

SECOND REGULAR SESSION

# SENATE BILL NO. 1483

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR HENDERSON.

5947S.011

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 160.054, 160.055, 160.415, 162.301, 162.411, 162.511, 162.531, 162.700, 162.890, 163.011, 164.131, 164.161, 164.191, 164.201, 164.221, 164.261, 164.301, 165.141, 170.014, 177.073, 177.086, and 177.091, RSMo, and to enact in lieu thereof twenty-one new sections relating to elementary and secondary schools.

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

Section A. Sections 160.054, 160.055, 160.415, 162.301, 162.411, 162.511, 162.531, 162.700, 162.890, 163.011, 164.131, 164.161, 164.191, 164.201, 164.221, 164.261, 164.301, 165.141, 170.014, 177.073, 177.086, and 177.091, RSMo, are repealed and twenty-one new sections enacted in lieu thereof, to be known as sections 160.054, 160.055, 160.415, 162.301, 162.411, 162.511, 162.531, 162.700, 162.890, 163.011, 164.131, 164.161, 164.191, 164.201, 164.261, 164.301, 165.141, 170.014, 177.073, 177.086, and 177.091, to read as follows:

160.054. 1. Notwithstanding any provisions of sections 160.051 and 160.053[, ] to the contrary, [beginning with the 1997-98 school year,] all metropolitan school districts **and all charter schools**, except as provided in subsection 2 of this section, may establish and enforce a regulation which requires that a child shall have attained the age of three by August first for purposes of prekindergarten if a school district **or charter school** maintains such a program, the age of five for purposes of

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

10 kindergarten and summer school prior to a kindergarten  
11 school term, and the age of six for purposes of grade one,  
12 on or before any date between August first and October first  
13 of that year. The school district **or charter school** shall  
14 receive state aid for any child admitted to kindergarten,  
15 summer school prior to kindergarten, or grade one pursuant  
16 to this section, notwithstanding the provisions of section  
17 160.051.

18 2. Any kindergarten or grade one pupil beginning the  
19 school term and any pupil beginning summer school prior to a  
20 kindergarten school term in a metropolitan school district  
21 **or charter school** and subsequently transferring to another  
22 school district in this state in which the child's birth  
23 date would preclude such child's eligibility for entrance  
24 shall be deemed eligible for attendance and shall not be  
25 required to meet the minimum age requirements. The  
26 receiving school district shall receive state aid for the  
27 child, notwithstanding the provisions of section 160.051.

28 3. Any child who completes the kindergarten year in a  
29 metropolitan school district **or charter school** shall not be  
30 required to meet the minimum age requirements of another  
31 school district in this state for entrance into grade one.

32 4. The provisions of subsections 1 and 2 of this  
33 section, relating to kindergarten instruction and state aid  
34 therefor, shall not apply during any particular school year  
35 to those districts **or charter schools** which do not provide  
36 kindergarten classes that year.

160.055. 1. Notwithstanding any provisions of  
2 sections 160.051 and 160.053[,], to the contrary, [beginning  
3 with the 1997-98 school year,] **all charter schools and all**  
4 urban school districts containing the greater part of the  
5 population of a city which has more than three hundred

6 thousand inhabitants, except as provided in subsection 2 of  
7 this section, may establish and enforce a regulation which  
8 requires that a child shall have attained the age of three  
9 by August first for purposes of prekindergarten if a school  
10 district maintains such a program, the age of five for  
11 purposes of kindergarten and summer school prior to a  
12 kindergarten school term, and the age of six for purposes of  
13 grade one, on or before any date between August first and  
14 October first of that year. The school district **or charter**  
15 **school** shall receive state aid for any child admitted to  
16 kindergarten, summer school prior to kindergarten, or grade  
17 one pursuant to this section, notwithstanding the provisions  
18 of section 160.051.

19 2. Any kindergarten or grade one pupil beginning the  
20 school term and any pupil beginning summer school prior to a  
21 kindergarten school term in **a charter school or** an urban  
22 school district in this state containing the greater part of  
23 the population of a city which has more than three hundred  
24 thousand inhabitants and subsequently transferring to  
25 another school district in this state in which the child's  
26 birth date would preclude such child's eligibility for  
27 entrance shall be deemed eligible for attendance and shall  
28 not be required to meet the minimum age requirements. The  
29 receiving school district shall receive state aid for the  
30 child, notwithstanding the provisions of section 160.051.

31 3. Any child who completes the kindergarten year in **a**  
32 **charter school or** an urban school district containing the  
33 greater part of the population of a city which has more than  
34 three hundred thousand inhabitants shall not be required to  
35 meet the minimum age requirements of another school district  
36 in this state for entrance into grade one.

37           4. The provisions of subsections 1 and 2 of this  
38 section, relating to kindergarten instruction and state aid  
39 therefor, shall not apply during any particular school year  
40 to those districts **or charter schools** which do not provide  
41 kindergarten classes that year.

160.415. 1. For the purposes of calculation and  
2 distribution of state school aid under section 163.031,  
3 pupils enrolled in a charter school shall be included in the  
4 pupil enrollment of the school district within which each  
5 pupil resides. Each charter school shall report the  
6 eligibility for free and reduced price lunch, special  
7 education, or limited English proficiency status, as well as  
8 eligibility for categorical aid, of pupils resident in a  
9 school district who are enrolled in the charter school to  
10 the school district in which those pupils reside. The  
11 charter school shall report the average daily attendance  
12 data, free and reduced price lunch count, special education  
13 pupil count, and limited English proficiency pupil count to  
14 the state department of elementary and secondary education.  
15 Each charter school shall promptly notify the state  
16 department of elementary and secondary education and the  
17 pupil's school district when a pupil discontinues enrollment  
18 at a charter school.

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

22           (1) A school district having one or more resident  
23 pupils attending a charter school shall pay to the charter  
24 school an annual amount equal to the product of the charter  
25 school's weighted average daily attendance and the state  
26 adequacy target, multiplied by the dollar value modifier for  
27 the district, plus local tax revenues per weighted average

28 daily attendance from the incidental and teachers' funds in  
29 excess of the performance levy as defined in section 163.011  
30 plus all other state aid attributable to such pupils.

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

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

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

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

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

54 4. A charter school that has declared itself as a  
55 local educational agency shall receive from the department  
56 of elementary and secondary education an annual amount equal  
57 to the product of the charter school's weighted average  
58 daily attendance and the state adequacy target, multiplied  
59 by the dollar value modifier for the district, plus local

60 tax revenues per weighted average daily attendance from the  
61 incidental and teachers funds in excess of the performance  
62 levy as defined in section 163.011 plus all other state aid  
63 attributable to such pupils. If a charter school declares  
64 itself as a local educational agency, the department of  
65 elementary and secondary education shall, upon notice of the  
66 declaration, reduce the payment made to the school district  
67 by the amount specified in this subsection and pay directly  
68 to the charter school the annual amount reduced from the  
69 school district's payment.

70       5. If a school district fails to make timely payments  
71 of any amount for which it is the disbursal agent, the state  
72 department of elementary and secondary education shall  
73 authorize payment to the charter school of the amount due  
74 pursuant to subsection 2 of this section and shall deduct  
75 the same amount from the next state school aid apportionment  
76 to the owing school district. If a charter school is paid  
77 more or less than the amounts due pursuant to this section,  
78 the amount of overpayment or underpayment shall be adjusted  
79 equally in the next twelve payments by the school district  
80 or the department of elementary and secondary education, as  
81 appropriate. Any dispute between the school district and a  
82 charter school as to the amount owing to the charter school  
83 shall be resolved by the department of elementary and  
84 secondary education, and the department's decision shall be  
85 the final administrative action for the purposes of review  
86 pursuant to chapter 536. During the period of dispute, the  
87 department of elementary and secondary education shall make  
88 every administrative and statutory effort to allow the  
89 continued education of students in their current charter  
90 school setting.

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

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

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

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

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

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

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

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

134           8. A charter school may enter into contracts with  
135 community partnerships and state agencies acting in  
136 collaboration with such partnerships that provide services  
137 to students and their families linked to the school.

138           9. A charter school shall be eligible for  
139 transportation state aid pursuant to section 163.161 and  
140 shall be free to contract with the local district, or any  
141 other entity, for the provision of transportation to the  
142 students of the charter school.

143           10. (1) The proportionate share of state and federal  
144 resources generated by students with disabilities or staff  
145 serving them shall be paid in full to charter schools  
146 enrolling those students by their school district where such  
147 enrollment is through a contract for services described in  
148 this section. The proportionate share of money generated  
149 under other federal or state categorical aid programs shall  
150 be directed to charter schools serving such students  
151 eligible for that aid.



(2) A charter school shall provide the special services provided pursuant to section 162.705 and may provide the special services pursuant to a contract with a school district or any provider of such services. **For students served in special districts established under sections 162.815 to 162.940 in a county with more than one million inhabitants, such students shall be included in the weighted membership and weighted average daily attendance counts of the special district as provided in section 163.011.**

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

12. A charter school is authorized to incur debt in anticipation of receipt of funds. A charter school may also borrow to finance facilities and other capital items. A school district may incur bonded indebtedness or take other measures to provide for physical facilities and other capital items for charter schools that it sponsors or contracts with. Except as otherwise specifically provided in sections 160.400 to 160.425, upon the dissolution of a charter school, any liabilities of the corporation will be satisfied through the procedures of chapter 355. A charter school shall satisfy all its financial obligations within twelve months of notice from the sponsor of the charter school's closure under subsection 8 of section 160.405. After satisfaction of all its financial obligations, a charter school shall return any remaining state and federal

184 funds to the department of elementary and secondary  
185 education for disposition as stated in subdivision (17) of  
186 subsection 1 of section 160.405. The department of  
187 elementary and secondary education may withhold funding at a  
188 level the department determines to be adequate during a  
189 school's last year of operation until the department  
190 determines that school records, liabilities, and reporting  
191 requirements, including a full audit, are satisfied.

192 13. Charter schools shall not have the power to  
193 acquire property by eminent domain.

194 14. The governing board of a charter school is  
195 authorized to accept grants, gifts or donations of any kind  
196 and to expend or use such grants, gifts or donations. A  
197 grant, gift or donation shall not be accepted by the  
198 governing board if it is subject to any condition contrary  
199 to law applicable to the charter school or other public  
200 schools, or contrary to the terms of the charter.

201 15. In addition to any state aid remitted to charter  
202 schools under this section, the department of elementary and  
203 secondary education shall remit to any charter school an  
204 amount equal to the weighted average daily attendance of the  
205 charter school multiplied by the difference of:

206 (1) The amount of state aid and local aid per weighted  
207 average daily attendance received by the school district in  
208 which the charter school is located, not including any funds  
209 remitted to charter schools in the district. For the  
210 purposes of this subdivision, the weighted average daily  
211 attendance of the school district shall not include the  
212 weighted average daily attendance of the charter schools  
213 located in the district; and

(2) The amount of state aid and local aid per weighted average daily attendance of the charter school received by the charter school.

16. Charter schools may adjust weighted average daily attendance pursuant to section 163.036.

17. When calculating the amounts in subdivisions (1) and (2) of subsection 15 of this section, the department shall utilize the most current data to which the department has access.

18. For the purposes of subsection 15 of this section:

(1) The definitions contained in section 163.011, shall apply;

(2) The term "local aid" shall mean all local and county revenue received, including, but not limited to, the following:

- (a) Property taxes and delinquent taxes;
- (b) Merchants' and manufacturers' tax revenues;
- (c) Financial institutions' tax revenues;
- (d) City sales tax revenue, including city sales tax collected in any city not within a county;
- (e) Payments in lieu of taxes; and
- (f) Revenues from state-assessed railroad and utilities tax;

(3) The term local aid shall not be construed to include:

- (a) Charitable contributions, gifts, and grants made to school districts;
- (b) Interest earnings of school districts and student fees paid to school districts;
- (c) Debt service authorized by a public vote for the purpose of making payments on a bond issuance of a school district;

(d) Proposition C revenues received for school purposes from the school district trust fund under section 163.087; or

(e) Any other funding solely intended for a particular school district or their respective employees, schools, foundations, or organizations;

(4) The term "state aid" shall mean any revenues received pursuant to this section and sections 163.043 and 163.087.

19. Notwithstanding any other provision of law to the contrary, subsections 15 to 18 of this section shall be applicable to charter schools operated only in the following school districts, provided that no such school district shall be located in a county with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants:

(1) In a metropolitan school district;

(2) In an urban school district containing most or all of a city with more than four hundred thousand inhabitants and located in more than one county;

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

(4) In a school district that has been classified as provisionally accredited by the state board of education and has received scores on its annual performance report consistent with a classification of provisionally accredited or unaccredited for three consecutive school years beginning with the 2012-13 accreditation year under the conditions described in paragraphs (a) and (b) of subdivision (4) of subsection 2 of section 160.400; or

(5) In a school district that has been accredited without provisions, sponsored only by the local school board

under the conditions described in subdivision (6) of subsection 2 of section 160.400.

20. (1) The members of the governing board of a charter school shall be residents of the state of Missouri.

(2) Any current member of a governing board of a charter school who does not meet the requirements in subdivision (1) of this subsection may complete their term. Such individual shall not be renominated as a member of the governing board on which he or she sits.

21. (1) Any charter school management company operating a charter school in the state shall be a nonprofit corporation incorporated pursuant to chapter 355.

(2) Notwithstanding any provision of law to the contrary, if a charter school is operated by a charter school management company, all laws and regulations that apply to employees of such charter school shall apply to the actions of any employees of the management company while they are conducting any work relating to the direct decision-making of the operation of such charter school.

22. Beginning July 1, 2023, the provisions of section 160.995 shall be applicable to charter schools.

23. Each charter school shall publish its annual performance report on the school's website in a downloadable format.

162.301. 1. Within fourteen days after the **certification of the** election of the first school board in each seven-director district, other than an urban district, and within fourteen days after **the certification of** each annual election, the board shall meet. The newly elected members shall qualify by taking the oath of office prescribed by Article VII, Section 11, of the Constitution of Missouri.

9           2. The board shall organize by the election of a  
10 president and vice president, and the board shall, on or  
11 before the fifteenth day of July of each year, elect a  
12 secretary and a treasurer, who shall enter upon their  
13 respective duties on the fifteenth day of July. The  
14 secretary and treasurer may be or may not be members of the  
15 board. [No compensation shall be granted to either the  
16 secretary or the treasurer until his report and settlement  
17 are made and filed or published as the law directs.]

18           3. A majority of the board constitutes a quorum for  
19 the transaction of business, but no contract shall be let,  
20 person employed, bill approved or warrant ordered unless a  
21 majority of the whole board votes therefor, **or unless a**  
22 **majority of all members of the board votes to delegate**  
23 **decision-making authority regarding such items to the**  
24 **district superintendent. If such authority is so delegated,**  
25 **the superintendent shall report to the board on a monthly**  
26 **basis regarding all decisions made on such items.**

          162.411. The board of any district may retain counsel  
2 when necessary to the exercise of its powers. [In all  
3 school districts in this state which contain one or more  
4 cities or towns having a total population of thirty thousand  
5 inhabitants or over the school board may employ an attorney  
6 on a retainer basis whenever the board finds it necessary to  
7 do so and may prescribe his duties, compensation and term of  
8 office, which shall not exceed one year.]

          162.511. Except as provided in laws specifically  
2 applicable to urban districts the board in any urban  
3 district shall perform the same duties and be subject to the  
4 same restrictions and liabilities as the school boards of  
5 other school districts acting under the general school laws  
6 of the state. A majority of the board constitutes a quorum

7 for the transaction of business. No contract shall be let,  
8 teacher employed, bill approved or warrant ordered unless a  
9 majority of the board shall vote therefor[, but this  
10 provision does not apply to the reemployment of any  
11 teacher. It]; **except that, a majority of all members of the**  
12 **board may vote to delegate decision-making authority**  
13 **regarding such items to the district superintendent. If**  
14 **such authority is so delegated, the superintendent shall**  
15 **report to the board on a monthly basis regarding all**  
16 **decisions made on such items. The board** shall provide and  
17 keep a corporate seal.

162.531. The secretary of the board of each urban  
2 district shall keep a record of the proceedings of the  
3 board; he shall also keep a record of all warrants drawn  
4 upon the treasurer, showing the date and amount of each, in  
5 whose favor and upon what account it was drawn[, and shall  
6 also keep a register of the bonded indebtedness of the  
7 school district]; he shall also perform other duties  
8 required of him by the board, and shall safely keep [all  
9 bonds or other] papers entrusted to his care. He shall,  
10 before entering upon his duties, execute a bond to the  
11 school district in the penal sum of not less than five  
12 thousand dollars, the amount thereof to be fixed by the  
13 board, with at least one surety, to be approved by the board.

162.700. 1. The board of education of each school  
2 district **and charter school** in this state, except school  
3 districts **and charter schools** which are part of a special  
4 school district, and the board of education of each special  
5 school district shall provide special educational services  
6 for children with disabilities three years of age or more  
7 residing in the district as required by P.L. 99-457, as  
8 codified and as may be amended. Any child, determined to be

9 a child with disabilities, shall be eligible for such  
10 services upon reaching his or her third birthday and state  
11 school funds shall be apportioned accordingly. This  
12 subsection shall apply to each full school year beginning on  
13 or after July 1, 1991. In the event that federal funding  
14 fails to be appropriated at the authorized level as  
15 described in 20 U.S.C. Section 1419(b) (2), the  
16 implementation of this subsection relating to services for  
17 children with disabilities three and four years of age may  
18 be delayed until such time as funds are appropriated to meet  
19 such level. Each local school district and each special  
20 school district shall be responsible to engage in a planning  
21 process to design the service delivery system necessary to  
22 provide special education and related services for children  
23 three and four years of age with disabilities. The planning  
24 process shall include public, private, and private not-for-  
25 profit agencies which have provided such services for this  
26 population. The school district, or school districts, or  
27 special school district, shall be responsible for designing  
28 an efficient service delivery system which uses the present  
29 resources of the local community which may be funded by the  
30 department of elementary and secondary education or the  
31 department of mental health. School districts may  
32 coordinate with public, private, and private not-for-profit  
33 agencies presently in existence. The service delivery  
34 system shall be consistent with the requirements of the  
35 department of elementary and secondary education to provide  
36 appropriate special education services in the least  
37 restrictive environment.

38 2. Every local school district or, if a special  
39 district is in operation, every special school district  
40 shall obtain current appropriate diagnostic reports for each



41 child with disabilities prior to assignment in a special  
42 program. These records may be obtained with parental  
43 permission from previous medical or psychological  
44 evaluation, may be provided by competent personnel of such  
45 district or special district, or may be secured by such  
46 district from competent and qualified medical,  
47 psychological, or other professional personnel.

48 3. Evaluations of private school students suspected of  
49 having a disability under the Individuals With Disabilities  
50 Education Act will be conducted as appropriate by the school  
51 district in which the private school is located or its  
52 contractor.

53 4. Where special districts have been formed to serve  
54 children with disabilities under the provisions of sections  
55 162.670 to 162.974, such children shall be educated in  
56 programs of the special district, except that component  
57 districts may provide education programs for children with  
58 disabilities ages three and four inclusive in accordance  
59 with regulations and standards adopted by the state board of  
60 education.

61 5. For the purposes of this act, remedial reading  
62 programs are not a special educational service as defined by  
63 subdivision (4) of section 162.675.

64 6. Any and all state costs required to fund special  
65 education services for three- and four-year-old children  
66 under this section shall be provided for by a specific,  
67 separate appropriation and shall not be funded by a  
68 reallocation of money appropriated for the public school  
69 foundation program.

70 7. School districts providing early childhood special  
71 education shall give consideration to the value of  
72 continuing services with Part C early intervention system

73 providers for the remainder of the school year when  
74 developing an individualized education program for a student  
75 who has received services under Part C of the Individuals  
76 with Disabilities Education Act and reaches the age of three  
77 years during a regular school year. Services provided shall  
78 be only those permissible according to Section 619 of the  
79 Individuals with Disabilities Education Act.

80       8. (1) A student whose age makes the student eligible  
81 for kindergarten or grade one may continue eligibility as a  
82 young child with a developmental delay if the student was  
83 identified as a young child with a developmental delay  
84 before attaining eligibility for kindergarten.

85       (2) The category of young child with a developmental  
86 delay shall not be used to determine continuing eligibility  
87 for special educational services for a student who is seven  
88 years of age before August first of a given school year, but  
89 eligibility for special educational services may be  
90 determined for such students through any other disability  
91 category.

92       9. Any rule or portion of a rule, as that term is  
93 defined in section 536.010, that is created under the  
94 authority delegated in this section shall become effective  
95 only if it complies with and is subject to all of the  
96 provisions of chapter 536 and, if applicable, section  
97 536.028. This section and chapter 536 are nonseverable and  
98 if any of the powers vested with the general assembly under  
99 chapter 536 to review, to delay the effective date or to  
100 disapprove and annul a rule are subsequently held  
101 unconstitutional, then the grant of rulemaking authority and  
102 any rule proposed or adopted after August 28, 2002, shall be  
103 invalid and void.

162.890. If a special district is organized in any  
2 area of this state under the provisions of sections 162.670  
3 to 162.995, neither the state board of education nor any  
4 school district **or charter school** within the special  
5 district shall be required to establish schools or classes  
6 for the training or education of handicapped or severely  
7 handicapped children under any other existing law, except  
8 that the component districts included in a newly formed  
9 special district, **charter schools within a newly formed**  
10 **special district**, and the state board of education shall  
11 continue to provide services formerly provided for children  
12 residing in the district until the resources of the special  
13 district are sufficient to permit its assuming such  
14 responsibilities. In no instance shall **charter schools**,  
15 component districts, or the state board of education be  
16 required to provide special education classes for the  
17 training or education of these children for more than one  
18 school term after the special district has been formed.

163.011. As used in this chapter unless the context  
2 requires otherwise:

3 (1) "Adjusted operating levy", the sum of tax rates  
4 for the current year for teachers' and incidental funds for  
5 a school district as reported to the proper officer of each  
6 county pursuant to section 164.011;

7 (2) "Average daily attendance", the quotient or the  
8 sum of the quotients obtained by dividing the total number  
9 of hours attended in a term by resident pupils between the  
10 ages of five and twenty-one by the actual number of hours  
11 school was in session in that term. To the average daily  
12 attendance of the following school term shall be added the  
13 full-time equivalent average daily attendance of summer  
14 school students. "Full-time equivalent average daily

attendance of summer school students" shall be computed by dividing the total number of hours, except for physical education hours that do not count as credit toward graduation for students in grades nine, ten, eleven, and twelve, attended by all summer school pupils by the number of hours required in section 160.011 in the school term. For purposes of determining average daily attendance under this subdivision, the term "resident pupil" shall include all children between the ages of five and twenty-one who are residents of the school district and who are attending kindergarten through grade twelve in such district. If a child is attending school in a district other than the district of residence and the child's parent is teaching in the school district or is a regular employee of the school district which the child is attending, then such child shall be considered a resident pupil of the school district which the child is attending for such period of time when the district of residence is not otherwise liable for tuition. Average daily attendance for students below the age of five years for which a school district may receive state aid based on such attendance shall be computed as regular school term attendance unless otherwise provided by law;

(3) "Current operating expenditures":

(a) For the fiscal year 2007 calculation, current operating expenditures shall be calculated using data from fiscal year 2004 and shall be calculated as all expenditures for instruction and support services except capital outlay and debt service expenditures minus the revenue from federal categorical sources; food service; student activities; categorical payments for transportation costs pursuant to section 163.161; state reimbursements for early childhood special education; the career ladder entitlement for the

47 district, as provided for in sections 168.500 to 168.515;  
48 the vocational education entitlement for the district, as  
49 provided for in section 167.332; and payments from other  
50 districts;

51 (b) In every fiscal year subsequent to fiscal year  
52 2007, current operating expenditures shall be the amount in  
53 paragraph (a) of this subdivision plus any increases in  
54 state funding pursuant to sections 163.031 and 163.043  
55 subsequent to fiscal year 2005, not to exceed five percent,  
56 per recalculation, of the state revenue received by a  
57 district in the 2004-05 school year from the foundation  
58 formula, line 14, gifted, remedial reading, exceptional  
59 pupil aid, fair share, and free textbook payments for any  
60 district from the first preceding calculation of the state  
61 adequacy target;

62 (4) "District's tax rate ceiling", the highest tax  
63 rate ceiling in effect subsequent to the 1980 tax year or  
64 any subsequent year. Such tax rate ceiling shall not  
65 contain any tax levy for debt service;

66 (5) "Dollar-value modifier", an index of the relative  
67 purchasing power of a dollar, calculated as one plus fifteen  
68 percent of the difference of the regional wage ratio minus  
69 one, provided that the dollar value modifier shall not be  
70 applied at a rate less than 1.0:

71 (a) "County wage per job", the total county wage and  
72 salary disbursements divided by the total county wage and  
73 salary employment for each county and the City of St. Louis  
74 as reported by the Bureau of Economic Analysis of the United  
75 States Department of Commerce for the fourth year preceding  
76 the payment year;

77 (b) "Regional wage per job":

78           a. The total Missouri wage and salary disbursements of  
79 the metropolitan area as defined by the Office of Management  
80 and Budget divided by the total Missouri metropolitan wage  
81 and salary employment for the metropolitan area for the  
82 county signified in the school district number or the City  
83 of St. Louis, as reported by the Bureau of Economic Analysis  
84 of the United States Department of Commerce for the fourth  
85 year preceding the payment year and recalculated upon every  
86 decennial census to incorporate counties that are newly  
87 added to the description of metropolitan areas; or if no  
88 such metropolitan area is established, then:

89           b. The total Missouri wage and salary disbursements of  
90 the micropolitan area as defined by the Office of Management  
91 and Budget divided by the total Missouri micropolitan wage  
92 and salary employment for the micropolitan area for the  
93 county signified in the school district number, as reported  
94 by the Bureau of Economic Analysis of the United States  
95 Department of Commerce for the fourth year preceding the  
96 payment year, if a micropolitan area for such county has  
97 been established and recalculated upon every decennial  
98 census to incorporate counties that are newly added to the  
99 description of micropolitan areas; or

100           c. If a county is not part of a metropolitan or  
101 micropolitan area as established by the Office of Management  
102 and Budget, then the county wage per job, as defined in  
103 paragraph (a) of this subdivision, shall be used for the  
104 school district, as signified by the school district number;

105           (c) "Regional wage ratio", the ratio of the regional  
106 wage per job divided by the state median wage per job;

107           (d) "State median wage per job", the fifty-eighth  
108 highest county wage per job;

(6) "Free and reduced price lunch pupil count", for school districts not eligible for and those that do not choose the USDA Community Eligibility Option, the number of pupils eligible for free and reduced price lunch on the last Wednesday in January for the preceding school year who were enrolled as students of the district, as approved by the department in accordance with applicable federal regulations. For eligible school districts that choose the USDA Community Eligibility Option, the free and reduced price lunch pupil count shall be the percentage of free and reduced price lunch students calculated as eligible on the last Wednesday in January of the most recent school year that included household applications to determine free and reduced price lunch count multiplied by the district's average daily attendance figure;

(7) "Free and reduced price lunch threshold" shall be calculated by dividing the total free and reduced price lunch pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(8) "Limited English proficiency pupil count", the number in the preceding school year of pupils aged three through twenty-one enrolled or preparing to enroll in an elementary school or secondary school who were not born in the United States or whose native language is a language other than English or are Native American or Alaskan native, or a native resident of the outlying areas, and come from an environment where a language other than English has had a

significant impact on such individuals' level of English language proficiency, or are migratory, whose native language is a language other than English, and who come from an environment where a language other than English is dominant; and have difficulties in speaking, reading, writing, or understanding the English language sufficient to deny such individuals the ability to meet the state's proficient level of achievement on state assessments described in Public Law 107-10, the ability to achieve successfully in classrooms where the language of instruction is English, or the opportunity to participate fully in society;

(9) "Limited English proficiency threshold" shall be calculated by dividing the total limited English proficiency pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(10) "Local effort":

(a) For the fiscal year 2007 calculation, local effort shall be computed as the equalized assessed valuation of the property of a school district in calendar year 2004 divided by one hundred and multiplied by the performance levy less the percentage retained by the county assessor and collector plus one hundred percent of the amount received in fiscal year 2005 for school purposes from intangible taxes, fines, escheats, payments in lieu of taxes and receipts from state-assessed railroad and utility tax, one hundred percent of the amount received for school purposes pursuant to the



merchants' and manufacturers' taxes under sections 150.010 to 150.370, one hundred percent of the amounts received for school purposes from federal properties under sections 12.070 and 12.080 except when such amounts are used in the calculation of federal impact aid pursuant to P.L. 81-874, fifty percent of Proposition C revenues received for school purposes from the school district trust fund under section 163.087, and one hundred percent of any local earnings or income taxes received by the district for school purposes. Under this paragraph, for a special district established under sections 162.815 to 162.940 in a county with a charter form of government and with more than one million inhabitants, a tax levy of zero shall be utilized in lieu of the performance levy for the special school district;

(b) In every year subsequent to fiscal year 2007, local effort shall be the amount calculated under paragraph (a) of this subdivision plus any increase in the amount received for school purposes from fines. If a district's assessed valuation has decreased subsequent to the calculation outlined in paragraph (a) of this subdivision, the district's local effort shall be calculated using the district's current assessed valuation in lieu of the assessed valuation utilized in the calculation outlined in paragraph (a) of this subdivision. When a change in a school district's boundary lines occurs because of a boundary line change, annexation, attachment, consolidation, reorganization, or dissolution under section 162.071, 162.081, sections 162.171 to 162.201, section 162.221, 162.223, 162.431, 162.441, or 162.451, or in the event that a school district assumes any territory from a district that ceases to exist for any reason, the department of elementary and secondary education shall make a proper adjustment to

each affected district's local effort, so that each district's local effort figure conforms to the new boundary lines of the district. The department shall compute the local effort figure by applying the calendar year 2004 assessed valuation data to the new land areas resulting from the boundary line change, annexation, attachment, consolidation, reorganization, or dissolution and otherwise follow the procedures described in this subdivision;

(11) "Membership" shall be the average of:

(a) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in September of the previous year and who were in attendance one day or more during the preceding ten school days; and

(b) The number of resident full-time students and the full-time equivalent number of part-time students who were enrolled in the public schools of the district on the last Wednesday in January of the previous year and who were in attendance one day or more during the preceding ten school days, plus the full-time equivalent number of summer school pupils. "Full-time equivalent number of part-time students" is determined by dividing the total number of hours for which all part-time students are enrolled by the number of hours in the school term. "Full-time equivalent number of summer school pupils" is determined by dividing the total number of hours for which all summer school pupils were enrolled by the number of hours required pursuant to section 160.011 in the school term. Only students eligible to be counted for average daily attendance shall be counted for membership;

(12) "Operating levy for school purposes", the sum of tax rates levied for teachers' and incidental funds plus the operating levy or sales tax equivalent pursuant to section 162.1100 of any transitional school district containing the school district, in the payment year, not including any equalized operating levy for school purposes levied by a special school district in which the district is located;

(13) "Performance district", any district that has met performance standards and indicators as established by the department of elementary and secondary education for purposes of accreditation under section 161.092 and as reported on the final annual performance report for that district each year; for calculations to be utilized for payments in fiscal years subsequent to fiscal year 2018, the number of performance districts shall not exceed twenty-five percent of all public school districts;

(14) "Performance levy", three dollars and forty-three cents;

(15) "School purposes" pertains to teachers' and incidental funds;

(16) "Special education pupil count", the number of public school students with a current individualized education program or services plan and receiving services from the resident district as of December first of the preceding school year, except for special education services provided through a school district established under sections 162.815 to 162.940 in a county with a charter form of government and with more than one million inhabitants, in which case the sum of the students in each district **or charter school** within the county exceeding the special education threshold of each respective district **or charter school** within the county shall be counted within the special

district and not in the district of residence **or in the charter school** for purposes of distributing the state aid derived from the special education pupil count;

(17) "Special education threshold" shall be calculated by dividing the total special education pupil count of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, by the total average daily attendance of all included performance districts;

(18) "State adequacy target", the sum of the current operating expenditures of every performance district that falls entirely above the bottom five percent and entirely below the top five percent of average daily attendance, when such districts are rank-ordered based on their current operating expenditures per average daily attendance, divided by the total average daily attendance of all included performance districts. The department of elementary and secondary education shall first calculate the state adequacy target for fiscal year 2007 and recalculate the state adequacy target every two years using the most current available data. The recalculation shall never result in a decrease from the state adequacy target as calculated for fiscal years 2017 and 2018 and any state adequacy target figure calculated subsequent to fiscal year 2018. Should a recalculation result in an increase in the state adequacy target amount, fifty percent of that increase shall be included in the state adequacy target amount in the year of recalculation, and fifty percent of that increase shall be included in the state adequacy target amount in the subsequent year. The state adequacy target may be adjusted

to accommodate available appropriations as provided in subsection 7 of section 163.031;

(19) "Teacher", any teacher, teacher-secretary, substitute teacher, supervisor, principal, supervising principal, superintendent or assistant superintendent, school nurse, social worker, counselor or librarian who shall, regularly, teach or be employed for no higher than grade twelve more than one-half time in the public schools and who is certified under the laws governing the certification of teachers in Missouri;

(20) "Weighted average daily attendance":

(a) For fiscal years prior to the 2026 fiscal year, paragraph (g) of this subdivision;

(b) For the 2026 fiscal year, the sum of nine-tenths multiplied by paragraph (g) of this subdivision plus one-tenth multiplied by the weighted membership;

(c) For the 2027 fiscal year, the sum of eight-tenths multiplied by paragraph (g) of this subdivision plus two-tenths multiplied by the weighted membership;

(d) For the 2028 fiscal year, the sum of seven-tenths multiplied by paragraph (g) of this subdivision plus three-tenths multiplied by the weighted membership;

(e) For the 2029 fiscal year, the sum of six-tenths multiplied by paragraph (g) of this subdivision plus four-tenths multiplied by the weighted membership;

(f) For the 2030 fiscal year and all subsequent fiscal years, the sum of five-tenths multiplied by paragraph (g) of this subdivision plus five-tenths multiplied by the weighted membership;

(g) The average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced price lunch pupil count that exceeds the free and reduced

price lunch threshold, plus the product of seventy-five hundredths multiplied by the number of special education pupil count that exceeds the special education threshold, plus the product of six-tenths multiplied by the number of limited English proficiency pupil count that exceeds the limited English proficiency threshold. For special districts established under sections 162.815 to 162.940 in a county with a charter form of government and with more than one million inhabitants, weighted average daily attendance shall be the average daily attendance plus the product of twenty-five hundredths multiplied by the free and reduced price lunch pupil count that exceeds the free and reduced price lunch threshold, plus the product of seventy-five hundredths multiplied by the sum of the special education pupil count that exceeds the threshold for each county district **and charter school**, plus the product of six-tenths multiplied by the limited English proficiency pupil count that exceeds the limited English proficiency threshold.

None of the districts **or charter schools** comprising a special district established under sections 162.815 to 162.940 in a county with a charter form of government and with more than one million inhabitants, shall use any special education pupil count in calculating their weighted average daily attendance;

(21) "Weighted membership", the membership plus the product of twenty-five hundredths multiplied by the free and reduced price lunch pupil count that exceeds the free and reduced price lunch threshold, plus the product of seventy-five hundredths multiplied by the number of special education pupil count that exceeds the special education threshold, plus the product of six-tenths multiplied by the number of limited English proficiency pupil count that

364 exceeds the limited English proficiency threshold. For  
365 special districts established under sections 162.815 to  
366 162.940 in a county with more than one million inhabitants,  
367 weighted membership shall be the membership plus the product  
368 of twenty-five hundredths multiplied by the free and reduced  
369 price lunch pupil count that exceeds the free and reduced  
370 price lunch threshold, plus the product of seventy-five  
371 hundredths multiplied by the sum of the special education  
372 pupil count that exceeds the threshold for each county  
373 district **and charter school**, plus the product of six-tenths  
374 multiplied by the limited English proficiency pupil count  
375 that exceeds the limited English proficiency threshold.  
376 None of the districts **or charter schools** comprising a  
377 special district established under sections 162.815 to  
378 162.940 in a county with more than one million inhabitants  
379 shall use any special education pupil count in calculating  
380 their weighted membership.

164.131. 1. In urban districts, the board may borrow  
2 money and issue bonds for the payment thereof for the  
3 following purposes:

4 (1) Purchasing sites for schoolhouses, public library  
5 buildings, art galleries, museums, janitors' houses, repair  
6 buildings and supply houses used in the operation and  
7 maintenance of schools and other land for school purposes;

8 (2) Erecting schoolhouses, library buildings, art  
9 galleries, museums, janitors' houses, repair buildings,  
10 supply houses and other buildings used in the operation and  
11 maintenance of schools;

12 (3) Building additions to, remodeling and  
13 reconstructing buildings existing at the time of making the  
14 loan;

15 (4) Furnishing any building erected or reconstructed;

16           (5) Purchasing school buses and other transportation  
17 equipment.

18           2. The question of the loan shall be decided at an  
19 election.

20           3. Notice of the submission of the question shall  
21 [include the amount of the loan required, and for what  
22 purpose] **contain the information required under sections**  
23 **115.125 to 115.129.** The president and secretary shall sign  
24 the notices.

          164.161. The loans authorized by sections 164.121 to  
2 164.141 shall not be contracted for a longer period than  
3 twenty years, and the entire amount of the loans shall at no  
4 time exceed, including the present indebtedness of the  
5 district, the maximum aggregate percentage, as set forth in  
6 Article VI, Section 26(b) of the Missouri Constitution, of  
7 the value of taxable tangible property therein as shown by  
8 the last completed assessment for state and county  
9 purposes. The rate of interest upon the bonds shall, in no  
10 case, exceed the highest [legal] rate allowed [by contract]  
11 **under section 108.170.** Before or at the time of issuing the  
12 bonds, the board of directors shall provide for the  
13 collection of an annual tax sufficient to pay the interest  
14 and principal of the bonds as they fall due, and to retire  
15 them within twenty years from date contracted.

          164.191. The board of any school district may issue  
2 funding and refunding bonds for the district, in accordance  
3 with sections 108.140 to 108.170. Each bond shall be signed  
4 by the **manual or facsimile signature of the** president,  
5 countersigned by the **manual or facsimile signature of the**  
6 clerk and authenticated by the seal of the school board, if  
7 there is one[; and shall also be attested by the clerk of  
8 the county commission of the county in which the district is



9 located, and he shall put the seal of the commission on each  
10 bond. The clerk of the board shall keep a record in the  
11 books of the school district of all renewal bonds issued by  
12 the board, noting the date when issued and when due, and  
13 also the number and amount of each bond so issued, and shall  
14 also keep a full record of all transactions that may be  
15 necessary for the identification of the bonds].

164.201. No refunding or renewal bond shall be  
2 [exchanged by the board of any school district for any  
3 outstanding bond for a sum less than ninety cents on the  
4 dollar of its face value. The board also may sell the  
5 refunding or renewal bonds for cash if in its judgment it  
6 will be to the interest of the school district; but no  
7 commission shall be allowed or cost incurred in the exchange  
8 or sale of bonds which will reduce the net proceeds of the  
9 same to a less amount than ninety cents on the dollar] **sold**  
10 **at a price less than permitted under section 108.170,** and  
11 all sums of money realized from the sale of refunding or  
12 renewal bonds shall be used [in the redemption] **to redeem,**  
13 **retire, or provide for an escrow account for the redemption**  
14 **or payment** of outstanding bonds of the school district **and**  
15 **for the payment of costs of issuance of such refunding or**  
16 **renewal bonds.**

164.261. 1. Revenue bonds issued under section  
2 164.231 shall be of such denomination, shall bear such rate  
3 of interest not to exceed [four percent per annum] **the**  
4 **maximum rate permitted under section 108.170,** and shall  
5 mature at such time within twenty years from the date of  
6 issuance thereof as the board of directors of the school  
7 district determines. The bonds may be either serial bonds  
8 or term bonds. Serial bonds may be issued with or without  
9 reservation of the right to call them for payment or

10 redemption in advance of their maturity, upon the giving of  
11 notice and with or without the covenant requiring the  
12 payment of a premium in the event of the call and redemption  
13 prior to maturity as the board determines. Term bonds shall  
14 contain a reservation of the right to call them for payment  
15 and redemption prior to maturity at such time and upon the  
16 giving of notice and upon the payment of such premium, if  
17 any, as the school board determines. Each such bond shall  
18 bear on its face a prominent legend reading substantially as  
19 follows:

20 "THIS IS A REVENUE BOND ONLY AND THE HOLDER  
21 THEREOF SHALL NEVER HAVE ANY RIGHT TO DEMAND OR  
22 RECEIVE PAYMENT OF THE PRINCIPAL OR INTEREST  
23 THEREOF FROM ANY FUNDS RAISED OR TO BE RAISED BY  
24 TAXATION."

25 2. The bonds when issued and sold shall be negotiable  
26 instruments within the meaning of the law merchant and the  
27 negotiable instruments law and the interest thereon is  
28 exempt from income taxes under the laws of the state of  
29 Missouri.

30 3. The bonds when issued may be sold at public sale to  
31 brokers or others after giving such reasonable notice of the  
32 sale as is determined by the board, but, if sold to brokers  
33 or dealers for resale, they shall be sold for not less than  
34 ninety-eight percent of the par value thereof and accrued  
35 interest, or the board may, in its discretion, provide for  
36 the sale of the bonds pursuant to individual subscriptions  
37 therefor by purchasers for investment, in which case they  
38 shall not be sold for less than the par value thereof and  
39 accrued interest. The school board may, however, pay  
40 reasonable compensation to persons employed in soliciting or  
41 effecting such private subscriptions and purchases.

164.301. 1. The revenue bonds issued pursuant to the provisions of sections 164.231 to 164.301 may be refunded in whole or in part **as provided in sections 108.140 to 108.170, and in addition** in any of the following circumstances, to wit:

(1) When any of the bonds have by their terms become due and payable and there are not sufficient funds in the interest and sinking fund provided for their payment to pay the bonds and the interest thereon;

(2) When any of the bonds are by their terms callable for payment and redemption in advance of their date of maturity and have been duly called for payment and redemption;

(3) When any of the bonds are voluntarily surrendered by the holder thereof in exchange for refunding bonds.

2. For the purpose of refunding any bonds issued hereunder, including refunding bonds, the board of the school district may make and issue refunding bonds in the amount necessary to pay off and redeem the bonds to be refunded, together with unpaid and past due interest thereon and any premium which is due under the terms of the bonds, together also with the cost of issuing the refunding bonds, and may sell the bonds in like manner as is herein provided for the sale of revenue bonds. With the proceeds of the bonds, the board may pay off, redeem and cancel old bonds and coupons which have matured, or which have been called for payment and redemption, together with the past due interest premium, if any, due thereon, or the bonds may be issued and delivered in exchange for a like par value amount of bonds to refund which the refunding bonds were issued.

3. No refunding bonds issued pursuant to the provisions of this section shall be payable in more than

33 twenty years from the date thereof or shall bear interest at  
34 a rate in excess of [six percent per annum] **the maximum rate**  
35 **permitted under section 108.170.**

36 4. Refunding bonds are payable from the same sources  
37 as were pledged to the payment of the bonds refunded thereby  
38 and, in the discretion of the board, may be payable from any  
39 other sources which under sections 164.231 to 164.301 may be  
40 pledged to the payment of revenue bonds issued hereunder.

165.141. 1. The notes shall be known as tax  
2 anticipation notes of the school district and shall be  
3 signed by the president of the school board and attested by  
4 the clerk or secretary. The clerk or secretary of the  
5 school board shall certify on the back of each note that the  
6 note is issued pursuant to an order of the school board of  
7 the district and the aggregate principal amount of all prior  
8 notes and warrants issued against the fund referred to in  
9 the note which are unpaid at the date of the certificate.

10 [All notes issued under this section and section 165.131  
11 shall be registered, without fee, before delivery in the  
12 office of the county treasurer of the county in which the  
13 school district lies. The registry] **Each note** shall show  
14 the number, date, amount and interest rate of each note, the  
15 fund for which issued, date of sale and name of the payee,  
16 if any, [or of the purchaser if payable to bearer. Upon  
17 payment and cancellation the notes shall be submitted to the  
18 county treasurer who shall record the date of payment and  
19 cancellation in his record of registry] **and of the district**  
20 **treasurer or bank or trust company acting as paying agent**  
21 **and note registrar.**

22 2. The secretary of the school district shall keep  
23 true and correct record of the issuance, and of the fact and  
24 date of payment of all notes, and deliver a duplicate

25 thereof to the treasurer of the school district. [The notes  
26 upon payment shall be cancelled and] It shall not be lawful  
27 for the school district to purchase and reissue any of the  
28 notes.

170.014. 1. This section shall be known as the  
2 "Reading Instruction Act" and is enacted to ensure that all  
3 public schools including charter schools establish reading  
4 programs in kindergarten through grade five based in  
5 scientific research. "Evidence-based reading instruction"  
6 includes practices that have been proven effective through  
7 evaluation of the outcomes for large numbers of students and  
8 are highly likely to be effective in improving reading if  
9 implemented with fidelity. Such programs shall include the  
10 essential components of phonemic awareness, phonics,  
11 fluency, vocabulary, and comprehension, and all new teachers  
12 who teach reading in kindergarten through grade three shall  
13 receive adequate training in these areas.

14 2. (1) For purposes of this subsection, "three-cueing  
15 system" means any model of teaching students to read based  
16 on meaning, structure and syntax, and visual cues, which may  
17 also be known as "MSV".

18 (2) A public school district or charter school shall  
19 provide reading instruction in accordance with the following  
20 requirements:

21 (a) Phonics instruction for decoding and encoding  
22 shall be the primary instructional strategy for teaching  
23 word reading; **and**

24 (b) Instruction in word reading shall not rely  
25 primarily on strategies based on the three-cueing system  
26 model of reading or visual memory[; and

27 (c) Reading instruction may include visual information  
28 and strategies that improve background and experiential

29 knowledge, add context, and increase oral language and  
30 vocabulary to support comprehension, but such visual  
31 information and strategies shall not be used to teach word  
32 reading].

33 3. Every public school in the state shall offer a  
34 reading program as described in subsection 1 of this section  
35 for kindergarten through grade five.

177.073. 1. The board of directors or school board in  
2 urban school districts, metropolitan school districts, and  
3 school districts located totally or partially within a first  
4 class charter county adjoining a city not within a county,  
5 by an affirmative vote of [not less than two-thirds of all  
6 the members] **a majority of all members of the board**, may:

7 (1) Select, direct and authorize the purchase of sites  
8 for and authorize the construction of [libraries, schools,  
9 school offices, art galleries and museums; and the necessary  
10 janitors' houses, repair buildings, supply houses and  
11 parking] facilities to be used in the operation and  
12 maintenance of the schools;

13 (2) Authorize and direct the purchase of additional  
14 ground needed for school purposes;

15 (3) **(a)** Authorize and direct the sale and transfer or  
16 lease of any real or personal property belonging to the  
17 district which is not required for operation of the school  
18 program **and which the superintendent or the superintendent's**  
19 **designee has determined has reasonable value after factoring**  
20 **in the time and costs associated with advertising and**  
21 **processing the sale, transfer, or lease. All property the**  
22 **superintendent or designee determines does not have**  
23 **reasonable value shall be recycled, destroyed, or disposed**  
24 **of as solid waste.**

25           (b) The board may, by an affirmative vote of a  
26 majority of all members of the board, transfer district  
27 personal property for no compensation or negotiated  
28 compensation to students of the district or to another  
29 public school district in the state that is in need of the  
30 property. Personal property shall not otherwise be  
31 transferred without compensation unless the district has  
32 first attempted to sell the property and has not received  
33 any bids for the property.

34           (c) Personal property shall be sold or leased to the  
35 highest bidder. The proceeds from the sale of personal  
36 property shall be placed to the credit of the incidental  
37 fund.

38           (d) Real property may be sold or leased by listing the  
39 property with one or more real estate brokers licensed by  
40 the state of Missouri and paying a commission upon such sale  
41 or lease. Real property not sold or leased through a real  
42 estate broker [and all personal property] shall be sold or  
43 leased to the highest bidder[, except that any real or  
44 personal school property may be sold or leased to a  
45 community group or a city, state agency, municipal  
46 corporation, or any other governmental subdivision of the  
47 state located wholly or partially within the boundaries of  
48 the district, for public uses and purposes, at such sum as  
49 may be agreed upon between the school district and the  
50 community group or the city, state agency, municipal  
51 corporation, or other governmental subdivision of the  
52 state]. If property is to be leased by bid, written  
53 proposals for lease terms shall be submitted by potential  
54 lessees. The lease proposal offering the most economically  
55 advantageous terms shall be considered the highest lease  
56 bid. A purchase proposal may include contingencies; the

57 proposal offering the most economically advantageous terms  
58 shall be the highest bid. All bids for purchase or lease of  
59 real property shall be submitted formally as closed bids.  
60 Bids shall be opened at a meeting, which shall be an open  
61 meeting. The board may reject all bids, or negotiate an  
62 acceptable sale or lease with the highest bidder, if all  
63 bids are unsatisfactory. The records of the bid-opening  
64 meeting shall be an open record. If real property is not  
65 sold or leased through a real estate broker, notice that the  
66 board is holding real property for sale or offering it for  
67 lease, including a planned sale or lease to a community  
68 group or a city, state agency, municipal corporation, or  
69 other governmental subdivision of the state, shall be given  
70 by publication in a newspaper within the county in which all  
71 or a part of the district is located which has general  
72 circulation within the district, once a week for two  
73 consecutive weeks, the last publication to be at least seven  
74 days and not more than fourteen days prior to the date of  
75 the bid opening. The term of a lease may be for any period  
76 which the board finds is advantageous and meets the needs of  
77 the district. The lease or deed of conveyance shall be  
78 executed by the president and attested by the secretary of  
79 the board. If the district has a seal, it shall be affixed  
80 to the deed or lease. The proceeds derived from sale of  
81 real property shall be placed to the credit of the  
82 incidental fund of the district. [The proceeds from sale of  
83 nonrealty and from leases shall be placed to the credit of  
84 the incidental fund.]

85       **(e) Notwithstanding any provision of paragraph (c) or**  
86 **(d) of this subdivision to the contrary, a district may sell**  
87 **real or personal property to a community group or a city,**  
88 **state agency, municipal corporation, or any other political**



89 subdivision of the state by posting public notice of the  
90 proposed sale and the agreed-upon purchase price of the  
91 property. Such notice shall be posted at the primary  
92 offices of the school district and the governmental entity  
93 and on the websites of the school district and of the  
94 governmental entity, if such websites exist. The district  
95 may also use other methods of advertisement it determines  
96 are effective.

97 2. The board may receive, in behalf of the school  
98 district, any grants, gifts, or devises made for the benefit  
99 of the district or its schools, or any public library, art  
100 gallery or museum under the control of the board.

177.086. 1. Any school district authorizing the  
2 construction of facilities which may exceed an expenditure  
3 of fifty thousand dollars shall publicly advertise, once a  
4 week for two consecutive weeks, in a newspaper of general  
5 circulation, qualified pursuant to chapter 493, located  
6 within the city in which the school district is located, or  
7 if there be no such newspaper, in a qualified newspaper of  
8 general circulation in the county, or if there be no such  
9 newspaper, in a qualified newspaper of general circulation  
10 in an adjoining county, and may advertise in business,  
11 trade, or minority newspapers **and websites**, for bids on said  
12 construction. **The advertisement shall include, or direct**  
13 **potential bidders to, the complete invitation for bids**  
14 **including the project specifications and terms and**  
15 **conditions established for the project.**

16 2. No bids shall be entertained by the school district  
17 which are not made in accordance with the specifications  
18 furnished by the district and all contracts shall be let to  
19 the lowest responsible bidder complying with the terms of

the letting, provided that the district shall have the right to reject any and all bids.

3. All bids must be submitted sealed and in writing, to be opened publicly at time and place of the district's choosing.

**4. The requirements of this section are not applicable if the district utilizes a cooperative procurement service authorized under section 34.046, state procurement service authorized under section 67.360, design-build service authorized under section 67.5060, or any other procurement mechanism or source selection process authorized under state or federal law that implements an approach to competitive bidding that differs from the provisions of this section. The requirements of sections 290.210 to 290.340 shall apply to all construction projects governed by any such state or federal law.**

177.091. 1. The school board in each seven-director district, as soon as sufficient funds are provided, shall establish an adequate number of elementary schools, and if the demands of the district require more than one elementary school building, the board shall divide the district into elementary school wards and fix the boundaries thereof. The board shall select and procure a site in each ward and erect and furnish a suitable school building thereon.

2. The board may also establish high schools and may select and procure sites and erect and furnish buildings therefor.

3. The board may acquire additional grounds when needed for school purposes. If the directors of both school districts involved agree, such grounds may be located outside of the boundaries of the district and operated for school purposes.

17           4. If there is any **real or personal** school property,  
18 the ownership of which is vested in the district, that is no  
19 longer required for the use of the district, **and that the**  
20 **superintendent or the superintendent's designee determines**  
21 **has reasonable value**, the board, by an affirmative vote of a  
22 majority of the whole board, may authorize and direct the  
23 sale or lease of the property, except that, property outside  
24 the boundaries of the school district may not be leased.  
25 **All property the superintendent or designee determines does**  
26 **not have reasonable value shall be recycled, destroyed, or**  
27 **disposed of as solid waste.**

28           5. The board may, by an affirmative vote of a majority  
29 of all members of the board, transfer district personal  
30 property for no compensation or negotiated compensation to  
31 students of the district or to another public school  
32 district in the state. Except as provided in this  
33 subsection, personal property shall not be transferred  
34 without compensation unless the district has first attempted  
35 to sell the property and has not received any bids for the  
36 property.

37           6. Real property may be sold or leased by listing the  
38 property with one or more real estate brokers licensed by  
39 the state of Missouri and paying a commission upon such sale  
40 or lease. Real property not sold or leased through a real  
41 estate broker [and all personal property, unless sold or  
42 leased to a public institution of higher education,] shall  
43 be sold or leased to the highest bidder. If real property  
44 is not sold or leased through a real estate broker, notice  
45 that the board is holding the property for sale or offering  
46 it for lease shall be given by publication in a newspaper  
47 within the county in which all or a part of the district is  
48 located which has general circulation within the district,

once a week for two consecutive weeks, the last publication to be at least seven days prior to the sale or lease of the property[; except that, any real or personal school property may be sold or leased to a city, state agency, municipal corporation, or other governmental subdivision of the state located within the boundaries of the district, for public uses and purposes, by the giving of public notice as herein provided and at such sum as may be agreed upon between the school district and the city, state agency, municipal corporation, or other governmental subdivision of the state].

**7. Personal property shall be sold or leased to the highest bidder. The school district shall post public notice of the sale at the primary office of the school district and on the website of the school district, if such a website exists. The district may also use other methods of advertisement it determines are effective.**

**8. Notwithstanding any provision of subsection 6 or 7 of this section to the contrary, a district may sell real or personal property to a community group or a city, state agency, municipal corporation, or other political subdivision of the state by posting public notice of the proposed sale and the amount agreed upon. Such notice shall be posted at the primary offices of the school district and of the governmental entity and on the websites of the school district and the governmental entity, if such websites exist. The district may also use other methods of advertisement it determines are effective.**

**9. The lease or deed of conveyance shall be executed by the president and attested by the secretary of the board. If the district has a seal, it shall be affixed to the deed or lease. The proceeds derived from the sale of real property or nonrealty by districts identified as**

81 financially stressed pursuant to section 161.520 shall[,  
82 until July 1, 1998, be placed to the credit of the  
83 incidental fund or the capital projects fund of the  
84 district, with notice of any such sale to be included in the  
85 budget and education plan submitted to the department of  
86 elementary and secondary education, and, on and after July  
87 1, 1998, any such proceeds shall] be placed to the credit of  
88 the capital projects fund. [The proceeds from the sale of  
89 real property or nonrealty and from leases, by any other  
90 district, shall be placed to the credit of the capital  
91 projects fund.

92 5. Notwithstanding the provisions of subsection 4 of  
93 this section to the contrary, after twenty-five years from  
94 the date of purchase, any city of the fourth classification  
95 with more than four hundred but fewer than five hundred  
96 inhabitants and located in any county of the fourth  
97 classification with more than thirty-two thousand nine  
98 hundred but fewer than thirty-three thousand inhabitants  
99 located within the boundaries of a school district that has  
100 purchased any real or personal school property from the  
101 school district for public uses and purposes, as provided in  
102 subsection 4 of this section, may sell the property or use  
103 the property for whatever purpose such city deems necessary.

104 6.] 10. The school board of a seven-director district  
105 may also list real property for sale on which a building has  
106 been constructed by an approved vocational education class  
107 with a real estate broker licensed by the state of Missouri  
108 and pay a commission thereon.

109 [7.] 11. Other provisions of this section to the  
110 contrary notwithstanding, bids for the purchase of any  
111 building constructed by students as part of an approved

112 vocational education class may be accepted prior to  
113 completion of such construction.

2 [164.221. Whenever any bonds of any school  
3 district are redeemed or paid off, the bonds  
4 shall be burned or shredded in the presence of  
5 two members of the school board and two other  
6 credible persons as witnesses of the fact. The  
7 secretary or clerk of the board shall record in  
8 the books of the district a description of the  
9 bonds so destroyed by noting the date when  
10 issued and when due, and the number and amount  
11 of each of the bonds, and the names of the  
12 members of the board and of the witnesses who  
are present at the burning of the bonds.]

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