

SECOND REGULAR SESSION

# SENATE BILL NO. 1046

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOSLEY.

3810S.011

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 162.081 and 162.083, RSMo, and to enact in lieu thereof two new sections relating to special administrative boards.

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

Section A. Sections 162.081 and 162.083, RSMo, are  
2 repealed and two new sections enacted in lieu thereof, to be  
3 known as sections 162.081 and 162.083, to read as follows:

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

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

10 (2) Determine the date the district shall [lapse] **have**  
11 **its governing or managing authority suspended** and determine,  
12 **as provided in this section,** an alternative governing  
13 structure for the district.

14 2. If at the time any school district in this state  
15 shall be classified as unaccredited, the department of  
16 elementary and secondary education shall conduct at least  
17 two public hearings at a location in the unaccredited school

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

18 district regarding the accreditation status of the school  
19 district. The hearings shall provide an opportunity to  
20 convene community resources that may be useful or necessary  
21 in supporting the school district as it attempts to return  
22 to accredited status, continues under revised governance, or  
23 plans for continuity of educational services and resources  
24 upon its attachment to a neighboring district. The  
25 department may request the attendance of stakeholders and  
26 district officials to review the district's plan to return  
27 to accredited status, if any; offer technical assistance;  
28 and facilitate and coordinate community resources. Such  
29 hearings shall be conducted at least twice annually for  
30 every year in which the district remains unaccredited or  
31 provisionally accredited.

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

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

37 (2) **[Lapse the corporate organization of all or part]**  
38 **Suspend the governing or managing authority of the elected**  
39 **school board members** of the unaccredited district and:

40 (a) Appoint a special administrative board for the  
41 operation of **[all or part of]** the district. **[If a special**  
42 **administrative board is appointed for the operation of a**  
43 **part of a school district, the state board of education**  
44 **shall determine an equitable apportionment of state and**  
45 **federal aid for the part of the district and the school**  
46 **district shall provide local revenue in proportion to the**  
47 **weighted average daily attendance of the part.]** The number  
48 of members of the special administrative board shall **[not]**  
49 be **[less than five] seven, [the majority] four** of whom,

provided that persons possessing the qualifications set forth herein are residents of the district and ready, willing, and able to serve, shall be residents of the district. The members of the special administrative board shall reflect the population characteristics of the district and shall collectively possess strong experience in school governance, management and finance, and leadership. One member shall be a certified public school teacher from outside the district or retired, one shall be a certified public school principal from outside of the district or retired, one shall be a certified public school superintendent or deputy or associate superintendent from outside of the district or retired, two shall be parents who have been active with the parents-teachers association or organization of the district, one shall be a college or university professor of educational administration, and one shall hold a degree and be experienced in accounting or finance. The special administrative board shall meet not less than once per month. Each appointed member of the special administrative board shall receive a salary of five hundred dollars per month, and shall be reimbursed for their reasonable expenses in attending to their duties as a member of the special administrative board, payable from the district's revenue. Each member of the special administrative board shall be appointed to a term of three years and shall serve until his or her successor is appointed and qualified, unless sooner removed for good cause shown by the state board of education. Notice of the appointment of a person to the special administrative board shall be immediately given to each member of the general assembly whose district includes any part of the school district. Within fifteen days after the vote to appoint a

member to the special administrative board, if a member of the Missouri house of representatives whose district includes any part of the school district, in whole or in part, submits a request to the president pro tempore of the senate, the appointment shall be subject to the advice and consent of the senate. If such request is made, the member whose appointment is subject to the advice and consent process shall abstain from all special administrative board duties until his or her appointment is confirmed. The [state board of education may appoint] members of the district's elected school board [to] **shall be ex-officio non-voting members of** the special administrative board, [but members of the elected school board shall not comprise more than forty-nine percent of the special administrative board's membership] **and thus may attend and participate in the meetings and committees of the special administrative board, but shall have no vote nor be counted to determine a quorum, and to that extent the district shall continue to elect members to its school board.** Within fourteen days after the appointment by the state board of education, the **appointed members of the** special administrative board shall organize by the election of a president, vice president, secretary and a treasurer, with their **qualifications, duties, and organization as enumerated in section 162.301.** The special administrative board shall appoint a superintendent of schools **to serve at the will of the board or for a term of not more than three years,** to serve as the chief executive officer of the school district[, or a subset of schools,] and to have all powers and duties of any other general superintendent of schools in a seven-director school district. **If the district has been classified as provisionally or fully accredited after two successive**

114 **academic years, the superintendent's term may be renewed for**  
115 **an additional term of up to three years at the will of the**  
116 **special administrative board.** Any special administrative  
117 board appointed under this section shall be responsible for  
118 the operation of the district [or part of the district]  
119 until such time that the district is classified by the state  
120 board of education as provisionally accredited for at least  
121 two successive academic years, after which time the state  
122 board of education [may] **shall** provide for a transition  
123 pursuant to section 162.083; or

124 (b) **Upon failure of the district to be classified as**  
125 **provisionally or fully accredited for at least two**  
126 **successive academic years, the state board of education**  
127 **shall require the special administrative board to establish**  
128 **a specific plan and timeline for achieving accreditation,**  
129 **and** determine an alternative [governing] educational or  
130 **academic** structure for the district including, at a minimum:

131 a. [A rationale for the decision to use an alternative  
132 form of governance and] In the absence of the district's  
133 achievement of **provisional or** full accreditation, the state  
134 board of education shall review and [recertify the  
135 alternative form of governance every three years] **require**  
136 **the special administrative board to appoint a new**  
137 **superintendent of the school district for a term of not more**  
138 **than three years unless sooner removed at the will of the**  
139 **board;**

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

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

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

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

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

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

subdivision (2) of subsection 3 of this section in the following school year.

5. A special administrative board [or any other form of governance] appointed under this section shall retain the authority granted to a board of education for the operation of the [lapsed] school district under the laws of the state in effect at the time of the [lapse] **suspension of the governing or managing authority of the elected school board members** and may enter into contracts with accredited school districts or other education service providers in order to deliver high-quality educational programs to the residents of the district. If a student graduates while attending a school building in the district that is operated under a contract with an accredited school district as specified under this subsection, the student shall receive his or her diploma from the accredited school district. The authority of the special administrative board [or any other form of governance] appointed under this section shall expire at the end of the third full school year following its appointment, unless extended **for not more than three full school years** by the state board of education. **No additional extensions shall be granted. Governance of the school district shall be returned to the elected board upon the expiration of the authority of the special administrative board.** If the [lapsed] district is reassigned, the governing board prior to [lapse] **reassignment** shall provide an accounting of all funds, assets and liabilities of the [lapsed] **reassigned** district and transfer such funds, assets, and liabilities of the [lapsed] **reassigned** district as determined by the state board of education. Neither the special administrative board nor any other form of governance [appointed under this section] nor its members or employees shall be deemed to be

the state or a state agency for any purpose, including section 105.711, et seq. The state of Missouri, its agencies and employees shall be absolutely immune from liability for any and all acts or omissions relating to or in any way involving the **[lapsed] unaccredited** district, a special administrative board, any other form of governance **[appointed under this section]**, or the members or employees of the **[lapsed] unaccredited** district, a special administrative board, or any other form of governance **[appointed under this section]**. Such immunities, and immunity doctrines as exist or may hereafter exist benefitting boards of education, their members and their employees shall be available to the special administrative board or any other form of governance **[appointed under this section]** and the members and employees of the special administrative board or any other form of governance **[appointed under this section]**.

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

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



240 8. In the event that a school district with an  
241 enrollment in excess of five thousand pupils [lapses]  
242 **becomes unaccredited**, no school district shall have all or  
243 any part of such [lapsed] school district attached without  
244 the approval of the board of the receiving school district.

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

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

253 (2) [Lapse the corporate organization] **Suspend the**  
254 **governing or managing authority of the elected school board**  
255 **members** of the district and implement one of the options  
256 available under subdivision (2) of subsection 3 of this  
257 section.

258 10. The provisions of subsection 9 of this section  
259 shall not apply to any district solely on the basis of  
260 financial difficulty resulting from paying tuition and  
261 providing transportation for transfer students under  
262 sections 167.895 and 167.898.

162.083. 1. [The state board of education may appoint  
2 additional members to any special administrative board  
3 appointed under section 162.081.

4 2. The state board of education may set a final term  
5 of office for any member of a special administrative board,  
6 after which a successor member shall be elected by the  
7 voters of the district.

8 (1) All final terms of office for members of the  
9 special administrative board established under this section  
10 shall expire on June thirtieth.

11 (2) The election of a successor member shall occur on  
12 the general municipal election day immediately prior to the  
13 expiration of the final term of office.

14 (3) The election shall be conducted in a manner  
15 consistent with the election laws applicable to the school  
16 district.

17 **3.]** Nothing in **[this]** section **162.081** shall be  
18 construed as barring an otherwise qualified member of the  
19 special administrative board from standing for an elected  
20 term on the board, **upon the dissolution of the special**  
21 **administrative board or upon his or her resignation from the**  
22 **special administrative board.**

23 **[4.] 2. Not later than six full school years following**  
24 **appointment of the special administrative board,** on a date  
25 set by the state board of education, any district operating  
26 under the governance of a special administrative board shall  
27 return to local governance, and continue operation as a  
28 school district as otherwise authorized by law.

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