

SECOND REGULAR SESSION

# SENATE BILL NO. 1046

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY SENATOR MOSLEY.

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KRISTINA MARTIN, Secretary

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### 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.

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Section A. Sections 162.081 and 162.083, RSMo, are 2 repealed and two new sections enacted in lieu thereof, to be 3 known as sections 162.081 and 162.083, to read as follows: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

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

82 member to the special administrative board, if a member of  
83 the Missouri house of representatives whose district  
84 includes any part of the school district, in whole or in  
85 part, submits a request to the president pro tempore of the  
86 senate, the appointment shall be subject to the advice and  
87 consent of the senate. If such request is made, the member  
88 whose appointment is subject to the advice and consent  
89 process shall abstain from all special administrative board  
90 duties until his or her appointment is confirmed. The  
91 [state board of education may appoint] members of the  
92 district's elected school board [to] shall be **ex-officio non-**  
93 **voting members of** the special administrative board, [but  
94 members of the elected school board shall not comprise more  
95 than forty-nine percent of the special administrative  
96 board's membership] and thus may attend and participate in  
97 the meetings and committees of the special administrative  
98 board, but shall have no vote nor be counted to determine a  
99 quorum, and to that extent the district shall continue to  
100 elect members to its school board. Within fourteen days  
101 after the appointment by the state board of education, the  
102 appointed members of the special administrative board shall  
103 organize by the election of a president, vice president,  
104 secretary and a treasurer, with their **qualifications**,  
105 duties, and organization as enumerated in section 162.301.  
106 The special administrative board shall appoint a  
107 superintendent of schools **to serve at the will of the board**  
108 **or for a term of not more than three years**, to serve as the  
109 chief executive officer of the school district[, or a subset  
110 of schools,] and to have all powers and duties of any other  
111 general superintendent of schools in a seven-director school  
112 district. **If the district has been classified as**  
113 **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

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

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

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

168                   4. If a district remains under continued governance by  
169                   the **elected** school board under subdivision (1) of subsection  
170                   3 of this section and either has been unaccredited for three  
171                   consecutive school years and failed to attain accredited  
172                   status after the third school year or has been unaccredited  
173                   for two consecutive school years and the state board of  
174                   education determines its academic progress is not consistent  
175                   with attaining accredited status after the third school  
176                   year, then the state board of education shall proceed under

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

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

209 the state or a state agency for any purpose, including  
210 section 105.711, et seq. The state of Missouri, its  
211 agencies and employees shall be absolutely immune from  
212 liability for any and all acts or omissions relating to or  
213 in any way involving the **[lapsed] unaccredited** district, a  
214 special administrative board, any other form of governance  
215 **[appointed under this section]**, or the members or employees  
216 of the **[lapsed] unaccredited** district, a special  
217 administrative board, or any other form of governance  
218 **[appointed under this section]**. Such immunities, and  
219 immunity doctrines as exist or may hereafter exist  
220 benefitting boards of education, their members and their  
221 employees shall be available to the special administrative  
222 board or any other form of governance **[appointed under this**  
223 **section]** and the members and employees of the special  
224 administrative board or any other form of governance  
225 **[appointed under this section]**.

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

233 7. If additional teachers are needed by a district as  
234 a result of increased enrollment due to the annexation of  
235 territory of **[a lapsed] an unaccredited** or dissolved  
236 district, such district shall grant an employment interview  
237 to any permanent teacher of the **[lapsed] unaccredited** or  
238 dissolved district upon the request of such permanent  
239 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.**

(1) All final terms of office for members of the special administrative board established under this section 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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