any other district
11 than that in which he resides may send his children to any public
12 school in the district in which the tax is paid and receive as a
13 credit on the amount charged for tuition the amount of the school
14 tax paid to the district; except that any person who owns real
15 estate of which eighty acres or more are used for agricultural
16 purposes and upon which his residence is situated may send his
17 children to public school in any school district in which a part
18 of such real estate, contiguous to that upon which his residence
19 is situated, lies and shall not be charged tuition therefor; so
20 long as thirty-five percent of the real estate is located in the
21 school district of choice. The school district of choice shall
22 count the children in its average daily attendance for the
23 purpose of distribution of state aid through the foundation
24 formula.

25 4. Any owner of agricultural land who, pursuant to
26 subsection 3 of this section, has the option of sending his
27 children to the public schools of more than one district shall
28 exercise such option as provided in this subsection. Such person
29 shall send written notice to all school districts involved

1 specifying to which school district his children will attend by
2 June thirtieth in which such a school year begins. If
3 notification is not received, such children shall attend the
4 school in which the majority of his property lies. Such person
5 shall not send any of his children to the public schools of any
6 district other than the one to which he has sent notice pursuant
7 to this subsection in that school year or in which the majority
8 of his property lies without paying tuition to such school
9 district.

10 5. If a pupil is attending school in a district other than
11 the district of residence and the pupil's parent is teaching in
12 the school district or is a regular employee of the school
13 district which the pupil is attending, then the district in which
14 the pupil attends school shall allow the pupil to attend school
15 upon payment of tuition in the same manner in which the district
16 allows other pupils not entitled to free instruction to attend
17 school in the district. The provisions of this subsection shall
18 apply only to pupils attending school in a district which has an
19 enrollment in excess of thirteen thousand pupils and not in
20 excess of fifteen thousand pupils and which district is located
21 in a county of the first classification with a charter form of
22 government which has a population in excess of six hundred
23 thousand persons and not in excess of nine hundred thousand
24 persons.

25 167.225. 1. As used in this section, the following terms
26 mean:

27 (1) ["Blind persons", individuals who:

28 (a) Have a visual acuity of 20/200 or less in the better
29 eye with conventional correction, or have a limited field of

vision such that the widest diameter of the visual field subtends an angular distance not greater than twenty degrees; or

(b) Have a reasonable expectation of visual deterioration; or

(c) Cannot read printed material at a competitive rate of speed and with facility due to lack of visual acuity;]

"Assessment", the National Reading Media Assessment or another research-based, assessment or series of research-based, assessments authorized under the Individuals with Disabilities Education Act that determines a student's reading and writing skills, needs, and appropriate reading and writing media, both now and in the future, and addresses the student's academic and functional strengths, deficits, and future needs;

(2) "Braille", the system of reading and writing through touch [commonly known as standard English braille];

(3) "Student", any student who [is blind or any student eligible for special education services for visually impaired as defined in P.L. 94-142] has an impairment in vision that, even with correction, adversely affects a child's educational performance and who is determined eligible for special education services under the Individuals with Disabilities Education Act.

2. All students [may] shall receive instruction in braille reading and writing as part of their individualized education plan unless, as a result of an assessment, instruction in braille or the use of braille is determined not appropriate for the student. No student shall be denied the opportunity of instruction in braille reading and writing solely because the student has some remaining vision.

3. Instruction in braille reading and writing shall be

1 sufficient to enable each student to communicate effectively and
2 efficiently at a level commensurate with his sighted peers of
3 comparable grade level and intellectual functioning. The
4 student's individualized education plan shall specify:

5 (1) How braille will be implemented as the primary mode for
6 learning through integration with normal classroom activities.

7 If braille will not be provided to a child who is blind, the
8 reason for not incorporating it in the individualized education
9 plan shall be documented therein;

10 (2) The date on which braille instruction will commence;

11 (3) The level of competency in braille reading and writing
12 to be achieved by the end of the period covered by the
13 individualized education plan; and

14 (4) The duration of each session.

15 4. As part of the certification process, teachers certified
16 in the education of blind and visually impaired children shall be
17 required to demonstrate competence in reading and writing
18 braille. The department of elementary and secondary education
19 shall adopt assessment procedures to assess such competencies
20 which are consistent with standards adopted by the National
21 Library Service for the Blind and Physically Handicapped, Library
22 of Congress, Washington, D. C.

23 167.241. 1. Except as otherwise provided under this
24 section, transportation for pupils whose tuition the district of
25 residence is required to pay by section 167.131 or who are
26 assigned as provided in section 167.121 shall be provided by the
27 district of residence[; however,]_.

28 2. In the case of pupils covered by section 167.131, the
29 district of residence shall be required to provide transportation

1 only to [approved charter schools as defined in section 167.131,]
2 school districts accredited by the state board of education
3 pursuant to the authority of the state board of education to
4 classify schools as established in section 161.092, and those
5 school districts designated by the board of education of the
6 district of residence.

7 3. (1) For purposes of this subsection, "approved charter
8 school" has the same meaning given to the term under section
9 167.826.

10 (2) For pupils covered by section 167.826, the district of
11 residence shall be required to provide transportation only to
12 school districts or approved charter schools designated by the
13 department of elementary and secondary education or its designee.
14 For pupils covered by section 167.826, the department of
15 elementary and secondary education or its designee shall
16 designate at least one accredited district or approved charter
17 school to which the district of residence shall provide
18 transportation. If the designated district or charter school
19 reaches full student capacity and is unable to receive additional
20 students, the department of elementary and secondary education or
21 its designee shall designate at least one additional accredited
22 district or approved charter school to which the district of
23 residence shall provide transportation.

24 167.266. 1. Beginning with the 2018-19 school year, the
25 board of education of a school district or a charter school that
26 is a local educational agency may establish an academic and
27 career counseling program in cooperation with parents and the
28 local community that is in the best interest of and meets the
29 needs of students in the community. School districts and local

1 educational agencies may use the Missouri comprehensive guidance
2 and counseling program as a resource for the development of a
3 district's or local educational agency's program. The department
4 of elementary and secondary education shall develop a process for
5 recognition of a school district's academic and career counseling
6 program established in cooperation with parents and the local
7 community no later than January 1, 2019.

8 2. The state board of education shall promulgate rules and
9 regulations for the implementation of this section. Any rule or
10 portion of a rule, as that term is defined in section 536.010,
11 that is created under the authority delegated in this section
12 shall become effective only if it complies with and is subject to
13 all of the provisions of chapter 536 and, if applicable, section
14 536.028. This section and chapter 536 are nonseverable, and if
15 any of the powers vested with the general assembly pursuant to
16 chapter 536 to review, to delay the effective date, or to
17 disapprove and annul a rule are subsequently held
18 unconstitutional, then the grant of rulemaking authority and any
19 rule proposed or adopted after August 28, 2018, shall be invalid
20 and void.

21 167.826. 1. For purposes of this section and section
22 167.827, the following terms mean:

23 (1) "Approved charter school", a charter school that has
24 existed for less than three years or a charter school with a
25 three-year average score consistent with a classification of
26 accredited without provisions on its annual performance report;

27 (2) "Attendance center", a public school building, public
28 school buildings, or part of a public school building that offers
29 education in a grade or grades not higher than the twelfth grade

1 and that constitutes one unit for accountability and reporting
2 purposes for the department of elementary and secondary
3 education;

4 (3) "Available receiving district", a school district able
5 to receive transfer students under this section;

6 (4) "Receiving district", a school district receiving
7 transfer students under this section;

8 (5) "Sending district", a school district from which
9 students are transferring to a receiving district or approved
10 charter school, as allowed under this section.

11 2. (1) Any student may transfer to another public school
12 in the student's district of residence if such student is
13 enrolled in and has attended, for the full semester immediately
14 prior to requesting the transfer, an attendance center:

15 (a) That is located within an unaccredited district; and

16 (b) That has an annual performance report score consistent
17 with a classification of unaccredited.

18
19 However, no such transfer shall result in a class size and
20 assigned enrollment in a receiving school that exceeds the
21 standards for class size and assigned enrollment as promulgated
22 in the Missouri school improvement program's resource standards.
23 If the student chooses to attend a magnet school, an academically
24 selective school, or a school with a competitive entrance process
25 within his or her district of residence that has admissions
26 requirements, the student shall meet the admissions requirements
27 in order to attend.

28 (2) The school board of each unaccredited district shall
29 determine the capacity at each of the district's attendance

1 centers that has an annual performance report score consistent
2 with a classification of accredited. The district's school board
3 shall be responsible for coordinating transfers within the
4 district as allowed under this subsection.

5 (3) The school board of each unaccredited district shall
6 annually report to the department of elementary and secondary
7 education or its designee the number of available slots in
8 attendance centers within the district that have annual
9 performance report scores consistent with a classification of
10 accredited, the number of students who request to transfer within
11 the district, and the number of such transfer requests that are
12 granted.

13 3. (1) Any student who is eligible to transfer within his
14 or her district under subsection 2 of this section but who is
15 unable to do so due to a lack of capacity in the attendance
16 centers in his or her district of residence may apply to the
17 department of elementary and secondary education or its designee
18 to transfer to:

19 (a) An attendance center:

20 a. That is located within an accredited district that is
21 located in the same or an adjoining county; and

22 b. That has an annual performance report score consistent
23 with a classification of accredited; or

24 (b) An approved charter school located in another district
25 in the same or an adjoining county.

26 (2) A student who is eligible to begin kindergarten or
27 first grade at an attendance center:

28 (a) That is located within an unaccredited district;

29 (b) That has an annual performance report score consistent

1 with a classification of unaccredited; and

2 (c) That offers classes above the second grade level

3
4 may apply to the department of elementary and secondary education
5 or its designee for a transfer to a school described under
6 paragraph (a) or (b) of subdivision (1) of this subsection if he
7 or she resides in the attendance area of the attendance center
8 described under this subdivision on March first preceding the
9 school year of first attendance. A student who does not apply by
10 March first for enrollment in any school year after the 2018-19
11 school year shall be required to enroll and attend the attendance
12 center described under this subdivision for one semester to
13 become eligible.

14 (3) If a student who is eligible to transfer under this
15 subsection chooses to apply to attend a magnet school, an
16 academically selective school, or a school with a competitive
17 entrance process that has admissions requirements, the student
18 shall furnish proof that he or she meets the admissions
19 requirements.

20 (4) Any student who does not maintain residency in the
21 attendance area of his or her attendance center in the district
22 of residence shall lose eligibility to transfer.

23 (5) Except as provided under subsection 7 of this section,
24 any student who transfers but later withdraws shall lose
25 eligibility to transfer.

26 (6) The transfer provisions of this subsection shall not
27 apply to a district created under sections 162.815 to 162.840 or
28 to any early childhood programs or early childhood special
29 education programs.

1 4. (1) No student enrolled in and attending an attendance
2 center that does not offer classes above the second grade level
3 shall be eligible to transfer under this section.

4 (2) No student who is eligible to begin kindergarten or
5 first grade at an attendance center that does not offer classes
6 above the second grade level shall be eligible to transfer under
7 this section.

8 5. (1) (a) No provisionally accredited district shall be
9 eligible to receive transfer students.

10 (b) Except as provided under paragraph (c) of this
11 subdivision, no attendance center that has an annual performance
12 report score consistent with a classification of provisionally
13 accredited shall be eligible to receive transfer students.

14 (c) A transfer student who chooses to attend an attendance
15 center that has an annual performance report score consistent
16 with a classification of provisionally accredited and that is
17 located within his or her unaccredited district of residence
18 shall be allowed to transfer to such attendance center if there
19 is an available slot.

20 (2) (a) No unaccredited district shall be eligible to
21 receive transfer students.

22 (b) No attendance center that has an annual performance
23 report score consistent with a classification of unaccredited
24 shall be eligible to receive transfer students.

25 (3) No district or attendance center that has received two
26 consecutive annual performance reports consistent with a
27 classification of provisionally accredited for the years
28 immediately preceding the year in which it seeks to enroll
29 transfer students shall be eligible to receive any transfer

1 students, irrespective of its state board of education
2 classification designation; except that, any student who was
3 granted a transfer to such a district or attendance center prior
4 to the effective date of this section may remain enrolled in that
5 district or attendance center.

6 6. Notwithstanding the provisions of subsection 5 of this
7 section, a student may transfer to an attendance center:

8 (1) That is located within an unaccredited or provisionally
9 accredited district; and

10 (2) That has an annual performance report score consistent
11 with a classification of accredited

12
13 if the attendance center applies for and is granted a waiver by
14 the department of elementary and secondary education or its
15 designee to allow the attendance center to accept transfer
16 students.

17 7. If a receiving district becomes unaccredited or
18 provisionally accredited, or if an approved charter school loses
19 its status as an approved charter school, any students who
20 previously transferred to the district or charter school shall
21 receive the opportunity to remain enrolled in the district or
22 charter school or to transfer to another district or approved
23 charter school without losing their eligibility to transfer.

24 8. For a receiving district, no acceptance of a transfer
25 student shall require any of the following actions, unless the
26 board of education of the receiving district has approved the
27 action:

28 (1) The hiring of additional classroom teachers; or

29 (2) The construction of additional classrooms.

1 9. (1) By July 15, 2018, the board of education of each
2 available receiving district and the governing board of each
3 approved charter school eligible to receive transfer students
4 under this section shall set the number of transfer students the
5 district or charter school is able to receive for the 2018-19
6 school year.

7 (2) By February first annually, the board of education of
8 each available receiving district and the governing board of each
9 approved charter school eligible to receive transfer students
10 under this section shall set the number of transfer students the
11 district or charter school is able to receive for the following
12 school year.

13 (3) An available receiving district or approved charter
14 school eligible to receive transfer students under this section
15 shall publish the number set under this subsection and shall not
16 be required to accept any transfer students under this section
17 that would cause it to exceed the published number.

18 10. (1) Each available receiving district shall adopt a
19 policy establishing a tuition rate for transfer students by
20 February first annually.

21 (2) Each approved charter school eligible to receive
22 transfer students under this section shall adopt a policy
23 establishing a tuition rate for transfer students by February
24 first annually.

25 (3) A sending district shall pay the receiving district or
26 the approved charter school the amount specified under section
27 167.132 for each transfer student.

28 11. If an unaccredited district becomes classified as
29 provisionally accredited or accredited without provisions by the

1 state board of education, or if an attendance center within an
2 unaccredited district improves its annual performance report
3 score from a score that is consistent with a classification of
4 unaccredited to a score that is consistent with a classification
5 of provisionally accredited or accredited, any resident student
6 of the unaccredited district who has transferred to an approved
7 charter school or to an accredited district in the same or an
8 adjoining county, as allowed under subsection 3 of this section,
9 shall be permitted to continue his or her educational program in
10 the receiving district or charter school through the completion
11 of middle school, junior high school, or high school, whichever
12 occurs first; except that, a student who attends any school
13 serving students through high school graduation but starting at
14 grades lower than ninth grade shall be permitted to complete high
15 school in the school to which he or she has transferred.

16 12. Notwithstanding the provisions of subsection 10 of this
17 section, if costs associated with the provision of special
18 education and related services to a student with a disability
19 exceed the tuition amount established under this section, the
20 unaccredited district shall remain responsible for paying the
21 excess cost to the receiving district. If the receiving district
22 is a component district of a special school district, the
23 unaccredited district, including any metropolitan school
24 district, shall contract with the special school district for the
25 entirety of the costs to provide special education and related
26 services, excluding transportation in accordance with this
27 section. The special school district may contract with an
28 unaccredited district, including any metropolitan district, for
29 the provision of transportation of a student with a disability or

1 the unaccredited district may provide transportation on its own.

2 13. A special school district shall continue to provide
3 special education and related services, with the exception of
4 transportation under this section, to a student with a disability
5 transferring from an attendance center with an annual performance
6 report score consistent with a classification of unaccredited
7 that is within a component district to an attendance center with
8 an annual performance report score consistent with a
9 classification of accredited that is within the same or a
10 different component district within the special school district.

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

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

28 16. If a seven-director school district or urban school
29 district is classified as unaccredited, it may contract with a

1 receiving district that is not part of a special school district
2 in the same or an adjoining county for the reimbursement of
3 special education and related services under sections 162.705 and
4 162.710 provided by the receiving district for transfer students
5 who are residents of the unaccredited district.

6 167.827. 1. (1) By July 15, 2018, and by January first
7 annually, each accredited district, any portion of which is
8 located in the same county as or in an adjoining county to an
9 unaccredited district, shall report to the department of
10 elementary and secondary education or its designee the number of
11 available enrollment slots by grade level.

12 (2) By July 15, 2018, and by January first annually, each
13 unaccredited district shall report to the department of
14 elementary and secondary education or its designee the number of
15 available enrollment slots in the schools of its district that
16 have received annual performance report scores consistent with a
17 classification of accredited.

18 (3) By July 15, 2018, and by January first annually, each
19 approved charter school that is eligible to receive transfer
20 students under section 167.826 shall report to the department of
21 elementary and secondary education or its designee the number of
22 available enrollment slots.

23 2. The department of elementary and secondary education or
24 its designee shall make information and assistance available to
25 parents or guardians who intend to transfer their child to an
26 accredited district or to an approved charter school as described
27 under section 167.826.

28 3. The parent or guardian of a student who intends to
29 transfer his or her child to an accredited district or to an

1 approved charter school as described under section 167.826 for
2 enrollment in that district or charter school in any school year
3 after the 2018-19 school year shall send initial notification to
4 the department of elementary and secondary education or its
5 designee by March first for enrollment in the subsequent school
6 year.

7 4. The department of elementary and secondary education or
8 its designee shall assign those students who seek to transfer to
9 an accredited district or to an approved charter school as
10 described under section 167.826. When assigning transfer
11 students to approved charter schools, the department of
12 elementary and secondary education or its designee shall
13 coordinate with each approved charter school and its admissions
14 process if capacity is insufficient to enroll all students who
15 submit a timely application. An approved charter school shall
16 not be required to institute a lottery procedure for determining
17 the admission of resident students. The department of elementary
18 and secondary education or its designee shall give first priority
19 to students who live in the same household with any family member
20 within the first or second degree of consanguinity or affinity
21 who already attends a school with an annual performance report
22 score consistent with a classification of accredited and who
23 apply to attend the same school. If insufficient grade-
24 appropriate enrollment slots are available for a student to be
25 able to transfer, the student shall receive first priority the
26 following school year. The department of elementary and
27 secondary education or its designee shall consider the following
28 factors in assigning schools, with the student's or parent's
29 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;
- (3) The availability of transportation funding, as provided under section 167.241; and
- (4) Distance and travel time to a receiving school.

The department of elementary and secondary education or its designee shall not consider student academic performance, free and reduced price lunch status, or athletic ability in assigning a student to a school.

5. (1) The department of elementary and secondary education or its designee 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 an employee of the department of elementary and secondary education or its designee.

(2) The department of elementary and secondary education shall promulgate rules to provide common standards for determining disruptive behavior that shall include, but not be limited to, criteria under section 160.261. Any rule or portion of a rule, as that term is defined in section 536.010, that is

1 created under the authority delegated in this section shall
2 become effective only if it complies with and is subject to all
3 of the provisions of chapter 536 and, if applicable, section
4 536.028. This section and chapter 536 are nonseverable, and if
5 any of the powers vested with the general assembly pursuant to
6 chapter 536 to review, to delay the effective date, or to
7 disapprove and annul a rule are subsequently held
8 unconstitutional, then the grant of rulemaking authority and any
9 rule proposed or adopted after the effective date of this section
10 shall be invalid and void.

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

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

1 date of this section shall be invalid and void.

2 168.133. 1. The school district shall ensure that a
3 criminal background check is conducted on any person employed
4 after January 1, 2005, authorized to have contact with pupils and
5 prior to the individual having contact with any pupil. Such
6 persons include, but are not limited to, administrators,
7 teachers, aides, paraprofessionals, assistants, secretaries,
8 custodians, cooks, and nurses. The school district shall also
9 ensure that a criminal background check is conducted for school
10 bus drivers. The district may allow such drivers to operate
11 buses pending the result of the criminal background check. For
12 bus drivers, the school district shall be responsible for
13 conducting the criminal background check on drivers employed by
14 the school district. For drivers employed by a pupil
15 transportation company, a municipality, or any other entity under
16 contract with the school district, the criminal background check
17 shall be conducted pursuant to section 43.540 and conform to the
18 requirements established in the National Child Protection Act of
19 1993, as amended by the Volunteers for Children Act. Personnel
20 who have successfully undergone a criminal background check and a
21 check of the family care safety registry as part of the
22 professional license application process under section 168.021
23 and who have received clearance on the checks within one prior
24 year of employment shall be considered to have completed the
25 background check requirement. A criminal background check under
26 this section shall include a search of any information publicly
27 available in an electronic format through a public index or
28 single case display.

29 2. In order to facilitate the criminal history background

1 check, the applicant shall submit a set of fingerprints collected
2 pursuant to standards determined by the Missouri highway patrol.
3 The fingerprints shall be used by the highway patrol to search
4 the criminal history repository and shall be forwarded to the
5 Federal Bureau of Investigation for searching the federal
6 criminal history files.

7 3. The applicant shall pay the fee for the state criminal
8 history record information pursuant to section 43.530 and
9 sections 210.900 to 210.936 and pay the appropriate fee
10 determined by the Federal Bureau of Investigation for the federal
11 criminal history record when he or she applies for a position
12 authorized to have contact with pupils pursuant to this section.
13 The department shall distribute the fees collected for the state
14 and federal criminal histories to the Missouri highway patrol.

15 4. The department of elementary and secondary education
16 shall facilitate an annual check of employed persons holding
17 current active certificates under section 168.021 against
18 criminal history records in the central repository under section
19 43.530, the sexual offender registry under sections 589.400 to
20 589.475, and child abuse central registry under sections 210.109
21 to 210.183. The department of elementary and secondary education
22 shall facilitate procedures for school districts to submit
23 personnel information annually for persons employed by the school
24 districts who do not hold a current valid certificate who are
25 required by subsection 1 of this section to undergo a criminal
26 background check, sexual offender registry check, and child abuse
27 central registry check. The Missouri state highway patrol shall
28 provide ongoing electronic updates to criminal history background
29 checks of those persons previously submitted, both those who have

1 an active certificate and those who do not have an active
2 certificate, by the department of elementary and secondary
3 education. This shall fulfill the annual check against the
4 criminal history records in the central repository under section
5 43.530.

6 5. The school district may adopt a policy to provide for
7 reimbursement of expenses incurred by an employee for state and
8 federal criminal history information pursuant to section 43.530.

9 6. If, as a result of the criminal history background check
10 mandated by this section, it is determined that the holder of a
11 certificate issued pursuant to section 168.021 has pled guilty or
12 nolo contendere to, or been found guilty of a crime or offense
13 listed in section 168.071, or a similar crime or offense
14 committed in another state, the United States, or any other
15 country, regardless of imposition of sentence, such information
16 shall be reported to the department of elementary and secondary
17 education.

18 7. Any school official making a report to the department of
19 elementary and secondary education in conformity with this
20 section shall not be subject to civil liability for such action.

21 8. For any teacher who is employed by a school district on
22 a substitute or part-time basis within one year of such teacher's
23 retirement from a Missouri school, the state of Missouri shall
24 not require such teacher to be subject to any additional
25 background checks prior to having contact with pupils. Nothing
26 in this subsection shall be construed as prohibiting or otherwise
27 restricting a school district from requiring additional
28 background checks for such teachers employed by the school
29 district.

1 9. A criminal background check and fingerprint collection
2 conducted under subsections 1 and 2 of this section shall be
3 valid for at least a period of one year and transferrable from
4 one school district to another district. A school district may,
5 in its discretion, conduct a new criminal background check and
6 fingerprint collection under subsections 1 and 2 for a newly
7 hired employee at the district's expense. A teacher's change in
8 type of certification shall have no effect on the transferability
9 or validity of such records.

10 10. Nothing in this section shall be construed to alter the
11 standards for suspension, denial, or revocation of a certificate
12 issued pursuant to this chapter.

13 11. The state board of education may promulgate rules for
14 criminal history background checks made pursuant to this section.
15 Any rule or portion of a rule, as that term is defined in section
16 536.010, that is created under the authority delegated in this
17 section shall become effective only if it complies with and is
18 subject to all of the provisions of chapter 536 and, if
19 applicable, section 536.028. This section and chapter 536 are
20 nonseverable and if any of the powers vested with the general
21 assembly pursuant to chapter 536 to review, to delay the
22 effective date, or to disapprove and annul a rule are
23 subsequently held unconstitutional, then the grant of rulemaking
24 authority and any rule proposed or adopted after January 1, 2005,
25 shall be invalid and void.

26 171.031. 1. Each school board shall prepare annually a
27 calendar for the school term, specifying the opening date, days
28 of planned attendance, and providing a minimum term of at least
29 one hundred seventy-four days for schools with a five-day school

1 week or one hundred forty-two days for schools with a four-day
2 school week, and one thousand forty-four hours of actual pupil
3 attendance. In school year 2018-19 and subsequent years, one
4 thousand forty-four hours of actual pupil attendance shall be
5 required for the school term. In addition, such calendar shall
6 include six make-up days for possible loss of attendance due to
7 inclement weather as defined in subsection 1 of section 171.033.
8 In school year 2018-19 and subsequent years, such calendar shall
9 include thirty-six make-up hours for possible loss of attendance
10 due to inclement weather, as defined in subsection 1 of section
11 171.033, with no minimum number of make-up days.

12 2. Each local school district may set its opening date each
13 year, which date shall be no earlier than ten calendar days prior
14 to the first Monday in September. No public school district
15 shall select an earlier start date unless, for school years
16 before school year 2018-19, the district follows the procedure
17 set forth in subsection 3 of this section. The procedure set
18 forth in subsection 3 of this section shall be unavailable to
19 school districts in preparing their calendars for school year
20 2018-19 and for subsequent years.

21 3. For calendars for school years before school year 2018-
22 19, a district may set an opening date that is more than ten
23 calendar days prior to the first Monday in September only if the
24 local school board first gives public notice of a public meeting
25 to discuss the proposal of opening school on a date more than ten
26 days prior to the first Monday in September, and the local school
27 board holds said meeting and, at the same public meeting, a
28 majority of the board votes to allow an earlier opening date. If
29 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 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.]

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

2. (1) A district shall be required to make up the first

1 six days of school lost or cancelled due to inclement weather and
2 half the number of days lost or cancelled in excess of six days
3 if the makeup of the days is necessary to ensure that the
4 district's students will attend a minimum of one hundred
5 forty-two days and a minimum of one thousand forty-four hours for
6 the school year except as otherwise provided in this section.
7 Schools with a four-day school week may schedule such make-up
8 days on Fridays.

9 (2) Notwithstanding subdivision (1) of this subsection, in
10 school year 2018-19 and subsequent years, a district shall be
11 required to make up the first thirty-six hours of school lost or
12 cancelled due to inclement weather and half the number of hours
13 lost or cancelled in excess of thirty-six if the makeup of the
14 hours is necessary to ensure that the district's students attend
15 a minimum of one thousand forty-four hours for the school year,
16 except as otherwise provided under subsections 3 and 4 of this
17 section.

18 3. (1) In the 2009-10 school year and subsequent years, a
19 school district may be exempt from the requirement to make up
20 days of school lost or cancelled due to inclement weather in the
21 school district when the school district has made up the six days
22 required under subsection 2 of this section and half the number
23 of additional lost or cancelled days up to eight days, resulting
24 in no more than ten total make-up days required by this section.

25 (2) In school year 2018-19 and subsequent years, a school
26 district may be exempt from the requirement to make up school
27 lost or cancelled due to inclement weather in the school district
28 when the school district has made up the thirty-six hours
29 required under subsection 2 of this section and half the number

1 of additional lost or cancelled hours up to forty-eight,
2 resulting in no more than sixty total make-up hours required by
3 this section.

4 4. The commissioner of education may provide, for any
5 school district [in which schools are in session for twelve
6 months of each calendar year] that cannot meet the minimum school
7 calendar requirement of at least one hundred seventy-four days
8 for schools with a five-day school week or one hundred forty-two
9 days for schools with a four-day school week and one thousand
10 forty-four hours of actual pupil attendance or, in school year
11 2018-19 and subsequent years, one thousand forty-four hours of
12 actual pupil attendance, upon request, a waiver to be excused
13 from such requirement. This waiver shall be requested from the
14 commissioner of education and may be granted if the school was
15 closed due to circumstances beyond school district control,
16 including inclement weather, flooding or fire.

17 304.060. 1. The state board of education shall adopt and
18 enforce regulations not inconsistent with law to cover the design
19 and operation of all school buses used for the transportation of
20 school children when owned and operated by any school district or
21 privately owned and operated under contract with any school
22 district in this state, and such regulations shall by reference
23 be made a part of any such contract with a school district. The
24 state board of education may adopt rules and regulations
25 governing the use of other vehicles owned by a district or
26 operated under contract with any school district in this state
27 and used for the purpose of transporting school children. The
28 operator of such vehicle shall be licensed in accordance with
29 section 302.272, and such vehicle shall transport no more

1 children than the manufacturer suggests as appropriate for such
2 vehicle. The state board of education may also adopt rules and
3 regulations governing the use of authorized common carriers for
4 the transportation of students on field trips or other special
5 trips for educational purposes. Every school district, its
6 officers and employees, and every person employed under contract
7 by a school district shall be subject to such regulations. The
8 state board of education shall cooperate with the state
9 transportation department and the state highway patrol in placing
10 suitable warning signs at intervals on the highways of the state.

11 2. Notwithstanding the provisions of subsection 1 of this
12 section, any school board in the state of Missouri may contract
13 with any municipality for the purpose of transporting school
14 children. Municipalities entering into any such contract shall
15 comply with the requirements of this section and sections
16 162.064, 162.065, 168.133, and 307.375.

17 3. Any officer or employee of any school district who
18 violates any of the regulations or fails to include obligation to
19 comply with such regulations in any contract executed by him on
20 behalf of a school district shall be guilty of misconduct and
21 subject to removal from office or employment. Any person
22 operating a school bus under contract with a school district who
23 fails to comply with any such regulations shall be guilty of
24 breach of contract and such contract shall be cancelled after
25 notice and hearing by the responsible officers of such school
26 district.

27 **[3.]** 4. Any other provision of the law to the contrary
28 notwithstanding, in any county of the first class with a charter
29 form of government adjoining a city not within a county, school

buses may bear the word "special".

[171.029. 1. The school board of any school district in the state, upon adoption of a resolution by the vote of a majority of all its members to authorize such action, may establish a four-day school week or other calendar consisting of less than one hundred seventy-four days in lieu of a five-day school week. Upon adoption of a four-day school week or other calendar consisting of less than one hundred seventy-four days, the school shall file a calendar with the department of elementary and secondary education in accordance with section 171.031. Such calendar shall include, but not be limited to, a minimum term of one hundred forty-two days and one thousand forty-four hours of actual pupil attendance.

2. If a school district that attends less than one hundred seventy-four days meets at least two fewer performance standards on two successive annual performance reports than it met on its last annual performance report received prior to implementing a calendar year of less than one hundred seventy-four days, it shall be required to revert to a one hundred seventy-four-day school year in the school year following the report of the drop in the number of performance standards met. When the number of performance standards met reaches the earlier number, the district may return to the four-day week or other calendar consisting of less than one hundred seventy-four days in the next school year.]; and

Further amend said bill, page 20, section B, line 6 of said page, by inserting after "Section B." the following: "The enactment of sections 135.712, 135.713, 135.714, 135.716, 135.719, 160.840, 166.700, 166.705, 166.710, 166.715, 166.720, 166.725, and 167.125 of"; and further amend line 15 of said page, by inserting after all of said line the following:

"Section C. Because of the importance of improving and sustaining Missouri's elementary and secondary education system and establishing standards for student transfers to school districts, the repeal and reenactment of sections 160.011, 160.410, 160.415, 162.081, 167.131, 167.151, and 167.241, and the enactment of sections 162.1310, 167.132, 167.826, 167.827, and

1 167.890 of this act are deemed necessary for the immediate
2 preservation of the public health, welfare, peace, and safety,
3 and are hereby declared to be an emergency act within the meaning
4 of the constitution, and the repeal and reenactment of sections
5 160.011, 160.410, 160.415, 162.081, 167.131, 167.151, and
6 167.241, and the enactment of sections 162.1310, 167.132,
7 167.826, 167.827, and 167.890 of this act shall be in full force
8 and effect on July 1, 2018, or upon its passage and approval,
9 whichever occurs later.

10 Section D. The repeal of section 171.029 of this act shall
11 become effective July 1, 2019."; and

12 Further amend the title and enacting clause accordingly.