

FIRST REGULAR SESSION

SENATE BILL NO. 25

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SIFTON.

Pre-filed December 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0556S.011

AN ACT

To repeal sections 160.410, 160.415, 162.081, 163.018, 167.131, 167.151, and 167.241, RSMo, and to enact in lieu thereof twelve new sections relating to elementary and secondary education, with an emergency clause for certain sections.

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

Section A. Sections 160.410, 160.415, 162.081, 163.018, 167.131, 167.151, 2 and 167.241, RSMo, are repealed and twelve new sections enacted in lieu thereof, 3 to be known as sections 160.410, 160.415, 162.081, 162.1323, 163.018, 167.131, 4 167.132, 167.151, 167.241, 167.890, 167.895, and 167.898, to read as follows:

160.410. 1. A charter school shall enroll:

- 2 (1) All pupils resident in the district in which it operates;
- 3 (2) Nonresident pupils eligible to attend a district's school under an urban
4 voluntary transfer program;
- 5 (3) Nonresident pupils who transfer from an unaccredited district under
6 section [167.131] **167.895**, provided that the charter school is an approved
7 charter school, as defined in section [167.131] **167.895**, and subject to all other
8 provisions of section [167.131] **167.895**;
- 9 (4) In the case of a charter school whose mission includes student drop-out
10 prevention or recovery, any nonresident pupil from the same or an adjacent
11 county who resides in a residential care facility, a transitional living group home,
12 or an independent living program whose last school of enrollment is in the school
13 district where the charter school is established, who submits a timely application;
14 and
- 15 (5) In the case of a workplace charter school, any student eligible to
16 attend under subdivision (1) or (2) of this subsection whose parent is employed

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

17 in the business district, who submits a timely application, unless the number of
18 applications exceeds the capacity of a program, class, grade level or building. The
19 configuration of a business district shall be set forth in the charter and shall not
20 be construed to create an undue advantage for a single employer or small number
21 of employers.

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

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

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

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

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

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

- 53 (1) The school's charter;
- 54 (2) The school's most recent annual report card published according to
55 section 160.522;
- 56 (3) The results of background checks on the charter school's board
57 members; and
- 58 (4) If a charter school is operated by a management company, a copy of
59 the written contract between the governing board of the charter school and the
60 educational management organization or the charter management organization
61 for services. The charter school may charge reasonable fees, not to exceed the
62 rate specified in section 610.026 for furnishing copies of documents under this
63 subsection.
- 64 5. When a student attending a charter school who is a resident of the
65 school district in which the charter school is located moves out of the boundaries
66 of such school district, the student may complete the current semester and shall
67 be considered a resident student. The student's parent or legal guardian shall
68 be responsible for the student's transportation to and from the charter school.
- 69 6. If a change in school district boundary lines occurs under section
70 162.223, 162.431, 162.441, or 162.451, or by action of the state board of education
71 under section 162.081, including attachment of a school district's territory to
72 another district or dissolution, such that a student attending a charter school
73 prior to such change no longer resides in a school district in which the charter
74 school is located, then the student may complete the current academic year at the
75 charter school. The student shall be considered a resident student. The student's
76 parent or legal guardian shall be responsible for the student's transportation to
77 and from the charter school.
- 78 7. The provisions of sections 167.018 and 167.019 concerning foster
79 children's educational rights are applicable to charter schools.

160.415. 1. For the purposes of calculation and distribution of state
2 school aid under section 163.031, pupils enrolled in a charter school shall be
3 included in the pupil enrollment of the school district within which each pupil
4 resides. Each charter school shall report the names, addresses, and eligibility for
5 free and reduced price lunch, special education, or limited English proficiency
6 status, as well as eligibility for categorical aid, of pupils resident in a school
7 district who are enrolled in the charter school to the school district in which those
8 pupils reside. The charter school shall report the average daily attendance data,
9 free and reduced price lunch count, special education pupil count, and limited

10 English proficiency pupil count to the state department of elementary and
11 secondary education. Each charter school shall promptly notify the state
12 department of elementary and secondary education and the pupil's school district
13 when a student discontinues enrollment at a charter school.

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

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

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

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

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

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

37 3. A workplace charter school shall receive payment for each eligible pupil
38 as provided under subsection 2 of this section, except that if the student is not a
39 resident of the district and is participating in a voluntary interdistrict transfer
40 program, the payment for such pupils shall be the same as provided under section
41 162.1060.

42 4. A charter school that has declared itself as a local educational agency
43 shall receive from the department of elementary and secondary education an
44 annual amount equal to the product of the charter school's weighted average daily
45 attendance and the state adequacy target, multiplied by the dollar value modifier

46 for the district, plus local tax revenues per weighted average daily attendance
47 from the incidental and teachers funds in excess of the performance levy as
48 defined in section 163.011 plus all other state aid attributable to such pupils. If
49 a charter school declares itself as a local educational agency, the department of
50 elementary and secondary education shall, upon notice of the declaration, reduce
51 the payment made to the school district by the amount specified in this
52 subsection and pay directly to the charter school the annual amount reduced from
53 the school district's payment.

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

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

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

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

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

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

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

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

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

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

106 9. A charter school shall be eligible for transportation state aid pursuant
107 to section 163.161 and shall be free to contract with the local district, or any
108 other entity, for the provision of transportation to the students of the charter
109 school.

110 10. (1) The proportionate share of state and federal resources generated
111 by students with disabilities or staff serving them shall be paid in full to charter
112 schools enrolling those students by their school district where such enrollment is
113 through a contract for services described in this section. The proportionate share
114 of money generated under other federal or state categorical aid programs shall
115 be directed to charter schools serving such students eligible for that aid.

116 (2) A charter school shall provide the special services provided pursuant
117 to section 162.705 and may provide the special services pursuant to a contract

118 with a school district or any provider of such services.

119 11. A charter school may not charge tuition or impose fees that a school
120 district is prohibited from charging or imposing, except that a charter school may
121 receive tuition payments from districts in the same or an adjoining county for
122 nonresident students who transfer to an approved charter school, as defined in
123 section [167.131] **167.895**, from an unaccredited district.

124 12. A charter school is authorized to incur debt in anticipation of receipt
125 of funds. A charter school may also borrow to finance facilities and other capital
126 items. A school district may incur bonded indebtedness or take other measures
127 to provide for physical facilities and other capital items for charter schools that
128 it sponsors or contracts with. Except as otherwise specifically provided in
129 sections 160.400 to 160.425, upon the dissolution of a charter school, any
130 liabilities of the corporation will be satisfied through the procedures of chapter
131 355. A charter school shall satisfy all its financial obligations within twelve
132 months of notice from the sponsor of the charter school's closure under subsection
133 8 of section 160.405. After satisfaction of all its financial obligations, a charter
134 school shall return any remaining state and federal funds to the department of
135 elementary and secondary education for disposition as stated in subdivision (17)
136 of subsection 1 of section 160.405. The department of elementary and secondary
137 education may withhold funding at a level the department determines to be
138 adequate during a school's last year of operation until the department determines
139 that school records, liabilities, and reporting requirements, including a full audit,
140 are satisfied.

141 13. Charter schools shall not have the power to acquire property by
142 eminent domain.

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

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

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

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

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

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

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

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

29 (a) Appoint a special administrative board for the operation of all or part
30 of the district. **If a special administrative board is appointed for the**
31 **operation of a part of a school district, the state board of education**
32 **shall determine an equitable apportionment of state and federal aid for**
33 **the part of the district and the school district shall provide local**
34 **revenue in proportion to the weighted average daily attendance of the**
35 **part.** The number of members of the special administrative board shall not be
36 less than five, the majority of whom shall be residents of the district. The
37 members of the special administrative board shall reflect the population
38 characteristics of the district and shall collectively possess strong experience in
39 school governance, management and finance, and leadership. **The state board**
40 **of education may appoint members of the district's elected school board**
41 **to the special administrative board, but members of the elected school**
42 **board shall not comprise more than forty-nine percent of the special**

43 **administrative board's membership.** Within fourteen days after the
44 appointment by the state board of education, the special administrative board
45 shall organize by the election of a president, vice president, secretary and a
46 treasurer, with their duties and organization as enumerated in section
47 162.301. The special administrative board shall appoint a superintendent of
48 schools to serve as the chief executive officer of the school district, **or a subset**
49 **of schools,** and to have all powers and duties of any other general
50 superintendent of schools in a seven-director school district. Any special
51 administrative board appointed under this section shall be responsible for the
52 operation of the district **or part of the district** until such time that the district
53 is classified by the state board of education as provisionally accredited for at least
54 two successive academic years, after which time the state board of education may
55 provide for a transition pursuant to section 162.083; or

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

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

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

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

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

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

72 (d) Establish one or more school districts within the territory of the lapsed
73 district, with a governance structure specified by the state board of education,
74 with the option of permitting a district to remain intact for the purposes of
75 assessing, collecting, and distributing property taxes, to be distributed equitably
76 on a weighted average daily attendance basis, but to be divided for operational
77 purposes, which shall take effect sixty days after the adjournment of the regular
78 session of the general assembly next following the state board's decision unless

79 a statute or concurrent resolution is enacted to nullify the state board's decision
80 prior to such effective date.

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

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

115 hereafter exist benefitting boards of education, their members and their
116 employees shall be available to the special administrative board[, its] **or any**
117 **other form of governance appointed under this section and the** members
118 and employees **of the special administrative board or any other form of**
119 **governance appointed under this section** members and employees.

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

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

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

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

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

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

143 10. The provisions of subsection 9 of this section shall not apply
144 to any district solely on the basis of financial difficulty resulting from
145 paying tuition and providing transportation for transfer students under
146 sections 167.895 and 167.898.

162.1323. 1. For purposes of this section, "attendance center"
2 means a public school building, public school buildings, or part of a
3 public school building that offers education in a grade or grades not
4 higher than the twelfth grade and that constitutes one unit for

5 **accountability and reporting purposes for the department of**
6 **elementary and secondary education.**

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

13 **(2) If the state board of education classifies any district as**
14 **unaccredited, the district shall notify the parent or guardian of any**
15 **student enrolled in the unaccredited district of the loss of accreditation**
16 **within fourteen business days.**

17 **3. The district's notice shall include an explanation of which**
18 **students may be eligible to transfer, the transfer process under sections**
19 **167.895 and 167.898, and any services students may be entitled to**
20 **receive. The district's notice shall be written in a clear, concise, and**
21 **easy-to-understand manner.**

22 **4. (1) If the notice concerns an attendance center's annual**
23 **performance report scores, the district shall post the notice in a**
24 **conspicuous and accessible place in the attendance center.**

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

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

163.018. 1. (1) Notwithstanding the definition of "average daily
2 attendance" in subdivision (2) of section 163.011 to the contrary, pupils between
3 the ages of three and five who are eligible for free and reduced price lunch and
4 attend an early childhood education program:

5 **(a) That is operated by and in a district or by a charter school that has**
6 **declared itself as a local educational agency providing full-day kindergarten and**
7 **that meets standards established by the state board of education; or**

8 **(b) That is under contract with a district or charter school that**
9 **has declared itself as a local educational agency and that meets**
10 **standards established by the state board of education;**

11 shall be included in the district's or charter school's calculation of average daily
12 attendance. The total number of such pupils included in the district's or charter

13 school's calculation of average daily attendance shall not exceed four percent of
14 the total number of pupils who are eligible for free and reduced price lunch
15 between the ages of five and eighteen who are included in the district's or charter
16 school's calculation of average daily attendance.

17 (2) If a pupil described under subdivision (1) of this subsection leaves an
18 early childhood education program during the school year, a district or charter
19 school shall be allowed to fill the vacant enrollment spot with another pupil
20 between the ages of three and five who is eligible for free and reduced price lunch
21 without affecting the district's or charter school's calculation of average daily
22 attendance.

23 2. This section shall not require school attendance beyond that mandated
24 under section 167.031 and shall not change or amend the provisions of sections
25 160.051, 160.053, 160.054, and 160.055 relating to kindergarten attendance.

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

11 2. The rate of tuition to be charged by the district attended and paid by
12 the sending district is the per pupil cost of maintaining the district's grade level
13 grouping which includes the school attended. [The rate of tuition to be charged
14 by the approved charter school attended and paid by the sending district is the
15 per pupil cost of maintaining the approved charter school's grade level
16 grouping. For a district,] The cost of maintaining a grade level grouping shall be
17 determined by the board of education of the district but in no case shall it exceed
18 all amounts spent for teachers' wages, incidental purposes, debt service,
19 maintenance and replacements. [For an approved charter school, the cost of
20 maintaining a grade level grouping shall be determined by the approved charter
21 school but in no case shall it exceed all amounts spent by the district in which the
22 approved charter school is located for teachers' wages, incidental purposes, debt
23 service, maintenance, and replacements.] The term "debt service", as used in this

24 section, means expenditures for the retirement of bonded indebtedness and
25 expenditures for interest on bonded indebtedness. Per pupil cost of the grade
26 level grouping shall be determined by dividing the cost of maintaining the grade
27 level grouping by the average daily pupil attendance. If there is disagreement as
28 to the amount of tuition to be paid, the facts shall be submitted to the state board
29 of education, and its decision in the matter shall be final. Subject to the
30 limitations of this section, each pupil shall be free to attend the public school of
31 his or her choice.

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

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

3 **(1) "Receiving approved charter school", an approved charter**
4 **school, as defined under section 167.895, receiving transfer students**
5 **under section 167.895;**

6 **(2) "Receiving district", a school district receiving transfer**
7 **students under section 167.895;**

8 **(3) "Sending district", a school district from which students are**
9 **transferring to a receiving district or approved charter school, as**
10 **allowed under section 167.895;**

11 **(4) "State adequacy target", the same meaning given to the term**
12 **under section 163.011.**

13 **2. Notwithstanding any other provision of law, the tuition rate**
14 **paid by a sending district to the receiving district or the receiving**
15 **approved charter school for transfer students shall be the lesser of:**

16 **(1) The tuition rate set by the receiving district or the receiving**
17 **approved charter school under the policy adopted in accordance with**
18 **section 167.895; or**

19 **(2) The state adequacy target plus the average sum produced per**
20 **child by the local tax effort above the state adequacy target of the**
21 **sending district.**

167.151. 1. The school board of any district, in its discretion, may admit
2 to the school pupils not entitled to free instruction and prescribe the tuition fee
3 to be paid by them, except as provided in sections 167.121 [and], 167.131,

4 **167.132, and 167.895.**

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

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

22 4. Any owner of agricultural land who, pursuant to subsection 3 of this
23 section, has the option of sending his children to the public schools of more than
24 one district shall exercise such option as provided in this subsection. Such person
25 shall send written notice to all school districts involved specifying to which school
26 district his children will attend by June thirtieth in which such a school year
27 begins. If notification is not received, such children shall attend the school in
28 which the majority of his property lies. Such person shall not send any of his
29 children to the public schools of any district other than the one to which he has
30 sent notice pursuant to this subsection in that school year or in which the
31 majority of his property lies without paying tuition to such school district.

32 5. If a pupil is attending school in a district other than the district of
33 residence and the pupil's parent is teaching in the school district or is a regular
34 employee of the school district which the pupil is attending, then the district in
35 which the pupil attends school shall allow the pupil to attend school upon
36 payment of tuition in the same manner in which the district allows other pupils
37 not entitled to free instruction to attend school in the district. The provisions of
38 this subsection shall apply only to pupils attending school in a district which has
39 an enrollment in excess of thirteen thousand pupils and not in excess of fifteen

40 thousand pupils and which district is located in a county of the first classification
41 with a charter form of government which has a population in excess of six
42 hundred thousand persons and not in excess of nine hundred thousand persons.

167.241. 1. **Except as otherwise provided under this section,**
2 transportation for pupils whose tuition the district of residence is required to pay
3 by section 167.131 or who are assigned as provided in section 167.121 shall be
4 provided by the district of residence[; however,].

5 2. In the case of pupils covered by section 167.131, the district of
6 residence shall be required to provide transportation only to [approved charter
7 schools as defined in section 167.131,] school districts accredited by the state
8 board of education pursuant to the authority of the state board of education to
9 classify schools as established in section 161.092, and those school districts
10 designated by the board of education of the district of residence.

11 3. (1) **For purposes of this subsection, "approved charter school"**
12 **has the same meaning given to the term under section 167.895.**

13 (2) **For pupils covered by section 167.895, the district of**
14 **residence shall be required to provide transportation only to school**
15 **districts or approved charter schools designated by the department of**
16 **elementary and secondary education or its designee. For pupils**
17 **covered by section 167.895, the department of elementary and**
18 **secondary education or its designee shall designate at least one**
19 **accredited district or approved charter school to which the district of**
20 **residence shall provide transportation. If the designated district or**
21 **charter school reaches full student capacity and is unable to receive**
22 **additional students, the department of elementary and secondary**
23 **education or its designee shall designate at least one additional**
24 **accredited district or approved charter school to which the district of**
25 **residence shall provide transportation.**

167.890. 1. **The department of elementary and secondary**
2 **education shall compile and maintain student performance data scores**
3 **of all students enrolled in districts other than their resident districts**
4 **as provided under section 167.895 and make such data available on the**
5 **Missouri comprehensive data system. No personally identifiable data**
6 **shall be accessible on the database.**

7 2. **The department of elementary and secondary education may**
8 **promulgate all necessary rules and regulations for the administration**

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

167.895. 1. For purposes of this section and section 167.898, the
2 following terms mean:

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

7 (2) "Attendance center", a public school building, public school
8 buildings, or part of a public school building that offers education in
9 a grade or grades not higher than the twelfth grade and that
10 constitutes one unit for accountability and reporting purposes for the
11 department of elementary and secondary education;

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

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

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

19 2. (1) Any student may transfer to another public school in the
20 student's district of residence if such student is enrolled in and has
21 attended, for the full semester immediately prior to requesting the
22 transfer, an attendance center:

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

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

26 However, no such transfer shall result in a class size and assigned
27 enrollment in a receiving school that exceeds the standards for class

28 size and assigned enrollment as promulgated in the Missouri school
29 improvement program's resource standards. If the student chooses to
30 attend a magnet school, an academically selective school, or a school
31 with a competitive entrance process within his or her district of
32 residence that has admissions requirements, the student shall meet the
33 admissions requirements in order to attend.

34 (2) The school board of each unaccredited district shall
35 determine the capacity at each of the district's attendance centers that
36 has an annual performance report score consistent with a classification
37 of accredited. The district's school board shall be responsible for
38 coordinating transfers within the district as allowed under this
39 subsection.

40 (3) The school board of each unaccredited district shall annually
41 report to the department of elementary and secondary education or its
42 designee the number of available slots in attendance centers within the
43 district that have annual performance report scores consistent with a
44 classification of accredited, the number of students who request to
45 transfer within the district, and the number of such transfer requests
46 that are granted.

47 3. (1) Any student who is eligible to transfer within his or her
48 district under subsection 2 of this section but who is unable to do so
49 due to a lack of capacity in the attendance centers in his or her district
50 of residence may apply to the department of elementary and secondary
51 education or its designee to transfer to:

52 (a) An attendance center:

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

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

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

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

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

62 (b) That has an annual performance report score consistent with
63 a classification of unaccredited; and

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

65 may apply to the department of elementary and secondary education
66 or its designee for a transfer to a school described under paragraph (a)
67 or (b) of subdivision (1) of this subsection if he or she resides in the
68 attendance area of the attendance center described under this
69 subdivision on March first preceding the school year of first
70 attendance. A student who does not apply by March first for
71 enrollment in any school year after the 2019-20 school year shall be
72 required to enroll and attend the attendance center described under
73 this subdivision for one semester to become eligible.

74 (3) If a student who is eligible to transfer under this subsection
75 chooses to apply to attend a magnet school, an academically selective
76 school, or a school with a competitive entrance process that has
77 admissions requirements, the student shall furnish proof that he or she
78 meets the admissions requirements.

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

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

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

88 4. (1) No student enrolled in and attending an attendance center
89 that does not offer classes above the second grade level shall be eligible
90 to transfer under this section.

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

94 5. (1) (a) No provisionally accredited district shall be eligible to
95 receive transfer students.

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

100 (c) A transfer student who chooses to attend an attendance
101 center that has an annual performance report score consistent with a

102 classification of provisionally accredited and that is located within his
103 or her unaccredited district of residence shall be allowed to transfer to
104 such attendance center if there is an available slot.

105 (2) (a) No unaccredited district shall be eligible to receive
106 transfer students.

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

110 (3) No district or attendance center that has received two
111 consecutive annual performance reports consistent with a classification
112 of provisionally accredited for the years immediately preceding the
113 year in which it seeks to enroll transfer students shall be eligible to
114 receive any transfer students, irrespective of its state board of
115 education classification designation; except that, any student who was
116 granted a transfer to such a district or attendance center prior to the
117 effective date of this section may remain enrolled in that district or
118 attendance center.

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

121 (1) That is located within an unaccredited or provisionally
122 accredited district; and

123 (2) That has an annual performance report score consistent with
124 a classification of accredited
125 if the attendance center applies for and is granted a waiver by the
126 department of elementary and secondary education or its designee to
127 allow the attendance center to accept transfer students.

128 7. If a receiving district becomes unaccredited or provisionally
129 accredited, or if an approved charter school loses its status as an
130 approved charter school, any students who previously transferred to
131 the district or charter school shall receive the opportunity to remain
132 enrolled in the district or charter school or to transfer to another
133 district or approved charter school without losing their eligibility to
134 transfer.

135 8. For a receiving district, no acceptance of a transfer student
136 shall require any of the following actions, unless the board of education
137 of the receiving district has approved the action:

138 (1) The hiring of additional classroom teachers;

139 **(2) The construction of additional classrooms; or**

140 **(3) A class size and assigned enrollment in a receiving school**
141 **that exceeds the standards for class size and assigned enrollment as**
142 **promulgated in the Missouri school improvement program's resource**
143 **standards.**

144 **9. (1) By July 15, 2019, the board of education of each available**
145 **receiving district and the governing board of each approved charter**
146 **school eligible to receive transfer students under this section shall set**
147 **the number of transfer students the district or charter school is able to**
148 **receive for the 2019-20 school year.**

149 **(2) By February first annually, the board of education of each**
150 **available receiving district and the governing board of each approved**
151 **charter school eligible to receive transfer students under this section**
152 **shall set the number of transfer students the district or charter school**
153 **is able to receive for the following school year.**

154 **(3) An available receiving district or approved charter school**
155 **eligible to receive transfer students under this section shall publish the**
156 **number set under this subsection and shall not be required to accept**
157 **any transfer students under this section that would cause it to exceed**
158 **the published number.**

159 **10. (1) Each available receiving district shall adopt a policy**
160 **establishing a tuition rate for transfer students by February first**
161 **annually.**

162 **(2) Each approved charter school eligible to receive transfer**
163 **students under this section shall adopt a policy establishing a tuition**
164 **rate for transfer students by February first annually.**

165 **(3) A sending district shall pay the receiving district or the**
166 **approved charter school the amount specified under section 167.132 for**
167 **each transfer student.**

168 **11. If an unaccredited district becomes classified as provisionally**
169 **accredited or accredited without provisions by the state board of**
170 **education, or if an attendance center within an unaccredited district**
171 **improves its annual performance report score from a score that is**
172 **consistent with a classification of unaccredited to a score that is**
173 **consistent with a classification of provisionally accredited or**
174 **accredited, any resident student of the unaccredited district who has**
175 **transferred to an approved charter school or to an accredited district**

176 in the same or an adjoining county, as allowed under subsection 3 of
177 this section, shall be permitted to continue his or her educational
178 program in the receiving district or charter school through the
179 completion of middle school, junior high school, or high school,
180 whichever occurs first; except that, a student who attends any school
181 serving students through high school graduation but starting at grades
182 lower than ninth grade shall be permitted to complete high school in
183 the school to which he or she has transferred.

184 12. Notwithstanding the provisions of subsection 10 of this
185 section, if costs associated with the provision of special education and
186 related services to a student with a disability exceed the tuition
187 amount established under this section, the unaccredited district shall
188 remain responsible for paying the excess cost to the receiving district.
189 If the receiving district is a component district of a special school
190 district, the unaccredited district, including any metropolitan school
191 district, shall contract with the special school district for the entirety
192 of the costs to provide special education and related services, excluding
193 transportation in accordance with this section. The special school
194 district may contract with an unaccredited district, including any
195 metropolitan district, for the provision of transportation of a student
196 with a disability or the unaccredited district may provide
197 transportation on its own.

198 13. A special school district shall continue to provide special
199 education and related services, with the exception of transportation
200 under this section, to a student with a disability transferring from an
201 attendance center with an annual performance report score consistent
202 with a classification of unaccredited that is within a component district
203 to an attendance center with an annual performance report score
204 consistent with a classification of accredited that is within the same or
205 a different component district within the special school district.

206 14. If any metropolitan school district is classified as
207 unaccredited, it shall remain responsible for the provision of special
208 education and related services, including transportation, to students
209 with disabilities. A special school district in an adjoining county to a
210 metropolitan school district may contract with the metropolitan school
211 district for the reimbursement of special education services under
212 sections 162.705 and 162.710 provided by the special school district for

213 transfer students who are residents of the unaccredited district.

214 15. Regardless of whether transportation is identified as a
215 related service within a student's individualized education program, a
216 receiving district that is not part of a special school district shall not
217 be responsible for providing transportation to a student transferring
218 under this section. An unaccredited district may contract with a
219 receiving district that is not part of a special school district under
220 sections 162.705 and 162.710 for transportation of students with
221 disabilities.

222 16. If a seven-director school district or urban school district is
223 classified as unaccredited, it may contract with a receiving district that
224 is not part of a special school district in the same or an adjoining
225 county for the reimbursement of special education and related services
226 under sections 162.705 and 162.710 provided by the receiving district
227 for transfer students who are residents of the unaccredited district.

167.898. 1. (1) By July 15, 2019, and by January first annually,
2 each accredited district, any portion of which is located in the same
3 county as or in an adjoining county to an unaccredited district, shall
4 report to the department of elementary and secondary education or its
5 designee the number of available enrollment slots by grade level.

6 (2) By July 15, 2019, and by January first annually, each
7 unaccredited district shall report to the department of elementary and
8 secondary education or its designee the number of available enrollment
9 slots in the schools of its district that have received annual
10 performance report scores consistent with a classification of
11 accredited.

12 (3) By July 15, 2019, and by January first annually, each
13 approved charter school that is eligible to receive transfer students
14 under section 167.895 shall report to the department of elementary and
15 secondary education or its designee the number of available enrollment
16 slots.

17 2. The department of elementary and secondary education or its
18 designee shall make information and assistance available to parents or
19 guardians who intend to transfer their child to an accredited district
20 or to an approved charter school as described under section 167.895.

21 3. The parent or guardian of a student who intends to transfer
22 his or her child to an accredited district or to an approved charter

23 school as described under section 167.895 for enrollment in that district
24 or charter school in any school year after the 2019-20 school year shall
25 send initial notification to the department of elementary and secondary
26 education or its designee by March first for enrollment in the
27 subsequent school year.

28 4. The department of elementary and secondary education or its
29 designee shall assign those students who seek to transfer to an
30 accredited district or to an approved charter school as described under
31 section 167.895. When assigning transfer students to approved charter
32 schools, the department of elementary and secondary education or its
33 designee shall coordinate with each approved charter school and its
34 admissions process if capacity is insufficient to enroll all students who
35 submit a timely application. An approved charter school shall not be
36 required to institute a lottery procedure for determining the admission
37 of resident students. The department of elementary and secondary
38 education or its designee shall give first priority to students who live
39 in the same household with any family member within the first or
40 second degree of consanguinity or affinity who already attends a school
41 with an annual performance report score consistent with a
42 classification of accredited and who apply to attend the same school.
43 If insufficient grade-appropriate enrollment slots are available for a
44 student to be able to transfer, the student shall receive first priority
45 the following school year. The department of elementary and
46 secondary education or its designee shall consider the following factors
47 in assigning schools, with the student's or parent's choice as the most
48 important factor:

- 49 (1) The student's or parent's choice of the receiving school;
- 50 (2) The best interests of the student;
- 51 (3) The availability of transportation funding, as provided under
52 section 167.241; and
- 53 (4) Distance and travel time to a receiving school.

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

57 5. (1) The department of elementary and secondary education or
58 its designee may deny a transfer to a student who in the most recent
59 school year has been suspended from school two or more times or who

60 has been suspended for an act of school violence under subsection 2 of
61 section 160.261. A student whose transfer is initially precluded under
62 this subsection may be permitted to transfer on a provisional basis as
63 a probationary transfer student, subject to no further disruptive
64 behavior, upon a statement from the student's current school that the
65 student is not disruptive. A student who is denied a transfer under this
66 subsection has the right to an in-person meeting with an employee of
67 the department of elementary and secondary education or its designee.

68 (2) The department of elementary and secondary education shall
69 promulgate rules to provide common standards for determining
70 disruptive behavior that shall include, but not be limited to, criteria
71 under section 160.261. Any rule or portion of a rule, as that term is
72 defined in section 536.010, that is created under the authority delegated
73 in this section shall become effective only if it complies with and is
74 subject to all of the provisions of chapter 536 and, if applicable, section
75 536.028. This section and chapter 536 are nonseverable, and if any of
76 the powers vested with the general assembly pursuant to chapter 536
77 to review, to delay the effective date, or to disapprove and annul a rule
78 are subsequently held unconstitutional, then the grant of rulemaking
79 authority and any rule proposed or adopted after the effective date of
80 this section shall be invalid and void.

Section B. Because of the importance of improving and sustaining
2 Missouri's elementary and secondary education system and establishing
3 standards for student transfers to school districts, the enactment of sections
4 167.895 and 167.898 of this act is deemed necessary for the immediate
5 preservation of the public health, welfare, peace and safety, and is hereby
6 declared to be an emergency act within the meaning of the constitution, and the
7 enactment of sections 167.895 and 167.898 of this act shall be in full force and
8 effect upon its passage and approval.

✓