

SECOND REGULAR SESSION

SENATE BILL NO. 571

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PEARCE.

Pre-filed December 1, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4802S.02I

AN ACT

To repeal sections 160.011, 161.092, 162.081, 162.1250, 163.011, 163.036, 167.131, and 167.241, RSMo, and to enact in lieu thereof twenty-four new sections relating to elementary and secondary education, with an emergency clause.

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

Section A. Sections 160.011, 161.092, 162.081, 162.1250, 163.011, 163.036, 167.131, and 167.241, RSMo, are repealed and twenty-four new sections enacted in lieu thereof, to be known as sections 160.011, 161.087, 161.092, 161.238, 162.081, 162.1250, 162.1305, 162.1310, 162.1312, 163.011, 163.036, 167.131, 167.132, 167.241, 167.826, 167.827, 167.830, 167.833, 167.836, 167.839, 167.842, 167.845, 167.848, and 167.890, to read as follows:

160.011. As used in chapters 160, 161, 162, 163, 164, 165, 167, 168, 170, 171, 177 and 178, the following terms mean:

(1) "District" or "school district", when used alone, may include seven-director, urban, and metropolitan school districts;

(2) "Elementary school", a public school giving instruction in a grade or grades not higher than the eighth grade;

(3) "Family literacy programs", services of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in families that include:

(a) Interactive literacy activities between parents and their children;

(b) Training of parents regarding how to be the primary teacher of their children and full partners in the education of their children;

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

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

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

17 (4) "Graduation rate", the [quotient of the number of graduates in the
18 current year as of June thirtieth divided by the sum of the number of graduates
19 in the current year as of June thirtieth plus the number of twelfth graders who
20 dropped out in the current year plus the number of eleventh graders who dropped
21 out in the preceding year plus the number of tenth graders who dropped out in
22 the second preceding year plus the number of ninth graders who dropped out in
23 the third preceding year] **graduation rate determined by the annual**
24 **performance report required by the Missouri school improvement**
25 **program;**

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

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

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

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

34 (9) "School term", a minimum of one hundred seventy-four school days, as
35 that term is defined in section 160.041, for schools with a five-day school week or
36 a minimum of one hundred forty-two school days, as that term is defined in
37 section 160.041, for schools with a four-day school week, and one thousand forty-
38 four hours of actual pupil attendance as scheduled by the board pursuant to
39 section 171.031 during a twelve-month period in which the academic instruction
40 of pupils is actually and regularly carried on for a group of students in the public
41 schools of any school district. A school term may be within a school year or may
42 consist of parts of two consecutive school years, but does not include summer
43 school. A district may choose to operate two or more terms for different groups
44 of children. A school term for students participating in a school flex program as
45 established in section 160.539 may consist of a combination of actual pupil
46 attendance and attendance at college or technical career education or approved
47 employment aligned with the student's career academic plan for a total of one
48 thousand forty-four hours;

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

50 (11) "Seven-director district", any school district which has seven directors

51 and includes urban districts regardless of the number of directors an urban
52 district may have unless otherwise provided by law;

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

56 (13) "Town", any town or village, whether or not incorporated, the plat of
57 which has been filed in the office of the recorder of deeds of the county in which
58 it is situated;

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

**161.087. 1. When the state board of education assigns
2 classification designations to school districts and attendance centers
3 pursuant to its authority to classify the public schools of the state in
4 section 161.092, the state board shall use only the following
5 classification designations based on the standards adopted by the state
6 board:**

- 7 (1) Unaccredited;
8 (2) Provisionally accredited;
9 (3) Accredited; and
10 (4) Accredited with distinction.

11 **2. The state board of education shall develop and implement a
12 process to provide assistance teams to borderline districts as
13 determined by the department of elementary and secondary education
14 and to underperforming districts upon assignment of a classification
15 designation of unaccredited or provisionally accredited or
16 determination made by the state board of education. The composition
17 and size of the team may vary, based on academic, demographic, and
18 financial circumstances of the district, but in no case will the team
19 have fewer than ten members, two of whom shall be active classroom
20 teachers in the district, two of whom shall be principals, and one of
21 whom shall be a parent of a student in the district. The department
22 staff member assigned to the region in which the district is located may
23 be included in the assistance team's activities but shall not be formally
24 assigned to the team. The team shall provide both analysis of, at a
25 minimum, the assessment data, classroom practices, and
26 communication processes within buildings, within the district, and with**

27 **the larger community, and prescriptions for improvement based on the**
28 **district's and community's needs. Separate teams may be used to**
29 **provide analysis and recommendations at the discretion of the state**
30 **board. Beginning with school year 2016-17, the team shall provide its**
31 **recommendations no later than June 30, 2017, for underperforming**
32 **districts and borderline districts. The state board shall prioritize the**
33 **assignment of teams so that the districts with the lower annual**
34 **performance report scores are addressed first. The assistance team's**
35 **suggestions for improvement shall be mandatory for underperforming**
36 **districts but shall not be mandatory for borderline districts. If an**
37 **underperforming district disagrees with any suggestion of the**
38 **assistance team, the district shall propose a different method of**
39 **accomplishing what the assistance team has suggested, and the state**
40 **board of education shall be the final arbiter of the matter.**

161.092. The state board of education shall:

- 2 (1) Adopt rules governing its own proceedings and formulate policies for
3 the guidance of the commissioner of education and the department of elementary
4 and secondary education;
- 5 (2) Carry out the educational policies of the state relating to public
6 schools that are provided by law and supervise instruction in the public schools;
- 7 (3) Direct the investment of all moneys received by the state to be applied
8 to the capital of any permanent fund established for the support of public
9 education within the jurisdiction of the department of elementary and secondary
10 education and see that the funds are applied to the branches of educational
11 interest of the state that by grant, gift, devise or law they were originally
12 intended, and if necessary institute suit for and collect the funds and return them
13 to their legitimate channels;
- 14 (4) Cause to be assembled information which will reflect continuously the
15 condition and management of the public schools of the state;
- 16 (5) Require of county clerks or treasurers, boards of education or other
17 school officers, recorders and treasurers of cities, towns and villages, copies of all
18 records required to be made by them and all other information in relation to the
19 funds and condition of schools and the management thereof that is deemed
20 necessary;
- 21 (6) Provide blanks suitable for use by officials in reporting the information
22 required by the board;

23 (7) When conditions demand, cause the laws relating to schools to be
24 published in a separate volume, with pertinent notes and comments, for the
25 guidance of those charged with the execution of the laws;

26 (8) Grant, without fee except as provided in section 168.021, certificates
27 of qualification and licenses to teach in any of the public schools of the state,
28 establish requirements therefor, formulate regulations governing the issuance
29 thereof, and cause the certificates to be revoked for the reasons and in the
30 manner provided in section 168.071;

31 (9) Classify the public schools of the state, **including charter schools**
32 **and the virtual public school**, subject to limitations provided by law and
33 subdivision (14) of this section, establish requirements for the schools of each
34 class, and formulate rules governing the inspection and accreditation of schools
35 preparatory to classification, with such requirements taking effect not less than
36 two years from the date of adoption of the proposed rule by the state board of
37 education, provided that this condition shall not apply to any requirement for
38 which a time line for adoption is mandated in either federal or state law. Such
39 rules shall include a process to allow any district that is accredited without
40 provision that does not meet the state board's promulgated criteria for a
41 classification designation of accredited with distinction to propose alternative
42 criteria to the state board to be classified as accredited with distinction;

43 (10) Make an annual report on or before the first Wednesday after the
44 first day of January to the general assembly or, when it is not in session, to the
45 governor for publication and transmission to the general assembly. The report
46 shall be for the last preceding school year, and shall include:

47 (a) A statement of the number of public schools in the state, the number
48 of pupils attending the schools, their sex, and the branches taught;

49 (b) A statement of the number of teachers employed, their sex, their
50 professional training, and their average salary;

51 (c) A statement of the receipts and disbursements of public school funds
52 of every description, their sources, and the purposes for which they were
53 disbursed;

54 (d) Suggestions for the improvement of public schools; and

55 (e) Any other information relative to the educational interests of the state
56 that the law requires or the board deems important;

57 (11) Make an annual report to the general assembly and the governor
58 concerning coordination with other agencies and departments of government that

59 support family literacy programs and other services which influence educational
60 attainment of children of all ages;

61 (12) Require from the chief officer of each division of the department of
62 elementary and secondary education, on or before the thirty-first day of August
63 of each year, reports containing information the board deems important and
64 desires for publication;

65 (13) Cause fifty copies of its annual report to be reserved for the use of
66 each division of the state department of elementary and secondary education, and
67 ten copies for preservation in the state library;

68 (14) Promulgate rules under which the board shall classify the public
69 schools of the state, **including charter schools and the virtual public**
70 **school**; provided that the appropriate scoring guides, instruments, and
71 procedures used in determining the accreditation status of a district shall be
72 subject to a public meeting upon notice in a newspaper of general circulation in
73 each of the three most populous cities in the state and also a newspaper that is
74 a certified minority business enterprise or woman-owned business enterprise in
75 each of the two most populous cities in the state, and notice to each district board
76 of education, each superintendent of a school district, and to the speaker of the
77 house of representatives, the president pro tem of the senate, and the members
78 of the joint committee on education, at least fourteen days in advance of the
79 meeting, which shall be conducted by the department of elementary and
80 secondary education not less than ninety days prior to their application in
81 accreditation, with all comments received to be reported to the state board of
82 education;

83 (15) Have other powers and duties prescribed by law.

161.238. 1. As authorized under its duty to classify the schools
2 **of the state under section 161.092, the state board of education shall**
3 **adopt a system of classification that accredits school campuses within**
4 **a district separately from the district as a whole using the**
5 **classification designations provided in section 161.087.**

6 **2. The state board of education may consider the classification**
7 **designation of a school campus in its accreditation classification system**
8 **to exempt school campuses, as that term is defined in section 167.848,**
9 **with classification numbers outside the range of numbers assigned to**
10 **high schools, middle schools, junior high schools, or elementary**
11 **schools. Public separate special education schools within a special**

12 school district are exempted from the accreditation requirements of
13 this section. While not applicable for the purpose of accreditation, a
14 special school district shall continue to report all scores on its annual
15 performance report to the department of elementary and secondary
16 education for all of its schools. Juvenile detention centers within a
17 special school district are also exempted from the accreditation
18 standards of this section.

19 3. Any school campus that does not offer classes above the
20 second grade level shall be exempt from the school campus
21 accreditation requirements of this section and from any requirements
22 relating to statewide assessments.

23 4. Notwithstanding the provisions of subdivision (9) of section
24 161.092, the rules and regulations promulgated under this section shall
25 be effective thirty days after publication in the code of state
26 regulations as provided in section 536.021 and shall not be subject to
27 the two-year delay contained in subdivision (9) of section 161.092.

28 5. Any rule or portion of a rule, as that term is defined in section
29 536.010, that is created under the authority delegated in this section
30 shall become effective only if it complies with and is subject to all of
31 the provisions of chapter 536 and, if applicable, section 536.028. This
32 section and chapter 536 are nonseverable and if any of the powers
33 vested with the general assembly pursuant to chapter 536 to review, to
34 delay the effective date, or to disapprove and annul a rule are
35 subsequently held unconstitutional, then the grant of rulemaking
36 authority and any rule proposed or adopted after the effective date of
37 this section shall be invalid and void.

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

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

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

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

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

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

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

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

29 (a) Appoint a special administrative board for the operation of all or part
30 of the district. **If a special administrative board is appointed for the**
31 **operation of a part of a school district, the state board of education**
32 **shall determine an equitable apportionment of state and federal aid for**
33 **the part of the district, and the school district shall provide local**
34 **revenue in proportion to the weighted average daily attendance of the**
35 **part.** The number of members of the special administrative board shall not be
36 less than five, the majority of whom shall be residents of the district. The
37 members of the special administrative board shall reflect the population
38 characteristics of the district and shall collectively possess strong experience in
39 school governance, management and finance, and leadership. **The state board**
40 **of education may appoint members of the district's elected school board**
41 **to the special administrative board but members of the elected school**
42 **board shall not comprise more than forty-nine percent of the special**
43 **administrative board's membership.** Within fourteen days after the
44 appointment by the state board of education, the special administrative board
45 shall organize by the election of a president, vice president, secretary and a
46 treasurer, with their duties and organization as enumerated in section
47 162.301. The special administrative board shall appoint a superintendent of

48 schools to serve as the chief executive officer of the school district, **or a subset**
49 **of schools**, and to have all powers and duties of any other general
50 superintendent of schools in a seven-director school district. **Nothing in this**
51 **section shall be construed to permit either the state board of education**
52 **or a special administrative board to raise, in any way not specifically**
53 **allowed by law, the tax levy of the district or any part of the district**
54 **without a vote of the people.** Any special administrative board appointed
55 under this section shall be responsible for the operation of the district **or part**
56 **of the district** until such time that the district is classified by the state board
57 of education as provisionally accredited for at least two successive academic
58 years, after which time the state board of education may provide for a transition
59 pursuant to section 162.083; or

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

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

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

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

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

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

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

84 prior to such effective date.

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

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

120 employees.

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

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

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

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

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

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

144 **10. The provisions of subsection 9 of this section shall not apply**
145 **to any district solely on the basis of financial difficulty resulting from**
146 **paying tuition and providing transportation for transfer students under**
147 **sections 167.826 to 167.828.**

162.1250. 1. School districts shall receive state school funding under
2 sections 163.031, 163.043, and 163.087 for resident students who are enrolled in
3 the school district and who are taking a virtual course or full-time virtual
4 program offered by the school district. The school district may offer instruction
5 in a virtual setting using technology, intranet, and internet methods of
6 communications that could take place outside of the regular school district
7 facility. The school district may develop a virtual program for any grade level,
8 kindergarten through twelfth grade, with the courses available in accordance with

9 district policy to any resident student of the district who is enrolled in the school
10 district. Nothing in this section shall preclude a private, parochial, or home
11 school student residing within a school district offering virtual courses or virtual
12 programs from enrolling in the school district in accordance with the combined
13 enrollment provisions of section 167.031 for the purposes of participating in the
14 virtual courses or virtual programs.

15 2. Charter schools shall receive state school funding under section 160.415
16 for students enrolled in the charter school who are completing a virtual course or
17 full-time virtual program offered by the charter school. Charter schools may offer
18 instruction in a virtual setting using technology, intranet, and internet methods
19 of communications. The charter school may develop a virtual program for any
20 grade level, kindergarten through twelfth grade, with the courses available in
21 accordance with school policy and the charter school's charter to any student
22 enrolled in the charter school.

23 3. For purposes of calculation and distribution of state school funding,
24 attendance of a student enrolled in a district or charter school virtual class shall
25 equal, upon course completion, ninety-four percent of the hours of attendance
26 possible for such class delivered in the nonvirtual program in the student's
27 resident district or charter school. **In the case of a student who is a**
28 **candidate for A+ tuition reimbursement and taking a virtual course**
29 **under this section, the school shall not attribute ninety-four percent**
30 **attendance to such student for such course, but shall attribute no less**
31 **than ninety-five percent attendance to any such student who has**
32 **completed such virtual course.** Course completion shall be calculated in two
33 increments, fifty percent completion and one hundred percent completion, based
34 on the student's completion of defined assignments and assessments, with
35 distribution of state funding to a school district or charter school at each
36 increment equal to forty-seven percent of hours of attendance possible for such
37 course delivered in the nonvirtual program in a student's school district of
38 residence or charter school.

39 4. When courses are purchased from an outside vendor, the district or
40 charter school shall ensure that they are aligned with the show-me curriculum
41 standards and comply with state requirements for teacher certification. The state
42 board of education reserves the right to request information and materials
43 sufficient to evaluate the online course. Online classes should be considered like
44 any other class offered by the school district or charter school.

45 5. Any school district or charter school that offers instruction in a virtual
46 setting, develops a virtual course or courses, or develops a virtual program of
47 instruction shall ensure that the following standards are satisfied:

48 (1) The virtual course or virtual program utilizes appropriate content-
49 specific tools and software;

50 (2) Orientation training is available for teachers, instructors, and students
51 as needed;

52 (3) Privacy policies are stated and made available to teachers, instructors,
53 and students;

54 (4) Academic integrity and internet etiquette expectations regarding
55 lesson activities, discussions, electronic communications, and plagiarism are
56 stated to teachers, instructors, and students prior to the beginning of the virtual
57 course or virtual program;

58 (5) Computer system requirements, including hardware, web browser, and
59 software, are specified to participants;

60 (6) The virtual course or virtual program architecture, software, and
61 hardware permit the online teacher or instructor to add content, activities, and
62 assessments to extend learning opportunities;

63 (7) The virtual course or virtual program makes resources available by
64 alternative means, including but not limited to, video and podcasts;

65 (8) Resources and notes are available for teachers and instructors in
66 addition to assessment and assignment answers and explanations;

67 (9) Technical support and course management are available to the virtual
68 course or virtual program teacher and school coordinator;

69 (10) The virtual course or virtual program includes assignments, projects,
70 and assessments that are aligned with students' different visual, auditory, and
71 hands-on learning styles;

72 (11) The virtual course or virtual program demonstrates the ability to
73 effectively use and incorporate subject-specific and developmentally appropriate
74 software in an online learning module; and

75 (12) The virtual course or virtual program arranges media and content to
76 help transfer knowledge most effectively in the online environment.

77 6. Any special school district shall count any student's completion of a
78 virtual course or program in the same manner as the district counts completion
79 of any other course or program for credit.

80 7. A school district or charter school may contract with multiple providers

81 of virtual courses or virtual programs, provided they meet the criteria for virtual
82 courses or virtual programs under this section.

162.1305. 1. For purposes of this section, "transient student"
2 **means any student who transfers from one school building to any other**
3 **school building two or more times in one school year.**

4 **2. In the first year of attendance in a district, a transient**
5 **student's score on a statewide assessment shall not be included when**
6 **calculating the status or progress scores on the district's annual**
7 **performance report scores. The statewide assessment scores for any**
8 **transient student in the first year of attendance in a district shall be**
9 **counted for growth scores from the previous year's assessment for the**
10 **purpose of the district's annual performance report score and to serve**
11 **as the baseline for growth in the next year's assessment.**

12 **3. In the second year of attendance, a transient student's score**
13 **on a statewide assessment shall be weighted at fifty percent when**
14 **calculating the district's performance for purposes of the district's**
15 **annual performance report status or progress score, with growth**
16 **counting for fifty percent.**

17 **4. In the third year of attendance and in any subsequent year of**
18 **attendance, a transient student's status, progress, and growth score**
19 **shall be weighted at one hundred percent when calculating the**
20 **district's performance for purposes of the district's annual performance**
21 **report score.**

162.1310. When the state board of education classifies any
2 **district or attendance center as unaccredited, the district shall notify**
3 **the parent or guardian of any student enrolled in the unaccredited**
4 **district or unaccredited attendance center of the loss of accreditation**
5 **within seven business days. The district's notice shall include an**
6 **explanation of which students may be eligible to transfer, the transfer**
7 **process under sections 167.826 to 167.828, and any services students**
8 **may be entitled to receive. The district's notice shall be written in a**
9 **clear, concise, and easy to understand manner. The district shall post**
10 **the notice in a conspicuous and accessible place in each district**
11 **attendance center. The district shall also send the notice to each**
12 **political subdivision located within the boundaries of the district.**

162.1312. The school board of any district that operates an
2 **underperforming school shall adopt a policy regarding the availability**

3 **of home visits by school personnel. Pursuant to such policy, the school**
4 **may offer to the parent or guardian of a student enrolled in any such**
5 **school the opportunity to have at least one annual home visit and shall**
6 **offer an opportunity for a meeting at the attendance center or a**
7 **mutually agreeable site.**

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

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

5 (2) "Average daily attendance", the quotient or the sum of the quotients
6 obtained by dividing the total number of hours attended in a term by resident
7 pupils between the ages of five and twenty-one by the actual number of hours
8 school was in session in that term. To the average daily attendance of the
9 following school term shall be added the full-time equivalent average daily
10 attendance of summer school students. "Full-time equivalent average daily
11 attendance of summer school students" shall be computed by dividing the total
12 number of hours, except for physical education hours that do not count as credit
13 toward graduation for students in grades nine, ten, eleven, and twelve, attended
14 by all summer school pupils by the number of hours required in section 160.011
15 in the school term. For purposes of determining average daily attendance under
16 this subdivision, the term "resident pupil" shall include all children between the
17 ages of five and twenty-one who are residents of the school district and who are
18 attending kindergarten through grade twelve in such district. If a child is
19 attending school in a district other than the district of residence and the child's
20 parent is teaching in the school district or is a regular employee of the school
21 district which the child is attending, then such child shall be considered a
22 resident pupil of the school district which the child is attending for such period
23 of time when the district of residence is not otherwise liable for tuition. Average
24 daily attendance for students below the age of five years for which a school
25 district may receive state aid based on such attendance shall be computed as
26 regular school term attendance unless otherwise provided by law;

27 (3) "Current operating expenditures":

28 (a) For the fiscal year 2007 calculation, "current operating expenditures"
29 shall be calculated using data from fiscal year 2004 and shall be calculated as all
30 expenditures for instruction and support services except capital outlay and debt
31 service expenditures minus the revenue from federal categorical sources; food

32 service; student activities; categorical payments for transportation costs pursuant
33 to section 163.161; state reimbursements for early childhood special education;
34 the career ladder entitlement for the district, as provided for in sections 168.500
35 to 168.515; the vocational education entitlement for the district, as provided for
36 in section 167.332; and payments from other districts;

37 (b) In every fiscal year subsequent to fiscal year 2007, current operating
38 expenditures shall be the amount in paragraph (a) of this subdivision plus any
39 increases in state funding pursuant to sections 163.031 and 163.043 subsequent
40 to fiscal year 2005, not to exceed five percent, per recalculation, of the state
41 revenue received by a district in the 2004-05 school year from the foundation
42 formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and
43 free textbook payments for any district from the first preceding calculation of the
44 state adequacy target. Beginning on July 1, 2010, current operating expenditures
45 shall be the amount in paragraph (a) of this subdivision plus any increases in
46 state funding pursuant to sections 163.031 and 163.043 subsequent to fiscal year
47 2005 received by a district in the 2004-05 school year from the foundation
48 formula, line 14, gifted, remedial reading, exceptional pupil aid, fair share, and
49 free textbook payments for any district from the first preceding calculation of the
50 state adequacy target; **provided that, when used to recalculate the state**
51 **adequacy target as provided in subdivision (18) of this section, any**
52 **increase in state funding attributable to an individual district shall be**
53 **limited to two hundred percent of the aggregate percentage increase**
54 **in state funding for all of the performance districts used in the same**
55 **recalculation;**

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

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

63 (a) "County wage per job", the total county wage and salary disbursements
64 divided by the total county wage and salary employment for each county and the
65 City of St. Louis as reported by the Bureau of Economic Analysis of the United
66 States Department of Commerce for the fourth year preceding the payment year;

67 (b) "Regional wage per job":

68 a. The total Missouri wage and salary disbursements of the metropolitan
69 area as defined by the Office of Management and Budget divided by the total
70 Missouri metropolitan wage and salary employment for the metropolitan area for
71 the county signified in the school district number or the City of St. Louis, as
72 reported by the Bureau of Economic Analysis of the United States Department
73 of Commerce for the fourth year preceding the payment year and recalculated
74 upon every decennial census to incorporate counties that are newly added to the
75 description of metropolitan areas; or if no such metropolitan area is established,
76 then:

77 b. The total Missouri wage and salary disbursements of the micropolitan
78 area as defined by the Office of Management and Budget divided by the total
79 Missouri micropolitan wage and salary employment for the micropolitan area for
80 the county signified in the school district number, as reported by the Bureau of
81 Economic Analysis of the United States Department of Commerce for the fourth
82 year preceding the payment year, if a micropolitan area for such county has been
83 established and recalculated upon every decennial census to incorporate counties
84 that are newly added to the description of micropolitan areas; or

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

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

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

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

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

110 (8) "Limited English proficiency pupil count", the number in the preceding
111 school year of pupils aged three through twenty-one enrolled or preparing to
112 enroll in an elementary school or secondary school who were not born in the
113 United States or whose native language is a language other than English or are
114 Native American or Alaskan native, or a native resident of the outlying areas,
115 and come from an environment where a language other than English has had a
116 significant impact on such individuals' level of English language proficiency, or
117 are migratory, whose native language is a language other than English, and who
118 come from an environment where a language other than English is dominant; and
119 have difficulties in speaking, reading, writing, or understanding the English
120 language sufficient to deny such individuals the ability to meet the state's
121 proficient level of achievement on state assessments described in Public Law
122 107-10, the ability to achieve successfully in classrooms where the language of
123 instruction is English, or the opportunity to participate fully in society;

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

130 (10) "Local effort":

131 (a) For the fiscal year 2007 calculation, "local effort" shall be computed as
132 the equalized assessed valuation of the property of a school district in calendar
133 year 2004 divided by one hundred and multiplied by the performance levy less the
134 percentage retained by the county assessor and collector plus one hundred
135 percent of the amount received in fiscal year 2005 for school purposes from
136 intangible taxes, fines, escheats, payments in lieu of taxes and receipts from
137 state-assessed railroad and utility tax, one hundred percent of the amount
138 received for school purposes pursuant to the merchants' and manufacturers' taxes
139 under sections 150.010 to 150.370, one hundred percent of the amounts received

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

149 (b) In every year subsequent to fiscal year 2007, "local effort" shall be the
150 amount calculated under paragraph (a) of this subdivision plus any increase in
151 the amount received for school purposes from fines. If a district's assessed
152 valuation has decreased subsequent to the calculation outlined in paragraph (a)
153 of this subdivision, the district's local effort shall be calculated using the district's
154 current assessed valuation in lieu of the assessed valuation utilized in the
155 calculation outlined in paragraph (a) of this subdivision. When a change in a
156 school district's boundary lines occurs because of a boundary line change,
157 annexation, attachment, consolidation, reorganization, or dissolution under
158 section 162.071, 162.081, sections 162.171 to 162.201, section 162.221, 162.223,
159 162.431, 162.441, or 162.451, or in the event that a school district assumes any
160 territory from a district that ceases to exist for any reason, the department of
161 elementary and secondary education shall make a proper adjustment to each
162 affected district's local effort, so that each district's local effort figure conforms
163 to the new boundary lines of the district. The department shall compute the local
164 effort figure by applying the calendar year 2004 assessed valuation data to the
165 new land areas resulting from the boundary line change, annexation, attachment,
166 consolidation, reorganization, or dissolution and otherwise follow the procedures
167 described in this subdivision;

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

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

173 (b) The number of resident full-time students and the full-time equivalent
174 number of part-time students who were enrolled in the public schools of the
175 district on the last Wednesday in January of the previous year and who were in

176 attendance one day or more during the preceding ten school days, plus the
177 full-time equivalent number of summer school pupils. "Full-time equivalent
178 number of part-time students" is determined by dividing the total number of
179 hours for which all part-time students are enrolled by the number of hours in the
180 school term. "Full-time equivalent number of summer school pupils" is
181 determined by dividing the total number of hours for which all summer school
182 pupils were enrolled by the number of hours required pursuant to section 160.011
183 in the school term. Only students eligible to be counted for average daily
184 attendance shall be counted for membership;

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

191 (13) "Performance district", any district that has met performance
192 standards and indicators as established by the department of elementary and
193 secondary education for purposes of accreditation under section 161.092 and as
194 reported on the final annual performance report for that district each year; for
195 calculations to be utilized for payments in fiscal years subsequent to fiscal year
196 2018, the number of performance districts shall not exceed twenty-five percent of
197 all public school districts;

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

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

200 (16) "Special education pupil count", the number of public school students
201 with a current individualized education program or services plan and receiving
202 services from the resident district as of December first of the preceding school
203 year, except for special education services provided through a school district
204 established under sections 162.815 to 162.940 in a county with a charter form of
205 government and with more than one million inhabitants, in which case the sum
206 of the students in each district within the county exceeding the special education
207 threshold of each respective district within the county shall be counted within the
208 special district and not in the district of residence for purposes of distributing the
209 state aid derived from the special education pupil count;

210 (17) "Special education threshold" shall be calculated by dividing the total
211 special education pupil count of every performance district that falls entirely

212 above the bottom five percent and entirely below the top five percent of average
213 daily attendance, when such districts are rank-ordered based on their current
214 operating expenditures per average daily attendance, by the total average daily
215 attendance of all included performance districts;

216 (18) "State adequacy target", the sum of the current operating
217 expenditures of every performance district that falls entirely above the bottom
218 five percent and entirely below the top five percent of average daily attendance,
219 when such districts are rank-ordered based on their current operating
220 expenditures per average daily attendance, divided by the total average daily
221 attendance of all included performance districts. The department of elementary
222 and secondary education shall first calculate the state adequacy target for fiscal
223 year 2007 and recalculate the state adequacy target every two years using the
224 most current available data. The recalculation shall never result in a decrease
225 from the previous state adequacy target amount. Should a recalculation result
226 in an increase in the state adequacy target amount, fifty percent of that increase
227 shall be included in the state adequacy target amount in the year of recalculation,
228 and fifty percent of that increase shall be included in the state adequacy target
229 amount in the subsequent year. The state adequacy target may be adjusted to
230 accommodate available appropriations as provided in subsection 7 of section
231 163.031;

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

238 (20) "Weighted average daily attendance", the average daily attendance
239 plus the product of twenty-five hundredths multiplied by the free and reduced
240 **price** lunch pupil count that exceeds the free and reduced **price** lunch threshold,
241 plus the product of seventy-five hundredths multiplied by the number of special
242 education pupil count that exceeds the special education threshold, plus the
243 product of six-tenths multiplied by the number of limited English proficiency
244 pupil count that exceeds the limited English proficiency threshold. For special
245 districts established under sections 162.815 to 162.940 in a county with a charter
246 form of government and with more than one million inhabitants, weighted
247 average daily attendance shall be the average daily attendance plus the product

248 of twenty-five hundredths multiplied by the free and reduced **price** lunch pupil
249 count that exceeds the free and reduced **price** lunch threshold, plus the product
250 of seventy-five hundredths multiplied by the sum of the special education pupil
251 count that exceeds the threshold for each county district, plus the product of
252 six-tenths multiplied by the limited English proficiency pupil count that exceeds
253 the limited English proficiency threshold. None of the districts comprising a
254 special district established under sections 162.815 to 162.940 in a county with a
255 charter form of government and with more than one million inhabitants, shall use
256 any special education pupil count in calculating their weighted average daily
257 attendance.

163.036. 1. In computing the amount of state aid a school district is
2 entitled to receive for the minimum school term only under section 163.031, a
3 school district may use an estimate of the weighted average daily attendance for
4 the current year, or the weighted average daily attendance for the immediately
5 preceding year or the weighted average daily attendance for the second preceding
6 school year, whichever is greater. Beginning with the 2006-07 school year, the
7 summer school attendance included in the average daily attendance as defined
8 in subdivision (2) of section 163.011 shall include only the attendance hours of
9 pupils that attend summer school in the current year. Beginning with the 2004-
10 05 school year, when a district's official calendar for the current year contributes
11 to a more than ten percent reduction in the average daily attendance for
12 kindergarten compared to the immediately preceding year, the payment
13 attributable to kindergarten shall include only the current year kindergarten
14 average daily attendance. Any error made in the apportionment of state aid
15 because of a difference between the actual weighted average daily attendance and
16 the estimated weighted average daily attendance shall be corrected as provided
17 in section 163.091, except that if the amount paid to a district estimating
18 weighted average daily attendance exceeds the amount to which the district was
19 actually entitled by more than five percent, interest at the rate of six percent
20 shall be charged on the excess and shall be added to the amount to be deducted
21 from the district's apportionment the next succeeding year.

22 2. Notwithstanding the provisions of subsection 1 of this section or any
23 other provision of law, the state board of education shall make an adjustment for
24 the immediately preceding year for any increase in the actual weighted average
25 daily attendance above the number on which the state aid in section 163.031 was
26 calculated. Said adjustment shall be made in the manner providing for correction

27 of errors under subsection 1 of this section.

28 3. Any error made in the apportionment of state aid because of a
29 difference between the actual equalized assessed valuation for the current year
30 and the estimated equalized assessed valuation for the current year shall be
31 corrected as provided in section 163.091, except that if the amount paid to a
32 district estimating current equalized assessed valuation exceeds the amount to
33 which the district was actually entitled, interest at the rate of six percent shall
34 be charged on the excess and shall be added to the amount to be deducted from
35 the district's apportionment the next succeeding year.

36 4. For the purposes of distribution of state school aid pursuant to section
37 163.031, a school district with ten percent or more of its assessed valuation that
38 is owned by one person or corporation as commercial or personal property who is
39 delinquent in a property tax payment may elect, after receiving notice from the
40 county clerk on or before March fifteenth that more than ten percent of its
41 current taxes due the preceding December thirty-first by a single property owner
42 are delinquent, to use in the local effort calculation of the state aid formula the
43 district's equalized assessed valuation for the preceding year or the actual
44 assessed valuation of the year for which the taxes are delinquent less the
45 assessed valuation of property for which the current year's property tax is
46 delinquent. To qualify for use of the actual assessed valuation of the year for
47 which the taxes are delinquent less the assessed valuation of property for which
48 the current year's property tax is delinquent, a district must notify the
49 department of elementary and secondary education on or before April first, except
50 in the year enacted, of the current year amount of delinquent taxes, the assessed
51 valuation of such property for which delinquent taxes are owed and the total
52 assessed valuation of the district for the year in which the taxes were due but not
53 paid. Any district giving such notice to the department of elementary and
54 secondary education shall present verification of the accuracy of such notice
55 obtained from the clerk of the county levying delinquent taxes. When any of the
56 delinquent taxes identified by such notice are paid during a four-year period
57 following the due date, the county clerk shall give notice to the district and the
58 department of elementary and secondary education, and state aid paid to the
59 district shall be reduced by an amount equal to the delinquent taxes received plus
60 interest. The reduction in state aid shall occur over a period not to exceed five
61 years and the interest rate on excess state aid not refunded shall be six percent
62 annually.

63 5. If a district receives state aid based on equalized assessed valuation as
64 determined by subsection 4 of this section and if prior to such notice the district
65 was paid state aid pursuant to section 163.031, the amount of state aid paid
66 during the year of such notice and the first year following shall equal the sum of
67 state aid paid pursuant to section 163.031 plus the difference between the state
68 aid amount being paid after such notice minus the amount of state aid the district
69 would have received pursuant to section 163.031 before such notice. To be
70 eligible to receive state aid based on this provision the district must levy during
71 the first year following such notice at least the maximum levy permitted school
72 districts by Article X, Section 11(b) of the Missouri Constitution and have a
73 voluntary rollback of its tax rate which is no greater than one cent per one
74 hundred dollars assessed valuation.

75 **6. Notwithstanding the provisions of subsection 1 of this section,**
76 **any district in which the local school board sponsors a charter school**
77 **as provided in section 160.400 shall only be permitted to use an**
78 **estimate of the district's weighted average daily attendance for the**
79 **current year and shall not be permitted to use a weighted average daily**
80 **attendance count from any preceding year for purposes of determining**
81 **the amount of state aid to which the district is entitled.**

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

10 2. The rate of tuition to be charged by the district attended and paid by
11 the sending district is the per pupil cost of maintaining the district's grade level
12 grouping which includes the school attended. The cost of maintaining a grade
13 level grouping shall be determined by the board of education of the district but
14 in no case shall it exceed all amounts spent for teachers' wages, incidental
15 purposes, debt service, maintenance and replacements. The term "debt service",
16 as used in this section, means expenditures for the retirement of bonded
17 indebtedness and expenditures for interest on bonded indebtedness. Per pupil

18 cost of the grade level grouping shall be determined by dividing the cost of
19 maintaining the grade level grouping by the average daily pupil attendance. If
20 there is disagreement as to the amount of tuition to be paid, the facts shall be
21 submitted to the state board of education, and its decision in the matter shall be
22 final. Subject to the limitations of this section, each pupil shall be free to attend
23 the public school of his or her choice.

**167.132. 1. Notwithstanding the provisions of section 167.131, a
2 school district or approved charter school as defined in section 167.848
3 receiving students due to the unaccredited status of a sending school
4 district may negotiate with the sending district to accept a reduced
5 tuition rate. If the receiving district or approved charter school elects
6 to accept tuition as calculated under subsection 2 of this section, such
7 district or approved charter school shall receive students through the
8 transfer authority based solely on parent request and available seats.**

**9 2. In school year 2016-17 and subsequent years, when an
10 accredited district and a receiving district or approved charter school
11 have agreed upon a reduced tuition, tuition shall be calculated as
12 follows:**

**13 (1) Multiply the full-time equivalent membership, as defined in
14 section 163.011, of the transfer students to any receiving district or
15 approved charter school by the amount of the state adequacy target
16 used by the department of elementary and secondary education in
17 calculating the current year formula apportionments under section
18 163.031;**

**19 (2) Multiply the amount derived in subdivision (1) of this
20 subsection by the dollar value modifier of the receiving district or
21 approved charter school used in calculating the current year formula
22 apportionment;**

**23 (3) Multiply the amount derived in subdivision (2) of this
24 subsection by the percentage formula adjustment, if any, used by the
25 department in calculating the current year formula apportionment; and**

**26 (4) Add to the amount derived in subdivision (3) of this
27 subsection the payment amount based on full-time equivalent
28 membership used in the prior year for distribution of the funds from
29 the school district trust fund under section 163.087 multiplied by the
30 full-time equivalent membership of the transfer students attending the
31 receiving district or approved charter school.**

32 **If there is disagreement as to the amount of tuition to be paid, the facts**
33 **shall be submitted to the state board of education, and its decision in**
34 **the matter shall be final.**

167.241. Transportation for pupils whose tuition the district of residence
2 is required to pay by section 167.131 **or section 167.826**, or who are assigned
3 as provided in section 167.121 shall be provided by the district of residence;
4 however, in the case of pupils covered by section 167.131, the district of residence
5 shall be required to provide transportation only to school districts accredited by
6 the state board of education pursuant to the authority of the state board of
7 education to classify schools as established in section 161.092 and those school
8 districts designated by the board of education of the district of residence. **For**
9 **pupils covered by section 167.826, the district of residence shall be**
10 **required to provide transportation only to school districts accredited**
11 **by the state board of education pursuant to the authority of the state**
12 **board of education to classify schools as established in sections 161.086**
13 **and 161.092 and those districts designated by the department of**
14 **elementary and secondary education. For pupils covered by section**
15 **167.826, the department of elementary and secondary education shall**
16 **designate at least one accredited district to which the district of**
17 **residence shall provide transportation. If the designated district**
18 **reaches full student capacity and is unable to receive additional**
19 **students, the department of elementary and secondary education shall**
20 **designate at least one additional accredited district to which the**
21 **district of residence shall provide transportation.**

167.826. 1. Any student who is enrolled in and has attended for
2 at least one semester an unaccredited school in an unaccredited
3 district may transfer to another public school in the student's district
4 of residence that offers the student's grade level of enrollment and that
5 is accredited without provisions by the state board of
6 education. However, no such transfer shall result in a class size and
7 assigned enrollment in a receiving school that exceeds the standards
8 for class size and assigned enrollment as promulgated in the Missouri
9 school improvement program's resource standards. If the student
10 chooses to attend a magnet school, an academically selective school, or
11 a school with a competitive entrance process within his or her district
12 of residence that has admissions requirements, the student shall meet
13 such admissions requirements in order to attend. The school board of

14 each unaccredited district shall determine the capacity at each of the
15 district's schools that is assigned a classification designation of
16 accredited or accredited with distinction. The district's school board
17 shall be responsible for coordinating transfers from unaccredited
18 schools to accredited schools within the district. The school board of
19 each unaccredited district shall annually report to the appropriate
20 education authority the number of available slots in accredited schools
21 within the district, the number of students who request to transfer
22 within the district, and the number of such transfer requests that are
23 granted. Enrollment in a virtual school provided by an unaccredited
24 school district shall not affect the number of available slots.

25 2. Any student who is enrolled in and has attended an
26 unaccredited school in an unaccredited district for at least one
27 semester who is unable to transfer to another accredited school within
28 his or her district of residence under subsection 1 of this section may
29 apply to the appropriate education authority by March first to transfer
30 to an accredited school within an accredited district located in the
31 same or an adjoining county. Such a student may also apply to enroll
32 in an approved charter school, as defined in section 167.848. A student
33 who is eligible to begin kindergarten or first grade at an unaccredited
34 school in an unaccredited district may apply to the appropriate
35 education authority for a transfer if he or she resides in the attendance
36 area of an unaccredited school in an unaccredited district on March
37 first preceding the school year of first attendance. A student who does
38 not apply by March first shall be required to enroll and attend for one
39 semester to become eligible. If the student chooses to apply to attend
40 a magnet school, an academically selective school, or a school with a
41 competitive entrance process that has admissions requirements, the
42 student shall furnish proof that he or she meets such admissions
43 requirements. Any student who does not maintain residency in the
44 attendance zone of his or her unaccredited school in the unaccredited
45 district of residence shall lose eligibility to transfer. Any student who
46 transfers but later withdraws shall lose eligibility to transfer. The
47 transfer provisions of this subsection shall not apply to a district
48 created under sections 162.815 to 162.840 or to any early childhood
49 programs or early childhood special education programs.

50 3. No provisionally accredited district or provisionally accredited

51 school shall be eligible to receive transfer students; however, a transfer
52 student who chooses to attend a provisionally accredited school in the
53 unaccredited district shall be allowed to transfer to such school if there
54 is an available slot. No unaccredited district or unaccredited school
55 shall be eligible to receive transfer students. No district or school with
56 a three-year average score of seventy-five percent or lower on its
57 annual performance report under the Missouri school improvement
58 program shall be eligible to receive any transfer students, irrespective
59 of its state board of education classification designation, except that
60 any student who was granted a transfer to such a district or attendance
61 center prior to the effective date of this section may remain enrolled
62 in that district or school.

63 4. Notwithstanding the provisions of subsection 3 of this section,
64 a student may transfer to an accredited school within an unaccredited
65 or provisionally accredited district, if the accredited school applies for
66 and is granted a waiver by the department of elementary and
67 secondary education to allow the school to accept transfer students.

68 5. For a receiving district, no acceptance of a transfer student
69 shall require any of the following actions, unless the board of education
70 of the receiving district has approved the action:

71 (1) A class size and assigned enrollment in a receiving school
72 that exceeds the number of students provided by its approved policy on
73 class size under subsection 6 of this section;

74 (2) The hiring of additional classroom teachers; or

75 (3) The construction of additional classrooms.

76 6. Each receiving district shall have the right to establish and
77 adopt, by objective means, a policy for desirable class size and student-
78 teacher ratios. A policy may allow for estimated growth in the resident
79 student population. Any district that adopts such a policy shall do so
80 by January first annually. A receiving district shall publish its policy
81 and shall not be required to accept any transfer students under this
82 section that would violate its class size or student-teacher ratio. If a
83 student seeking to transfer is denied admission to a district based on
84 a lack of space under the district's policy, the student or the student's
85 parent or guardian may appeal the ruling to the state board of
86 education if he or she believes the district's policy is unduly restrictive
87 to student transfers. If more than one student or parent appeals a

88 denial of admission from the same district to the state board of
89 education, the state board shall make an effort to hear such actions at
90 the same time. If the state board of education finds that the district's
91 policy is unduly restrictive to student transfers, the state board may
92 limit the district's policy. The state board's decision shall be final.

93 7. Each receiving district shall adopt a policy establishing a
94 tuition rate by February first annually.

95 8. If an unaccredited district becomes classified as provisionally
96 accredited or accredited without provisions by the state board of
97 education, any resident student of the unaccredited district who has
98 transferred to an accredited district in the same or an adjoining county
99 or to an approved charter school shall be permitted to continue his or
100 her educational program in the receiving district or charter school
101 through the completion of middle school, junior high school, or high
102 school, whichever occurs first, except that a student who attends any
103 school serving students through high school graduation but starting at
104 grades lower than ninth grade shall be permitted to complete high
105 school in the school to which he or she has transferred.

106 9. Notwithstanding any other provision of law, any student who
107 was participating in the school transfer program prior to January 1,
108 2017, shall have the option of transferring to an approved charter
109 school or another public school in the student's district of residence
110 that offers the student's grade level of enrollment.

111 10. Notwithstanding the provisions of subsection 7 of this section
112 to the contrary, where costs associated with the provision of special
113 education and related services to a student with a disability exceed the
114 tuition amount established under this section, the unaccredited district
115 shall remain responsible to pay the excess cost to the receiving
116 district. When the receiving district is a component district of a special
117 school district, the unaccredited district, including any metropolitan
118 school district, shall contract with the special school district for the
119 entirety of the costs to provide special education and related services,
120 excluding transportation pursuant to this section. The special school
121 district may contract with an unaccredited district, including any
122 metropolitan district, for the provision of transportation of a student
123 with a disability or the unaccredited district may provide
124 transportation on its own.

125 11. A special school district shall continue to provide special
126 education and related services, with the exception of transportation
127 under this section, to a student with a disability transferring from an
128 unaccredited school within a component district to an accredited
129 school within the same or a different component district within the
130 special school district.

131 12. When any metropolitan school district is declared
132 unaccredited, it shall remain responsible for the provision of special
133 education and related services, including transportation, to students
134 with disabilities. A special school district in an adjoining county to a
135 metropolitan school district may contract with the metropolitan school
136 district for the reimbursement of special education services under
137 sections 162.705 and 162.710 provided by the special school district for
138 transfer students who are residents of the unaccredited district.

139 13. Regardless of whether transportation is identified as a
140 related service within a student's individualized education program, a
141 receiving district that is not part of a special school district shall not
142 be responsible for providing transportation to a student transferring
143 under this section. An unaccredited district may contract with a
144 receiving district that is not part of a special school district under
145 sections 162.705 and 162.710 for transportation of students with
146 disabilities.

147 14. When a seven-director school district or urban school district
148 is declared unaccredited, it may contract with a receiving district that
149 is not part of a special school district in the same or an adjoining
150 county for the reimbursement of special education and related services
151 under sections 162.705 and 162.710 provided by the receiving district
152 for transfer students who are residents of the unaccredited district.

167.827. 1. By August 1, 2017, and by January first annually,
2 each accredited district any portion of which is located in the same
3 county as or in an adjoining county to an unaccredited district shall
4 report to the education authority for the county in which the
5 unaccredited district is located its number of available enrollment slots
6 by grade level. Each unaccredited district shall report the number of
7 available enrollment slots in the accredited schools of the
8 district. Each charter school in the unaccredited district that wishes
9 to receive transfer students shall provide the information required

10 under this subsection by the same date.

11 2. Any education authority whose geographic area includes an
12 unaccredited district shall make information and assistance available
13 to parents or guardians who intend to transfer their child from an
14 unaccredited school in an unaccredited district to an accredited
15 district or to an approved charter school, as defined in section 167.848.

16 3. The parent or guardian of a student who intends to transfer
17 his or her child to an accredited district in the same or an adjoining
18 county or to an approved charter school shall send initial notification
19 to the education authority for the county in which he or she resides by
20 March first for enrollment in the subsequent school year.

21 4. The education authority whose geographic area includes an
22 unaccredited district shall assign those students who seek to transfer
23 to an accredited district in the same or an adjoining county or an
24 approved charter school. The authority shall give first priority to
25 students who live in the same household with any family member
26 within the first or second degree of consanguinity or affinity who
27 already attends an accredited school and who apply to attend the same
28 accredited school. If insufficient grade-appropriate enrollment slots
29 are available for a student to be able to transfer, that student shall
30 receive first priority the following school year. The authority shall
31 consider the following factors in assigning schools, with the student's
32 or parent's choice as the most important factor:

- 33 (1) The student's or parent's choice of the receiving school;
34 (2) The best interests of the student;
35 (3) The availability of transportation funding, as provided in
36 section 167.241; and
37 (4) Distance and travel time to a receiving school.

38 The education authority shall not consider student academic
39 performance, free and reduced lunch status, or athletic ability in
40 assigning a student to a school.

41 5. An education authority may deny a transfer to a student who
42 in the most recent school year has been suspended from school two or
43 more times or who has been suspended for an act of school violence
44 under subsection 2 of section 160.261. A student whose transfer is
45 initially precluded under this subsection may be permitted to transfer
46 on a provisional basis as a probationary transfer student, subject to no

47 further disruptive behavior, upon a statement from the student's
48 current school that the student is not disruptive. A student who is
49 denied a transfer under this subsection has the right to an in-person
50 meeting with a representative of the authority. Each education
51 authority shall develop administrative guidelines to provide common
52 standards for determining disruptive behavior which shall include, but
53 not be limited to, criteria under the safe schools act.

54 6. Notwithstanding any other provision of law, the test scores of
55 transfer students attending school in districts other than their district
56 of residence shall not be counted as part of the receiving district's test
57 scores for the first two years the student attends school in the
58 receiving district.

167.830. 1. There is hereby established the "St. Louis Area
2 Education Authority". The authority is hereby constituted a public
3 instrumentality and body politic and corporate, and the exercise by the
4 authority of the powers conferred by this section shall be deemed and
5 held to be the performance of an essential public function. Unless
6 otherwise provided, the authority shall be subject to all general laws
7 pertaining to the operation of seven-director districts as defined in
8 section 160.011.

9 2. Whenever any metropolitan school district, any district
10 located in any county with a charter form of government and with more
11 than nine hundred fifty thousand inhabitants, or any district located
12 in an adjoining county to them is assigned a classification designation
13 of unaccredited by the state board of education, the authority shall
14 coordinate student transfers from unaccredited schools in the
15 unaccredited district to accredited districts in the same or an adjoining
16 county, and if applicable, to an approved charter school as defined in
17 section 167.848.

18 3. The authority shall consist of five members to be appointed by
19 the governor, by and with the advice and consent of the senate, each of
20 whom shall be a resident of the state. The members shall reflect the
21 population characteristics of the districts they represent. Not more
22 than three of the five members of the authority shall be of the same
23 political party. Two members shall be residents of the metropolitan
24 school district, two members shall be residents of school districts
25 located in a county with a charter form of government and with more

26 than nine hundred fifty thousand inhabitants, and one member shall be
27 a resident of a district located in an adjoining county. The length of
28 term for members shall be six years except for the initial members, who
29 shall be appointed in the following manner:

- 30 (1) One member shall be appointed for a term of two years;
- 31 (2) One member shall be appointed for a term of three years;
- 32 (3) One member shall be appointed for a term of four years;
- 33 (4) One member shall be appointed for a term of five years; and
- 34 (5) One member shall be appointed for a term of six years.

35 4. The term length of each initial appointee shall be designated
36 by the governor at the time of making the appointment. Upon the
37 expiration of the initial terms of office, successor members shall be
38 appointed for terms of six years and shall serve until their successors
39 have been appointed and have qualified. Any member shall be eligible
40 for reappointment. The governor shall fill any vacancy for the
41 remainder of any unexpired term within thirty days of notification of
42 the vacancy. Any member of the authority may be removed by the
43 governor for misfeasance, malfeasance, willful neglect of duty, or other
44 cause after notice and a public hearing unless the notice or hearing
45 shall be expressly waived in writing.

46 5. Members of the authority shall receive no compensation for
47 services, but shall be entitled to reimbursement for necessary expenses,
48 including traveling and lodging expenses, incurred in the discharge of
49 their duties. Any payment for expenses shall be paid from funds of the
50 authority.

51 6. One member of the authority, designated by the governor for
52 the purpose, shall call and convene the initial organizational meeting
53 of the authority and shall serve as its president pro tempore. At the
54 initial meeting and annually thereafter, the authority shall elect one of
55 its members as president. The authority may appoint an executive
56 director who shall not be a member of the authority and who shall
57 serve at its pleasure. If an executive director is appointed, he or she
58 shall receive such compensation as shall be fixed from time to time by
59 action of the authority. The authority shall appoint a member as
60 secretary who shall keep a record of the proceedings of the authority
61 and shall be the custodian of all books, documents, and papers filed
62 with the authority, the minute books or journal thereof, and its official

63 seal. The secretary may cause copies to be made of all minutes and
64 other records and documents of the authority and may give certificates
65 under the official seal of the authority to the effect that the copies are
66 true and correct copies, and all persons dealing with the authority may
67 rely on such certificates. The authority, by resolution duly adopted,
68 shall fix the powers and duties of its executive director as it may, from
69 time to time, deem proper and necessary.

70 7. Meetings, records, and operations of the authority shall be
71 subject to the provisions of chapter 610.

72 8. The authority shall have the following powers, together with
73 all powers incidental thereto or necessary for the performance thereof
74 to:

- 75 (1) Have perpetual succession as a body politic and corporate;
76 (2) Adopt bylaws for the regulation of its affairs and the conduct
77 of its business;
78 (3) Sue and be sued and to prosecute and defend, at law or in
79 equity, in any court having jurisdiction of the subject matter and of the
80 parties;
81 (4) Establish and use a corporate seal and to alter the same at
82 pleasure;
83 (5) Maintain an office at such place or places in the state of
84 Missouri as it may designate;
85 (6) Employ an executive director and other staff as needed, with
86 compensation fixed by the authority;
87 (7) Coordinate student transfers from unaccredited schools in
88 unaccredited districts located in its jurisdiction, as provided by law;
89 and
90 (8) Coordinate and collaborate with local districts and local
91 governments for the transfer of students, as provided by law.

167.833. 1. There is hereby created in the state treasury the "St.
2 Louis Area Education Authority Fund". The fund shall consist of any
3 appropriations to such fund. Any moneys in the fund shall be used to
4 fund the operations of the education authority. The state treasurer
5 shall be custodian of the fund. In accordance with sections 30.170 and
6 30.180, the state treasurer may approve disbursements of public money
7 in accordance with distribution requirements and procedures
8 developed by the department of elementary and secondary education

9 and shall make disbursement of private funds according to the
10 directions of the donor. If the donor did not specify how the private
11 funds were to be disbursed, the state treasurer shall contact the donor
12 to determine the manner of disbursement. The fund shall be a
13 dedicated fund and, upon appropriation, money in the fund shall be
14 used solely for the administration of sections 167.830 and 167.833.

15 2. Notwithstanding the provisions of section 33.080 to the
16 contrary, any moneys remaining in the fund at the end of the biennium
17 shall not revert to the credit of the general revenue fund.

18 3. The state treasurer shall invest moneys in the fund in the
19 same manner as other funds are invested. Any interest and moneys
20 earned on such investments shall be credited to the fund.

167.836. 1. There is hereby established the "Kansas City Area
2 Education Authority". The authority is hereby constituted a public
3 instrumentality and body politic and corporate, and the exercise by the
4 authority of the powers conferred by this section shall be deemed and
5 held to be the performance of an essential public function. Unless
6 otherwise provided, the authority shall be subject to all general laws
7 pertaining to the operation of seven-director districts as defined in
8 section 160.011.

9 2. Whenever any district located in any county with a charter
10 form of government and with more than six hundred thousand but
11 fewer than seven hundred thousand inhabitants or in an adjoining
12 county is assigned a classification designation of unaccredited by the
13 state board of education, the authority shall coordinate student
14 transfers from unaccredited schools in the unaccredited district to
15 accredited districts in the same or an adjoining county, and if
16 applicable, to an approved charter school, as defined in section 167.848.

17 3. The authority shall consist of five members appointed by the
18 governor, by and with the advice and consent of the senate, each of
19 whom shall be a resident of the state. Three members shall be
20 residents of an urban school district containing most or all of a home
21 rule city with more than four hundred thousand inhabitants and
22 located in more than one county. One member shall be a resident of a
23 school district located in a county with a charter form of government
24 and with more than six hundred thousand but fewer than seven
25 hundred thousand inhabitants. Such member shall be a resident of a

26 school district other than an urban school district containing most or
27 all of a home rule city with more than four hundred thousand
28 inhabitants and located in more than one county. One member shall be
29 a resident of a school district located in a county adjoining to a county
30 with a charter form of government and with more than six hundred
31 thousand but fewer than seven hundred thousand inhabitants. The
32 members shall reflect the population characteristics of the districts
33 they represent. Not more than three of the five members of the
34 authority shall be of the same political party. The length of term for
35 members shall be six years except for the initial members, who shall be
36 appointed in the following manner:

- 37 (1) One member shall be appointed for a term of two years;
- 38 (2) One member shall be appointed for a term of three years;
- 39 (3) One member shall be appointed for a term of four years;
- 40 (4) One member shall be appointed for a term of five years; and
- 41 (5) One member shall be appointed for a term of six years.

42 4. The term length of each initial appointee shall be designated
43 by the governor at the time of making the appointment. Upon the
44 expiration of the initial terms of office, successor members shall be
45 appointed for terms of six years and shall serve until their successors
46 have been appointed and have qualified. Any member shall be eligible
47 for reappointment. The governor shall fill any vacancy for the
48 remainder of any unexpired term within thirty days of notification of
49 the vacancy. Any member of the authority may be removed by the
50 governor for misfeasance, malfeasance, willful neglect of duty, or other
51 cause after notice and a public hearing unless the notice or hearing
52 shall be expressly waived in writing.

53 5. Members of the authority shall receive no compensation for
54 services, but shall be entitled to reimbursement for necessary expenses,
55 including traveling and lodging expenses, incurred in the discharge of
56 their duties. Any payment for expenses shall be paid from funds of the
57 authority.

58 6. One member of the authority, designated by the governor for
59 the purpose, shall call and convene the initial organizational meeting
60 of the authority and shall serve as its president pro tempore. At the
61 initial meeting and annually thereafter, the authority shall elect one of
62 its members as president. The authority may appoint an executive

63 director who shall not be a member of the authority and who shall
64 serve at its pleasure. If an executive director is appointed, he or she
65 shall receive such compensation as shall be fixed from time to time by
66 action of the authority. The authority shall appoint a member as
67 secretary who shall keep a record of the proceedings of the authority
68 and shall be the custodian of all books, documents, and papers filed
69 with the authority, the minute books or journal thereof, and its official
70 seal. The secretary may cause copies to be made of all minutes and
71 other records and documents of the authority and may give certificates
72 under the official seal of the authority to the effect that the copies are
73 true and correct copies, and all persons dealing with the authority may
74 rely on such certificates. The authority, by resolution duly adopted,
75 shall fix the powers and duties of its executive director as it may, from
76 time to time, deem proper and necessary.

77 7. Meetings, records, and operations of the authority shall be
78 subject to the provisions of chapter 610.

79 8. The authority shall have the following powers, together with
80 all powers incidental thereto or necessary for the performance thereof
81 to:

- 82 (1) Have perpetual succession as a body politic and corporate;
- 83 (2) Adopt bylaws for the regulation of its affairs and the conduct
84 of its business;
- 85 (3) Sue and be sued and to prosecute and defend, at law or in
86 equity, in any court having jurisdiction of the subject matter and of the
87 parties;
- 88 (4) Establish and use a corporate seal and to alter the same at
89 pleasure;
- 90 (5) Maintain an office at such place or places in the state of
91 Missouri as it may designate;
- 92 (6) Employ an executive director and other staff as needed, with
93 compensation fixed by the authority;
- 94 (7) Coordinate student transfers from unaccredited schools in
95 unaccredited districts located in its jurisdiction, as provided by law;
96 and
- 97 (8) Coordinate and collaborate with local districts and local
98 governments for the transfer of students, as provided by law.

167.839. 1. There is hereby created in the state treasury the

2 "Kansas City Area Education Authority Fund". The fund shall consist
3 of any appropriations to such fund. Any moneys in the fund shall be
4 used to fund the operations of the education authority. The state
5 treasurer shall be custodian of the fund. In accordance with sections
6 30.170 and 30.180, the state treasurer may approve disbursements of
7 public money in accordance with distribution requirements and
8 procedures developed by the department of elementary and secondary
9 education and shall make disbursements of private money according to
10 the direction of the donor. If the donor did not specify how the private
11 funds were to be disbursed, the state treasurer shall contact the donor
12 to determine the manner of disbursement. The fund shall be a
13 dedicated fund and, upon appropriation, money in the fund shall be
14 used solely for the administration of sections 167.836 and 167.839.

15 2. Notwithstanding the provisions of section 33.080 to the
16 contrary, any moneys remaining in the fund at the end of the biennium
17 shall not revert to the credit of the general revenue fund.

18 3. The state treasurer shall invest moneys in the fund in the
19 same manner as other funds are invested. Any interest and moneys
20 earned on such investments shall be credited to the fund.

167.842. 1. There is hereby established the "Statewide Education
2 Authority". The authority is hereby constituted a public
3 instrumentality and body politic and corporate, and the exercise by the
4 authority of the powers conferred by this section shall be deemed and
5 held to be the performance of an essential public function. Unless
6 otherwise provided, the authority shall be subject to all general laws
7 pertaining to the operation of seven-director districts as defined in
8 section 160.011. The jurisdiction of the statewide education authority
9 shall be all counties except for:

10 (1) Any city not within a county;

11 (2) Any county with a charter form of government and with more
12 than six hundred thousand but fewer than seven hundred thousand
13 inhabitants and adjoining counties;

14 (3) Any county with a charter form of government and with more
15 than nine hundred fifty thousand inhabitants and adjoining counties;

16 2. Whenever any district located in the statewide education
17 authority's jurisdiction is assigned a classification designation of
18 unaccredited by the state board of education, the authority shall

19 coordinate student transfers from unaccredited schools in the
20 unaccredited district to accredited districts in the same or an adjoining
21 county, and if applicable, to an approved charter school as defined in
22 section 167.848.

23 **3. The authority shall consist of five members to be appointed by**
24 **the governor, by and with the advice and consent of the senate, each of**
25 **whom shall be a resident of the state. The members shall reflect the**
26 **population characteristics of the districts they represent. Not more**
27 **than three of the five members of the authority shall be of the same**
28 **political party. The governor shall not appoint members to the**
29 **authority until the state board of education gives notice that a district**
30 **in the authority's jurisdiction has been declared unaccredited. The**
31 **length of term for members shall be six years except for the initial**
32 **members, who shall be appointed in the following manner:**

- 33 **(1) One member shall be appointed for a term of two years;**
34 **(2) One member shall be appointed for a term of three years;**
35 **(3) One member shall be appointed for a term of four years;**
36 **(4) One member shall be appointed for a term of five years; and**
37 **(5) One member shall be appointed for a term of six years.**

38 **4. The term length of each initial appointee shall be designated**
39 **by the governor at the time of making the appointment. Upon the**
40 **expiration of the initial terms of office, successor members shall be**
41 **appointed for terms of six years and shall serve until their successors**
42 **have been appointed and have qualified. Any member shall be eligible**
43 **for reappointment. The governor shall fill any vacancy for the**
44 **remainder of any unexpired term within thirty days of notification of**
45 **the vacancy. Any member of the authority may be removed by the**
46 **governor for misfeasance, malfeasance, willful neglect of duty, or other**
47 **cause after notice and a public hearing unless the notice or hearing**
48 **shall be expressly waived in writing.**

49 **5. Members of the authority shall receive no compensation for**
50 **services, but shall be entitled to reimbursement for necessary expenses,**
51 **including traveling and lodging expenses, incurred in the discharge of**
52 **their duties. Any payment for expenses shall be paid from funds of the**
53 **authority.**

54 **6. One member of the authority, designated by the governor for**
55 **the purpose, shall call and convene the initial organizational meeting**

56 of the authority and shall serve as its president pro tempore. At the
57 initial meeting and annually thereafter, the authority shall elect one of
58 its members as president. The authority may appoint an executive
59 director who shall not be a member of the authority and who shall
60 serve at its pleasure. If an executive director is appointed, he or she
61 shall receive such compensation as shall be fixed from time to time by
62 action of the authority. The authority shall appoint a member as
63 secretary who shall keep a record of the proceedings of the authority
64 and shall be the custodian of all books, documents, and papers filed
65 with the authority, the minute books or journal thereof, and its official
66 seal. The secretary may cause copies to be made of all minutes and
67 other records and documents of the authority and may give certificates
68 under the official seal of the authority to the effect that the copies are
69 true and correct copies, and all persons dealing with the authority may
70 rely on such certificates. The authority, by resolution duly adopted,
71 shall fix the powers and duties of its executive director as it may, from
72 time to time, deem proper and necessary.

73 7. Meetings, records, and operations of the authority shall be
74 subject to the provisions of chapter 610.

75 8. The authority shall have the following powers, together with
76 all powers incidental thereto or necessary for the performance thereof
77 to:

- 78 (1) Have perpetual succession as a body politic and corporate;
- 79 (2) Adopt bylaws for the regulation of its affairs and the conduct
80 of its business;
- 81 (3) Sue and be sued and to prosecute and defend, at law or in
82 equity, in any court having jurisdiction of the subject matter and of the
83 parties;
- 84 (4) Establish and use a corporate seal and to alter the same at
85 pleasure;
- 86 (5) Maintain an office at such place or places in the state of
87 Missouri as it may designate;
- 88 (6) Employ an executive director and other staff as needed, with
89 compensation fixed by the authority;
- 90 (7) Coordinate student transfers from unaccredited schools in
91 unaccredited districts located in its jurisdiction, as provided by law;
92 and

93 (8) Coordinate and collaborate with local districts and local
94 governments for the transfer of students, as provided by law.

167.845. 1. There is hereby created in the state treasury the
2 "Statewide Education Authority Fund". The fund shall consist of any
3 appropriations to such fund. Any moneys in the fund shall be used to
4 fund the operations of the education authority. The state treasurer
5 shall be custodian of the fund. In accordance with sections 30.170 and
6 30.180, the state treasurer may approve disbursements of public money
7 in accordance with distribution requirements and procedures
8 developed by the department of elementary and secondary education
9 and shall make disbursement of private funds according to the
10 directions of the donor. If the donor did not specify how the private
11 funds were to be disbursed, the state treasurer shall contact the donor
12 to determine the manner of disbursement. The fund shall be a
13 dedicated fund and, upon appropriation, money in the fund shall be
14 used solely for the administration of sections 167.842 and 167.845.

15 2. Notwithstanding the provisions of section 33.080 to the
16 contrary, any moneys remaining in the fund at the end of the biennium
17 shall not revert to the credit of the general revenue fund.

18 3. The state treasurer shall invest moneys in the fund in the
19 same manner as other funds are invested. Any interest and moneys
20 earned on such investments shall be credited to the fund.

167.848. For purposes of sections 161.084, 161.087, 161.238,
2 162.1310, 162.1312, 167.131, 167.132, 167.642, 167.685, and 167.688, and
3 167.826 to 167.848, the following terms shall mean:

4 (1) "Accredited district", a school district that is accredited by
5 the state board of education pursuant to the authority of the state
6 board of education to classify schools as established in sections 161.087
7 and 161.092;

8 (2) "Accredited school", an attendance center that is accredited
9 by the state board of education pursuant to the authority of the state
10 board of education to classify schools as established in sections 161.087,
11 161.092, and 161.238;

12 (3) "Approved charter school", a charter school in a neighboring
13 district in the same or adjoining county with a three-year average score
14 of seventy-five percent or higher on its annual performance report;
15 however, any charter school that has existed for less than three years

16 may request permission from the department of elementary and
17 secondary education to accept transfers and any new charter
18 applicants that file with the department may make accepting transfers
19 a part of the new charter school's mission;

20 (4) "Attendance center", a public school building or buildings or
21 part of a school building that constitutes one unit for accountability
22 purposes under the Missouri school improvement program;

23 (5) "Borderline district", a school district that has a current
24 annual performance report score between seventy-five and seventy with
25 the last two consecutive years showing a decline in the score, with a
26 district third-grade or eighth-grade statewide reading assessment that
27 shows fifty percent or more of the students are at a level less than
28 proficient, and a transient student ratio in the top quartile of districts;

29 (6) "Education authority" or "authority", an education authority
30 established under sections 167.830 to 167.845;

31 (7) "Provisionally accredited district", a school district that is
32 classified as provisionally accredited by the state board of education
33 pursuant to the authority of the state board of education to classify
34 schools as established in sections 161.087 and 161.092;

35 (8) "Provisionally accredited school", an attendance center that
36 is classified as provisionally accredited by the state board of education
37 pursuant to the authority of the state board of education to classify
38 schools as established in sections 161.087, 161.092, and 161.238;

39 (9) "Unaccredited district", a school district classified as
40 unaccredited by the state board of education pursuant to the authority
41 of the state board of education to classify schools as established in
42 sections 161.087 and 161.092;

43 (10) "Unaccredited school", an attendance center that is classified
44 as unaccredited by the state board of education pursuant to the
45 authority of the state board of education to classify schools as
46 established in sections 161.087, 161.092, and 161.238;

47 (11) "Underperforming", a school district or an attendance center
48 that has been classified as unaccredited or provisionally accredited
49 pursuant to the authority of the state board of education to classify
50 schools or has a three-year average annual performance report score
51 consistent with a classification of provisionally accredited or
52 unaccredited.

167.890. 1. The department of elementary and secondary
2 education shall compile and maintain student performance data scores
3 of all transient students and students enrolled in districts other than
4 a student's resident district as provided in section 167.826 and make
5 such data available on the Missouri comprehensive data system. No
6 personally identifiable data shall be accessible on the database.

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

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

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