

SECOND REGULAR SESSION

# SENATE BILL NO. 587

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SIFTON.

Pre-filed December 1, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4968S.02I

## AN ACT

To repeal sections 160.011, 160.041, 160.410, 160.415, 162.081, 163.018, 163.021, 163.073, 167.131, 167.151, 167.241, 168.133, 171.029, 171.031, 171.033, and 304.060, RSMo, and to enact in lieu thereof twenty-one new sections relating to elementary and secondary education, with an emergency clause for certain sections and a delayed effective date for a certain section.

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

Section A. Sections 160.011, 160.041, 160.410, 160.415, 162.081, 163.018, 163.021, 163.073, 167.131, 167.151, 167.241, 168.133, 171.029, 171.031, 171.033, and 304.060, RSMo, are repealed and twenty-one new sections enacted in lieu thereof, to be known as sections 160.011, 160.041, 160.410, 160.415, 162.081, 162.1310, 163.018, 163.021, 163.073, 167.131, 167.132, 167.151, 167.241, 167.266, 167.826, 167.827, 167.890, 168.133, 171.031, 171.033, and 304.060, 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

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

12 children and full partners in the education of their children;

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

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 as defined by the Missouri**  
24 **school improvement program;**

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

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

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

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

33 (9) "School term", a minimum of one hundred seventy-four school days, as  
34 that term is defined in section 160.041, for schools with a five-day school week or  
35 a minimum of one hundred forty-two school days, as that term is defined in  
36 section 160.041, for schools with a four-day school week, and one thousand  
37 forty-four hours of actual pupil attendance as scheduled by the board pursuant  
38 to section 171.031 during a twelve-month period in which the academic  
39 instruction of pupils is actually and regularly carried on for a group of students  
40 in the public schools of any school district. **In school year 2018-19 and**  
41 **subsequent years, one thousand forty-four hours of actual pupil**  
42 **attendance shall also be required.** A school term may be within a school  
43 year or may consist of parts of two consecutive school years, but does not include  
44 summer school. A district may choose to operate two or more terms for different  
45 groups of children. A school term for students participating in a school flex  
46 program as established in section 160.539 may consist of a combination of actual  
47 pupil attendance and attendance at college or technical career education or

48 approved employment aligned with the student's career academic plan for a total  
49 of [one thousand forty-four] **the required number of hours as provided in**  
50 **this subdivision;**

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

52 (11) "Seven-director district", any school district which has seven directors  
53 and includes urban districts regardless of the number of directors an urban  
54 district may have unless otherwise provided by law;

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

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

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

160.041. 1. The "minimum school day" consists of three hours for schools  
2 with a five-day school week or four hours for schools with a four-day school week  
3 in which the pupils are under the guidance and direction of teachers in the  
4 teaching process. A "school month" consists of four weeks of five days each for  
5 schools with a five-day school week or four weeks of four days each for schools  
6 with a four-day school week. The "school year" commences on the first day of  
7 July and ends on the thirtieth day of June following.

8 2. Notwithstanding the provisions of subsection 1 of this section, the  
9 commissioner of education is authorized to reduce the required number of hours  
10 [and] or days in which the pupils are under the guidance and direction of  
11 teachers in the teaching process if:

12 (1) There is damage to or destruction of a public school facility which  
13 requires the dual utilization of another school facility; or

14 (2) Flooding or other inclement weather as defined in subsection 1 of  
15 section 171.033 prevents students from attending the public school facility.

16 Such reduction shall not extend beyond two calendar years in duration.

160.410. 1. A charter school shall enroll:

2 (1) All pupils resident in the district in which it operates;

3 (2) Nonresident pupils eligible to attend a district's school under an urban  
4 voluntary transfer program;

5 (3) Nonresident pupils who transfer from an unaccredited district under  
6 section [167.131] **167.826**, provided that the charter school is an approved  
7 charter school, as defined in section [167.131] **167.826**, and subject to all other  
8 provisions of section [167.131] **167.826**;

9 (4) In the case of a charter school whose mission includes student drop-out  
10 prevention or recovery, any nonresident pupil from the same or an adjacent  
11 county who resides in a residential care facility, a transitional living group home,  
12 or an independent living program whose last school of enrollment is in the school  
13 district where the charter school is established, who submits a timely application;  
14 and

15 (5) In the case of a workplace charter school, any student eligible to  
16 attend under subdivision (1) or (2) of this subsection whose parent is employed  
17 in the business district, who submits a timely application, unless the number of  
18 applications exceeds the capacity of a program, class, grade level or building. The  
19 configuration of a business district shall be set forth in the charter and shall not  
20 be construed to create an undue advantage for a single employer or small number  
21 of employers.

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

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

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

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

39 3. A charter school shall not limit admission based on race, ethnicity,  
40 national origin, disability, income level, proficiency in the English language or

41 athletic ability, but may limit admission to pupils within a given age group or  
42 grade level. Charter schools may limit admission based on gender only when the  
43 school is a single-gender school. Students of a charter school who have been  
44 enrolled for a full academic year shall be counted in the performance of the  
45 charter school on the statewide assessments in that calendar year, unless  
46 otherwise exempted as English language learners. For purposes of this  
47 subsection, "full academic year" means the last Wednesday in September through  
48 the administration of the Missouri assessment program test without transferring  
49 out of the school and re-enrolling.

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

53 (1) The school's charter;

54 (2) The school's most recent annual report card published according to  
55 section 160.522;

56 (3) The results of background checks on the charter school's board  
57 members; and

58 (4) If a charter school is operated by a management company, a copy of  
59 the written contract between the governing board of the charter school and the  
60 educational management organization or the charter management organization  
61 for services. The charter school may charge reasonable fees, not to exceed the  
62 rate specified in section 610.026 for furnishing copies of documents under this  
63 subsection.

64 5. When a student attending a charter school who is a resident of the  
65 school district in which the charter school is located moves out of the boundaries  
66 of such school district, the student may complete the current semester and shall  
67 be considered a resident student. The student's parent or legal guardian shall  
68 be responsible for the student's transportation to and from the charter school.

69 6. If a change in school district boundary lines occurs under section  
70 162.223, 162.431, 162.441, or 162.451, or by action of the state board of education  
71 under section 162.081, including attachment of a school district's territory to  
72 another district or dissolution, such that a student attending a charter school  
73 prior to such change no longer resides in a school district in which the charter  
74 school is located, then the student may complete the current academic year at the  
75 charter school. The student shall be considered a resident student. The student's  
76 parent or legal guardian shall be responsible for the student's transportation to

77 and from the charter school.

78           7. The provisions of sections 167.018 and 167.019 concerning foster  
79 children's educational rights are applicable to charter schools.

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

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

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

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

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

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

32           (5) A school district shall pay the amounts due pursuant to this subsection  
33 as the disbursal agent and no later than twenty days following the receipt of any

34 such funds. The department of elementary and secondary education shall pay the  
35 amounts due when it acts as the disbursal agent within five days of the required  
36 due date.

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

42         4. A charter school that has declared itself as a local educational agency  
43 shall receive from the department of elementary and secondary education an  
44 annual amount equal to the product of the charter school's weighted average daily  
45 attendance and the state adequacy target, multiplied by the dollar value modifier  
46 for the district, plus local tax revenues per weighted average daily attendance  
47 from the incidental and teachers funds in excess of the performance levy as  
48 defined in section 163.011 plus all other state aid attributable to such pupils. If  
49 a charter school declares itself as a local educational agency, the department of  
50 elementary and secondary education shall, upon notice of the declaration, reduce  
51 the payment made to the school district by the amount specified in this  
52 subsection and pay directly to the charter school the annual amount reduced from  
53 the school district's payment.

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

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

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

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

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

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

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

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

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

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



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

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

116           (2) A charter school shall provide the special services provided pursuant  
117 to section 162.705 and may provide the special services pursuant to a contract  
118 with a school district or any provider of such services.

119           11. A charter school may not charge tuition or impose fees that a school  
120 district is prohibited from charging or imposing, except that a charter school may  
121 receive tuition payments from districts in the same or an adjoining county for  
122 nonresident students who transfer to an approved charter school, as defined in  
123 section [167.131] **167.826**, from an unaccredited district.

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

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

142 eminent domain.

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

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

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

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

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

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

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

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

29           (a) Appoint a special administrative board for the operation of all or part  
30 of the district. **If a special administrative board is appointed for the**

31 **operation of a part of a school district, the state board of education**  
32 **shall determine an equitable apportionment of state and federal aid for**  
33 **the part of the district and the school district shall provide local**  
34 **revenue in proportion to the weighted average daily attendance of the**  
35 **part.** The number of members of the special administrative board shall not be  
36 less than five, the majority of whom shall be residents of the district. The  
37 members of the special administrative board shall reflect the population  
38 characteristics of the district and shall collectively possess strong experience in  
39 school governance, management and finance, and leadership. **The state board**  
40 **of education may appoint members of the district's elected school board**  
41 **to the special administrative board, but members of the elected school**  
42 **board shall not comprise more than forty-nine percent of the special**  
43 **administrative board's membership.** Within fourteen days after the  
44 appointment by the state board of education, the special administrative board  
45 shall organize by the election of a president, vice president, secretary and a  
46 treasurer, with their duties and organization as enumerated in section  
47 162.301. The special administrative board shall appoint a superintendent of  
48 schools to serve as the chief executive officer of the school district, **or a subset**  
49 **of schools,** and to have all powers and duties of any other general  
50 superintendent of schools in a seven-director school district. Any special  
51 administrative board appointed under this section shall be responsible for the  
52 operation of the district **or part of the district** until such time that the district  
53 is classified by the state board of education as provisionally accredited for at least  
54 two successive academic years, after which time the state board of education may  
55 provide for a transition pursuant to section 162.083; or

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

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

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

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

66 d. Annual reports to the general assembly and the governor on the

67 progress towards accreditation of any district that has been declared unaccredited  
68 and is placed under an alternative form of governance, including a review of the  
69 effectiveness of the alternative governance; or

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

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

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

89 5. A special administrative board **or any other form of governance**  
90 appointed under this section shall retain the authority granted to a board of  
91 education for the operation of the lapsed school district under the laws of the  
92 state in effect at the time of the lapse and may enter into contracts with  
93 accredited school districts or other education service providers in order to deliver  
94 high-quality educational programs to the residents of the district. If a student  
95 graduates while attending a school building in the district that is operated under  
96 a contract with an accredited school district as specified under this subsection,  
97 the student shall receive his or her diploma from the accredited school  
98 district. The authority of the special administrative board **or any other form**  
99 **of governance appointed under this section** shall expire at the end of the  
100 third full school year following its appointment, unless extended by the state  
101 board of education. If the lapsed district is reassigned, the [special  
102 administrative board] **governing board prior to lapse** shall provide an

103 accounting of all funds, assets and liabilities of the lapsed district and transfer  
104 such funds, assets, and liabilities of the lapsed district as determined by the state  
105 board of education. Neither the special administrative board **nor any other**  
106 **form of governance appointed under this section** nor its members or  
107 employees shall be deemed to be the state or a state agency for any purpose,  
108 including section 105.711, et seq. The state of Missouri, its agencies and  
109 employees shall be absolutely immune from liability for any and all acts or  
110 omissions relating to or in any way involving the lapsed district, [the] a special  
111 administrative board, [its] **any other form of governance appointed under**  
112 **this section, or the members or employees of the lapsed district, a special**  
113 **administrative board, or any other form of governance appointed under**  
114 **this section.** Such immunities, and immunity doctrines as exist or may  
115 hereafter exist benefitting boards of education, their members and their  
116 employees shall be available to the special administrative board[, its] **or any**  
117 **other form of governance appointed under this section and the members**  
118 **and employees of the special administrative board or any other form of**  
119 **governance appointed under this section.**

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

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

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

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

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

139 education; or

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

143 10. The provisions of subsection 9 of this section shall not apply  
144 to any district solely on the basis of financial difficulty resulting from  
145 paying tuition and providing transportation for transfer students under  
146 sections 167.826 and 167.827.

162.1310. 1. For purposes of this section, "attendance center"  
2 means a public school building, public school buildings, or part of a  
3 public school building that offers education in a grade or grades not  
4 higher than the twelfth grade and that constitutes one unit for  
5 accountability and reporting purposes for the department of  
6 elementary and secondary education.

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

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

17 3. The district's notice shall include an explanation of which  
18 students may be eligible to transfer, the transfer process under sections  
19 167.826 and 167.827, and any services students may be entitled to  
20 receive. The district's notice shall be written in a clear, concise, and  
21 easy-to-understand manner.

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

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

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

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

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

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

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

2. (1) For any district that has been declared unaccredited by the state board of education and remains unaccredited as of July 1, 2015, and for any charter school located in said district, the provisions of subsection 1 of this section shall become applicable during the 2015-16 school year.

(2) For any district that is declared unaccredited by the state board of education after July 1, 2015, and for any charter school located in said district, the provisions of subsection 1 of this section shall become applicable immediately upon such declaration.

(3) For any district that has been declared provisionally accredited by the state board of education and remains provisionally accredited as of July 1, 2016, and for any charter school located in said district, the provisions of subsection 1 of this section shall become applicable beginning in the 2016-17 school year.

(4) For any district that is declared provisionally accredited by the state board of education after July 1, 2016, and for any charter school located in said district, the provisions of this section shall become applicable beginning in the 2016-17 school year or immediately upon such declaration, whichever is later.

(5) For all other districts and charter schools, the provisions of subsection 1 of this section shall become effective in any school year subsequent to a school year in which the amount appropriated for subsections 1 and 2 of section 163.031 is equal to or exceeds the amount necessary to fund the entire entitlement

37 calculation determined by subsections 1 and 2 of section 163.031, and shall  
38 remain effective in all school years thereafter, irrespective of the amount  
39 appropriated for subsections 1 and 2 of section 163.031 in any succeeding year.

40 3. This section shall not require school attendance beyond that mandated  
41 under section 167.031 and shall not change or amend the provisions of sections  
42 160.051, 160.053, 160.054, and 160.055 relating to kindergarten attendance.

163.021. 1. A school district shall receive state aid for its education  
2 program only if it:

3 (1) Provides for a minimum of one hundred seventy-four days and one  
4 thousand forty-four hours of actual pupil attendance in a term scheduled by the  
5 board pursuant to section 160.041 for each pupil or group of pupils, except that  
6 the board shall provide a minimum of one hundred seventy-four days and five  
7 hundred twenty-two hours of actual pupil attendance in a term for kindergarten  
8 pupils. If any school is dismissed because of inclement weather after school has  
9 been in session for three hours, that day shall count as a school day including  
10 afternoon session kindergarten students. When the aggregate hours lost in a  
11 term due to inclement weather decreases the total hours of the school term below  
12 the required minimum number of hours by more than twelve hours for all-day  
13 students or six hours for one-half-day kindergarten students, all such hours below  
14 the minimum must be made up in one-half day or full day additions to the term,  
15 except as provided in section 171.033. **In school year 2018-19 and**  
16 **subsequent years, one thousand forty-four hours of actual pupil**  
17 **attendance shall be required for each pupil or group of pupils; except**  
18 **that, the board shall provide a minimum of five hundred twenty-two**  
19 **hours of actual pupil attendance in a term for kindergarten pupils;**

20 (2) Maintains adequate and accurate records of attendance, personnel and  
21 finances, as required by the state board of education, which shall include the  
22 preparation of a financial statement which shall be submitted to the state board  
23 of education the same as required by the provisions of section 165.111 for  
24 districts;

25 (3) Levies an operating levy for school purposes of not less than one dollar  
26 and twenty-five cents after all adjustments and reductions on each one hundred  
27 dollars assessed valuation of the district; **and**

28 (4) Computes average daily attendance as defined in subdivision (2) of  
29 section 163.011 as modified by section 171.031. Whenever there has existed  
30 within the district an infectious disease, contagion, epidemic, plague or similar



31 condition whereby the school attendance is substantially reduced for an extended  
32 period in any school year, the apportionment of school funds and all other  
33 distribution of school moneys shall be made on the basis of the school year next  
34 preceding the year in which such condition existed.

35         2. For the 2006-07 school year and thereafter, no school district shall  
36 receive more state aid, as calculated under subsections 1 and 2 of section 163.031,  
37 for its education program, exclusive of categorical add-ons, than it received per  
38 weighted average daily attendance for the school year 2005-06 from the  
39 foundation formula, line 14, gifted, remedial reading, exceptional pupil aid, fair  
40 share, and free textbook payment amounts, unless it has an operating levy for  
41 school purposes, as determined pursuant to section 163.011, of not less than two  
42 dollars and seventy-five cents after all adjustments and reductions. Any district  
43 which is required, pursuant to Article X, Section 22 of the Missouri Constitution,  
44 to reduce its operating levy below the minimum tax rate otherwise required under  
45 this subsection shall not be construed to be in violation of this subsection for  
46 making such tax rate reduction. Pursuant to Section 10(c) of Article X of the  
47 state constitution, a school district may levy the operating levy for school  
48 purposes required by this subsection less all adjustments required pursuant to  
49 Article X, Section 22 of the Missouri Constitution if such rate does not exceed the  
50 highest tax rate in effect subsequent to the 1980 tax year. Nothing in this section  
51 shall be construed to mean that a school district is guaranteed to receive an  
52 amount not less than the amount the school district received per eligible pupil for  
53 the school year 1990-91. The provisions of this subsection shall not apply to any  
54 school district located in a county of the second classification which has a nuclear  
55 power plant located in such district or to any school district located in a county  
56 of the third classification which has an electric power generation unit with a  
57 rated generating capacity of more than one hundred fifty megawatts which is  
58 owned or operated or both by a rural electric cooperative except that such school  
59 districts may levy for current school purposes and capital projects an operating  
60 levy not to exceed two dollars and seventy-five cents less all adjustments required  
61 pursuant to Article X, Section 22 of the Missouri Constitution.

62         3. No school district shall receive more state aid, as calculated in section  
63 163.031, for its education program, exclusive of categorical add-ons, than it  
64 received per eligible pupil for the school year 1993-94, if the state board of  
65 education determines that the district was not in compliance in the preceding  
66 school year with the requirements of section 163.172, until such time as the board

67 determines that the district is again in compliance with the requirements of  
68 section 163.172.

69 4. No school district shall receive state aid, pursuant to section 163.031,  
70 if such district was not in compliance, during the preceding school year, with the  
71 requirement, established pursuant to section 160.530 to allocate revenue to the  
72 professional development committee of the district.

73 5. No school district shall receive more state aid, as calculated in  
74 subsections 1 and 2 of section 163.031, for its education program, exclusive of  
75 categorical add-ons, than it received per weighted average daily attendance for  
76 the school year 2005-06 from the foundation formula, line 14, gifted, remedial  
77 reading, exceptional pupil aid, fair share, and free textbook payment amounts, if  
78 the district did not comply in the preceding school year with the requirements of  
79 subsection 5 of section 163.031.

80 6. Any school district that levies an operating levy for school purposes  
81 that is less than the performance levy, as such term is defined in section 163.011,  
82 shall provide written notice to the department of elementary and secondary  
83 education asserting that the district is providing an adequate education to the  
84 students of such district. If a school district asserts that it is not providing an  
85 adequate education to its students, such inadequacy shall be deemed to be a  
86 result of insufficient local effort. The provisions of this subsection shall not apply  
87 to any special district established under sections 162.815 to 162.940.

163.073. 1. When an education program, as approved under section  
2 219.056, is provided for pupils by the division of youth services in one of the  
3 facilities operated by the division for children who have been assigned there by  
4 the courts, the division of youth services shall be entitled to state aid for pupils  
5 being educated by the division of youth services in an amount to be determined  
6 as follows: the total amount apportioned to the division of youth services shall  
7 be an amount equal to the average per weighted average daily attendance amount  
8 apportioned for the preceding school year under section 163.031, multiplied by the  
9 number of full-time equivalent students served by facilities operated by the  
10 division of youth services. The number of full-time equivalent students shall be  
11 determined by dividing by one hundred seventy-four days the number of  
12 student-days of education service provided by the division of youth services to  
13 elementary and secondary students who have been assigned to the division by the  
14 courts and who have been determined as inappropriate for attendance in a local  
15 public school. A student day shall mean one day of education services provided

16 for one student. **In school year 2018-19 and subsequent years, the number**  
17 **of full-time equivalent students shall be the quotient of the number of**  
18 **student-hours of education service provided by the division of youth**  
19 **services to elementary and secondary students who have been assigned**  
20 **to the division by the courts, and who have been determined as**  
21 **inappropriate for attendance in a local public school, divided by one**  
22 **thousand forty-four hours. A student hour shall mean one hour of**  
23 **education services provided for one student.** In addition, other provisions  
24 of law notwithstanding, the division of youth services shall be entitled to funds  
25 under section 163.087. The number of full-time equivalent students as defined  
26 in this section shall be considered as "September membership" and as "average  
27 daily attendance" for the apportioning of funds under section 163.087.

28         2. The educational program approved under section 219.056 as provided  
29 for pupils by the division of youth services shall qualify for funding for those  
30 services provided to handicapped or severely handicapped children. The  
31 department of elementary and secondary education shall cooperate with the  
32 division of youth services in arriving at an equitable funding for the services  
33 provided to handicapped children in the facilities operated by the division of  
34 youth services.

35         3. Each local school district or special school district constituting the  
36 domicile of a child placed in programs or facilities operated by the division of  
37 youth services or residing in another district pursuant to assignment by the  
38 division of youth services shall pay toward the per pupil cost of educational  
39 services provided by the serving district or agency an amount equal to the  
40 average sum produced per child by the local tax effort of that district. A special  
41 school district shall pay the average sum produced per child by the local tax  
42 efforts of the component districts. This amount paid by the local school district  
43 or the special school district shall be on the basis of full-time equivalence as  
44 determined in section 163.011, not to exceed the actual per pupil local tax effort.

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

8 **grade offered in the schools of the district and** who attends an accredited  
9 **public high** school in another district of the same or an adjoining county [or who  
10 attends an approved charter school in the same or an adjoining county].

11 2. The rate of tuition to be charged by the district attended and paid by  
12 the sending district is the per pupil cost of maintaining the district's grade level  
13 grouping which includes the school attended. [The rate of tuition to be charged  
14 by the approved charter school attended and paid by the sending district is the  
15 per pupil cost of maintaining the approved charter school's grade level  
16 grouping. For a district,] The cost of maintaining a grade level grouping shall be  
17 determined by the board of education of the district but in no case shall it exceed  
18 all amounts spent for teachers' wages, incidental purposes, debt service,  
19 maintenance and replacements. [For an approved charter school, the cost of  
20 maintaining a grade level grouping shall be determined by the approved charter  
21 school but in no case shall it exceed all amounts spent by the district in which the  
22 approved charter school is located for teachers' wages, incidental purposes, debt  
23 service, maintenance, and replacements.] The term "debt service", as used in this  
24 section, means expenditures for the retirement of bonded indebtedness and  
25 expenditures for interest on bonded indebtedness. Per pupil cost of the grade  
26 level grouping shall be determined by dividing the cost of maintaining the grade  
27 level grouping by the average daily pupil attendance. If there is disagreement as  
28 to the amount of tuition to be paid, the facts shall be submitted to the state board  
29 of education, and its decision in the matter shall be final. Subject to the  
30 limitations of this section, each pupil shall be free to attend the public school of  
31 his or her choice.

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

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

3 (1) "Receiving approved charter school", an approved charter  
4 school, as defined under section 167.826, receiving transfer students  
5 under section 167.826;

6 (2) "Receiving district", a school district receiving transfer  
7 students under section 167.826;

8 (3) "Sending district", a school district from which students are

9 transferring to a receiving district or approved charter school, as  
10 allowed under section 167.826;

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

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

16 (1) The tuition rate set by the receiving district or the receiving  
17 approved charter school under the policy adopted in accordance with  
18 section 167.826; or

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

167.151. 1. The school board of any district, in its discretion, may admit  
2 to the school pupils not entitled to free instruction and prescribe the tuition fee  
3 to be paid by them, except as provided in sections 167.121 [and], 167.131,  
4 167.132, and 167.826.

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

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

22 4. Any owner of agricultural land who, pursuant to subsection 3 of this  
23 section, has the option of sending his children to the public schools of more than

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

32 5. If a pupil is attending school in a district other than the district of  
33 residence and the pupil's parent is teaching in the school district or is a regular  
34 employee of the school district which the pupil is attending, then the district in  
35 which the pupil attends school shall allow the pupil to attend school upon  
36 payment of tuition in the same manner in which the district allows other pupils  
37 not entitled to free instruction to attend school in the district. The provisions of  
38 this subsection shall apply only to pupils attending school in a district which has  
39 an enrollment in excess of thirteen thousand pupils and not in excess of fifteen  
40 thousand pupils and which district is located in a county of the first classification  
41 with a charter form of government which has a population in excess of six  
42 hundred thousand persons and not in excess of nine hundred thousand persons.

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

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

11 3. (1) **For purposes of this subsection, "approved charter school"**  
12 **has the same meaning given to the term under section 167.826.**

13 (2) **For pupils covered by section 167.826, the district of**  
14 **residence shall be required to provide transportation only to school**  
15 **districts or approved charter schools designated by the department of**  
16 **elementary and secondary education or its designee. For pupils covered**  
17 **by section 167.826, the department of elementary and secondary**

18 education or its designee shall designate at least one accredited district  
19 or approved charter school to which the district of residence shall  
20 provide transportation. If the designated district or charter school  
21 reaches full student capacity and is unable to receive additional  
22 students, the department of elementary and secondary education or its  
23 designee shall designate at least one additional accredited district or  
24 approved charter school to which the district of residence shall provide  
25 transportation.

167.266. 1. Beginning with the 2018-19 school year, the board of  
2 education of a school district or a charter school that is a local  
3 educational agency may establish an academic and career counseling  
4 program in cooperation with parents and the local community that is  
5 in the best interest of and meets the needs of students in the  
6 community. School districts and local educational agencies may use  
7 the Missouri comprehensive guidance and counseling program as a  
8 resource for the development of a district's or local educational  
9 agency's program. The department of elementary and secondary  
10 education shall develop a process for recognition of a school district's  
11 academic and career counseling program established in cooperation  
12 with parents and the local community no later than January 1, 2019.

13 2. The state board of education shall promulgate rules and  
14 regulations for the implementation of this section. Any rule or portion  
15 of a rule, as that term is defined in section 536.010, that is created  
16 under the authority delegated in this section shall become effective  
17 only if it complies with and is subject to all of the provisions of chapter  
18 536 and, if applicable, section 536.028. This section and chapter 536 are  
19 nonseverable, and if any of the powers vested with the general  
20 assembly pursuant to chapter 536 to review, to delay the effective date,  
21 or to disapprove and annul a rule are subsequently held  
22 unconstitutional, then the grant of rulemaking authority and any rule  
23 proposed or adopted after August 28, 2018, shall be invalid and void.

167.826. 1. For purposes of this section and section 167.827, the  
2 following terms mean:

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

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

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

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

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

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

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

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

26 However, no such transfer shall result in a class size and assigned  
27 enrollment in a receiving school that exceeds the standards for class  
28 size and assigned enrollment as promulgated in the Missouri school  
29 improvement program's resource standards. If the student chooses to  
30 attend a magnet school, an academically selective school, or a school  
31 with a competitive entrance process within his or her district of  
32 residence that has admissions requirements, the student shall meet the  
33 admissions requirements in order to attend.

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

40           (3) The school board of each unaccredited district shall annually  
41 report to the department of elementary and secondary education or its  
42 designee the number of available slots in attendance centers within the  
43 district that have annual performance report scores consistent with a



44 classification of accredited, the number of students who request to  
45 transfer within the district, and the number of such transfer requests  
46 that are granted.

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

52 (a) An attendance center:

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

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

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

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

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

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

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

65 may apply to the department of elementary and secondary education  
66 or its designee for a transfer to a school described under paragraph (a)  
67 or (b) of subdivision (1) of this subsection if he or she resides in the  
68 attendance area of the attendance center described under this  
69 subdivision on March first preceding the school year of first  
70 attendance. A student who does not apply by March first for  
71 enrollment in any school year after the 2018-19 school year shall be  
72 required to enroll and attend the attendance center described under  
73 this subdivision for one semester to become eligible.

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

79 (4) Any student who does not maintain residency in the  
80 attendance area of his or her attendance center in the district of

81 residence shall lose eligibility to transfer.

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

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

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

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

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

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

100 (c) A transfer student who chooses to attend an attendance  
101 center that has an annual performance report score consistent with a  
102 classification of provisionally accredited and that is located within his  
103 or her unaccredited district of residence shall be allowed to transfer to  
104 such attendance center if there is an available slot.

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

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

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

118 attendance center.

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

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

123           (2) That has an annual performance report score consistent with  
124 a classification of accredited

125 if the attendance center applies for and is granted a waiver by the  
126 department of elementary and secondary education or its designee to  
127 allow the attendance center to accept transfer students.

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

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

138           (1) The hiring of additional classroom teachers;

139           (2) The construction of additional classrooms; or

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

144           9. (1) By July 15, 2018, the board of education of each available  
145 receiving district and the governing board of each approved charter  
146 school eligible to receive transfer students under this section shall set  
147 the number of transfer students the district or charter school is able to  
148 receive for the 2018-19 school year.

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

154           (3) An available receiving district or approved charter school

155 eligible to receive transfer students under this section shall publish the  
156 number set under this subsection and shall not be required to accept  
157 any transfer students under this section that would cause it to exceed  
158 the published number.

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

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

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

168       11. If an unaccredited district becomes classified as provisionally  
169 accredited or accredited without provisions by the state board of  
170 education, or if an attendance center within an unaccredited district  
171 improves its annual performance report score from a score that is  
172 consistent with a classification of unaccredited to a score that is  
173 consistent with a classification of provisionally accredited or  
174 accredited, any resident student of the unaccredited district who has  
175 transferred to an approved charter school or to an accredited district  
176 in the same or an adjoining county, as allowed under subsection 3 of  
177 this section, shall be permitted to continue his or her educational  
178 program in the receiving district or charter school through the  
179 completion of middle school, junior high school, or high school,  
180 whichever occurs first; except that, a student who attends any school  
181 serving students through high school graduation but starting at grades  
182 lower than ninth grade shall be permitted to complete high school in  
183 the school to which he or she has transferred.

184       12. Notwithstanding the provisions of subsection 10 of this  
185 section, if costs associated with the provision of special education and  
186 related services to a student with a disability exceed the tuition  
187 amount established under this section, the unaccredited district shall  
188 remain responsible for paying the excess cost to the receiving district.  
189 If the receiving district is a component district of a special school  
190 district, the unaccredited district, including any metropolitan school  
191 district, shall contract with the special school district for the entirety

192 of the costs to provide special education and related services, excluding  
193 transportation in accordance with this section. The special school  
194 district may contract with an unaccredited district, including any  
195 metropolitan district, for the provision of transportation of a student  
196 with a disability or the unaccredited district may provide  
197 transportation on its own.

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

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

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

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

167.827. 1. (1) By July 15, 2018, and by January first annually,

2 each accredited district, any portion of which is located in the same  
3 county as or in an adjoining county to an unaccredited district, shall  
4 report to the department of elementary and secondary education or its  
5 designee the number of available enrollment slots by grade level.

6 (2) By July 15, 2018, and by January first annually, each  
7 unaccredited district shall report to the department of elementary and  
8 secondary education or its designee the number of available enrollment  
9 slots in the schools of its district that have received annual  
10 performance report scores consistent with a classification of  
11 accredited.

12 (3) By July 15, 2018, and by January first annually, each  
13 approved charter school that is eligible to receive transfer students  
14 under section 167.826 shall report to the department of elementary and  
15 secondary education or its designee the number of available enrollment  
16 slots.

17 2. The department of elementary and secondary education or its  
18 designee shall make information and assistance available to parents or  
19 guardians who intend to transfer their child to an accredited district  
20 or to an approved charter school as described under section 167.826.

21 3. The parent or guardian of a student who intends to transfer  
22 his or her child to an accredited district or to an approved charter  
23 school as described under section 167.826 for enrollment in that district  
24 or charter school in any school year after the 2018-19 school year shall  
25 send initial notification to the department of elementary and secondary  
26 education or its designee by March first for enrollment in the  
27 subsequent school year.

28 4. The department of elementary and secondary education or its  
29 designee shall assign those students who seek to transfer to an  
30 accredited district or to an approved charter school as described under  
31 section 167.826. When assigning transfer students to approved charter  
32 schools, the department of elementary and secondary education or its  
33 designee shall coordinate with each approved charter school and its  
34 admissions process if capacity is insufficient to enroll all students who  
35 submit a timely application. An approved charter school shall not be  
36 required to institute a lottery procedure for determining the admission  
37 of resident students. The department of elementary and secondary  
38 education or its designee shall give first priority to students who live

39 in the same household with any family member within the first or  
40 second degree of consanguinity or affinity who already attends a school  
41 with an annual performance report score consistent with a  
42 classification of accredited and who apply to attend the same school. If  
43 insufficient grade-appropriate enrollment slots are available for a  
44 student to be able to transfer, the student shall receive first priority  
45 the following school year. The department of elementary and  
46 secondary education or its designee shall consider the following factors  
47 in assigning schools, with the student's or parent's choice as the most  
48 important factor:

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

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

57 5. (1) The department of elementary and secondary education or  
58 its designee may deny a transfer to a student who in the most recent  
59 school year has been suspended from school two or more times or who  
60 has been suspended for an act of school violence under subsection 2 of  
61 section 160.261. A student whose transfer is initially precluded under  
62 this subsection may be permitted to transfer on a provisional basis as  
63 a probationary transfer student, subject to no further disruptive  
64 behavior, upon a statement from the student's current school that the  
65 student is not disruptive. A student who is denied a transfer under this  
66 subsection has the right to an in-person meeting with an employee of  
67 the department of elementary and secondary education or its designee.

68 (2) The department of elementary and secondary education shall  
69 promulgate rules to provide common standards for determining  
70 disruptive behavior that shall include, but not be limited to, criteria  
71 under section 160.261. Any rule or portion of a rule, as that term is  
72 defined in section 536.010, that is created under the authority delegated  
73 in this section shall become effective only if it complies with and is  
74 subject to all of the provisions of chapter 536 and, if applicable, section  
75 536.028. This section and chapter 536 are nonseverable, and if any of

76 **the powers vested with the general assembly pursuant to chapter 536**  
77 **to review, to delay the effective date, or to disapprove and annul a rule**  
78 **are subsequently held unconstitutional, then the grant of rulemaking**  
79 **authority and any rule proposed or adopted after the effective date of**  
80 **this section shall be invalid and void.**

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

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

168.133. 1. **The school district shall ensure that a criminal background**  
2 **check is conducted on any person employed after January 1, 2005, authorized to**  
3 **have contact with pupils and prior to the individual having contact with any**  
4 **pupil. Such persons include, but are not limited to, administrators, teachers,**  
5 **aides, paraprofessionals, assistants, secretaries, custodians, cooks, and**  
6 **nurses. The school district shall also ensure that a criminal background check**  
7 **is conducted for school bus drivers. The district may allow such drivers to**  
8 **operate buses pending the result of the criminal background check. For bus**  
9 **drivers, the school district shall be responsible for conducting the criminal**  
10 **background check on drivers employed by the school district. For drivers**  
11 **employed by a pupil transportation company, a municipality, or any other**  
12 **entity under contract with the school district, the criminal background check**  
13 **shall be conducted pursuant to section 43.540 and conform to the requirements**



14 established in the National Child Protection Act of 1993, as amended by the  
15 Volunteers for Children Act. Personnel who have successfully undergone a  
16 criminal background check and a check of the family care safety registry as part  
17 of the professional license application process under section 168.021 and who  
18 have received clearance on the checks within one prior year of employment shall  
19 be considered to have completed the background check requirement. A criminal  
20 background check under this section shall include a search of any information  
21 publicly available in an electronic format through a public index or single case  
22 display.

23         2. In order to facilitate the criminal history background check, the  
24 applicant shall submit a set of fingerprints collected pursuant to standards  
25 determined by the Missouri highway patrol. The fingerprints shall be used by the  
26 highway patrol to search the criminal history repository and shall be forwarded  
27 to the Federal Bureau of Investigation for searching the federal criminal history  
28 files.

29         3. The applicant shall pay the fee for the state criminal history record  
30 information pursuant to section 43.530 and sections 210.900 to 210.936 and pay  
31 the appropriate fee determined by the Federal Bureau of Investigation for the  
32 federal criminal history record when he or she applies for a position authorized  
33 to have contact with pupils pursuant to this section. The department shall  
34 distribute the fees collected for the state and federal criminal histories to the  
35 Missouri highway patrol.

36         4. The department of elementary and secondary education shall facilitate  
37 an annual check of employed persons holding current active certificates under  
38 section 168.021 against criminal history records in the central repository under  
39 section 43.530, the sexual offender registry under sections 589.400 to 589.475,  
40 and child abuse central registry under sections 210.109 to 210.183. The  
41 department of elementary and secondary education shall facilitate procedures for  
42 school districts to submit personnel information annually for persons employed  
43 by the school districts who do not hold a current valid certificate who are required  
44 by subsection 1 of this section to undergo a criminal background check, sexual  
45 offender registry check, and child abuse central registry check. The Missouri  
46 state highway patrol shall provide ongoing electronic updates to criminal history  
47 background checks of those persons previously submitted, both those who have  
48 an active certificate and those who do not have an active certificate, by the  
49 department of elementary and secondary education. This shall fulfill the annual

50 check against the criminal history records in the central repository under section  
51 43.530.

52         5. The school district may adopt a policy to provide for reimbursement of  
53 expenses incurred by an employee for state and federal criminal history  
54 information pursuant to section 43.530.

55         6. If, as a result of the criminal history background check mandated by  
56 this section, it is determined that the holder of a certificate issued pursuant to  
57 section 168.021 has pled guilty or nolo contendere to, or been found guilty of a  
58 crime or offense listed in section 168.071, or a similar crime or offense committed  
59 in another state, the United States, or any other country, regardless of imposition  
60 of sentence, such information shall be reported to the department of elementary  
61 and secondary education.

62         7. Any school official making a report to the department of elementary  
63 and secondary education in conformity with this section shall not be subject to  
64 civil liability for such action.

65         8. For any teacher who is employed by a school district on a substitute or  
66 part-time basis within one year of such teacher's retirement from a Missouri  
67 school, the state of Missouri shall not require such teacher to be subject to any  
68 additional background checks prior to having contact with pupils. Nothing in this  
69 subsection shall be construed as prohibiting or otherwise restricting a school  
70 district from requiring additional background checks for such teachers employed  
71 by the school district.

72         9. A criminal background check and fingerprint collection conducted under  
73 subsections 1 and 2 of this section shall be valid for at least a period of one year  
74 and transferrable from one school district to another district. A school district  
75 may, in its discretion, conduct a new criminal background check and fingerprint  
76 collection under subsections 1 and 2 for a newly hired employee at the district's  
77 expense. A teacher's change in type of certification shall have no effect on the  
78 transferability or validity of such records.

79         10. Nothing in this section shall be construed to alter the standards for  
80 suspension, denial, or revocation of a certificate issued pursuant to this chapter.

81         11. The state board of education may promulgate rules for criminal  
82 history background checks made pursuant to this section. Any rule or portion of  
83 a rule, as that term is defined in section 536.010, that is created under the  
84 authority delegated in this section shall become effective only if it complies with  
85 and is subject to all of the provisions of chapter 536 and, if applicable, section

86 536.028. This section and chapter 536 are nonseverable and if any of the powers  
87 vested with the general assembly pursuant to chapter 536 to review, to delay the  
88 effective date, or to disapprove and annul a rule are subsequently held  
89 unconstitutional, then the grant of rulemaking authority and any rule proposed  
90 or adopted after January 1, 2005, shall be invalid and void.

171.031. 1. Each school board shall prepare annually a calendar for the  
2 school term, specifying the opening date, **days of planned attendance**, and  
3 providing a minimum term of at least one hundred seventy-four days for schools  
4 with a five-day school week or one hundred forty-two days for schools with a  
5 four-day school week, and one thousand forty-four hours of actual pupil  
6 attendance. **In school year 2018-19 and subsequent years, one thousand**  
7 **forty-four hours of actual pupil attendance shall be required for the**  
8 **school term.** In addition, such calendar shall include six make-up days for  
9 possible loss of attendance due to inclement weather as defined in subsection 1  
10 of section 171.033. **In school year 2018-19 and subsequent years, such**  
11 **calendar shall include thirty-six make-up hours for possible loss of**  
12 **attendance due to inclement weather, as defined in subsection 1 of**  
13 **section 171.033, with no minimum number of make-up days.**

14 2. Each local school district may set its opening date each year, which  
15 date shall be no earlier than ten calendar days prior to the first Monday in  
16 September. No public school district shall select an earlier start date unless, **for**  
17 **school years before school year 2018-19**, the district follows the procedure  
18 set forth in subsection 3 of this section. **The procedure set forth in**  
19 **subsection 3 of this section shall be unavailable to school districts in**  
20 **preparing their calendars for school year 2018-19 and for subsequent**  
21 **years.**

22 3. **For calendars for school years before school year 2018-19**, a  
23 district may set an opening date that is more than ten calendar days prior to the  
24 first Monday in September only if the local school board first gives public notice  
25 of a public meeting to discuss the proposal of opening school on a date more than  
26 ten days prior to the first Monday in September, and the local school board holds  
27 said meeting and, at the same public meeting, a majority of the board votes to  
28 allow an earlier opening date. If all of the previous conditions are met, the  
29 district may set its opening date more than ten calendar days prior to the first  
30 Monday in September. The condition provided in this subsection must be  
31 satisfied by the local school board each year that the board proposes an opening

32 date more than ten days before the first Monday in September.

33 4. If any local district violates the provisions of this section, the  
34 department of elementary and secondary education shall withhold an amount  
35 equal to one quarter of the state funding the district generated under section  
36 163.031 for each date the district was in violation of this section.

37 5. The provisions of subsections 2 to 4 of this section shall not apply to  
38 school districts in which school is in session for twelve months of each calendar  
39 year.

40 6. The state board of education may grant an exemption from this section  
41 to a school district that demonstrates highly unusual and extenuating  
42 circumstances justifying exemption from the provisions of subsections 2 to 4 of  
43 this section. Any exemption granted by the state board of education shall be  
44 valid for one academic year only.

45 [7. No school day for schools with a five-day school week shall be longer  
46 than seven hours except for vocational schools which may adopt an eight-hour day  
47 in a metropolitan school district and a school district in a first class county  
48 adjacent to a city not within a county, and any school that adopts a four-day  
49 school week in accordance with section 171.029.]

171.033. 1. "Inclement weather", for purposes of this section, shall be  
2 defined as ice, snow, extreme cold, flooding, or a tornado, but such term shall not  
3 include excessive heat.

4 2. **(1)** A district shall be required to make up the first six days of school  
5 lost or cancelled due to inclement weather and half the number of days lost or  
6 cancelled in excess of six days if the makeup of the days is necessary to ensure  
7 that the district's students will attend a minimum of one hundred forty-two days  
8 and a minimum of one thousand forty-four hours for the school year except as  
9 otherwise provided in this section. Schools with a four-day school week may  
10 schedule such make-up days on Fridays.

11 **(2) Notwithstanding subdivision (1) of this subsection, in school**  
12 **year 2018-19 and subsequent years, a district shall be required to make**  
13 **up the first thirty-six hours of school lost or cancelled due to inclement**  
14 **weather and half the number of hours lost or cancelled in excess of**  
15 **thirty-six if the makeup of the hours is necessary to ensure that the**  
16 **district's students attend a minimum of one thousand forty-four hours**  
17 **for the school year, except as otherwise provided under subsections 3**  
18 **and 4 of this section.**

19           3. **(1)** In the 2009-10 school year and subsequent years, a school district  
20 may be exempt from the requirement to make up days of school lost or cancelled  
21 due to inclement weather in the school district when the school district has made  
22 up the six days required under subsection 2 of this section and half the number  
23 of additional lost or cancelled days up to eight days, resulting in no more than ten  
24 total make-up days required by this section.

25           **(2) In school year 2018-19 and subsequent years, a school district**  
26 **may be exempt from the requirement to make up school lost or**  
27 **cancelled due to inclement weather in the school district when the**  
28 **school district has made up the thirty-six hours required under**  
29 **subsection 2 of this section and half the number of additional lost or**  
30 **cancelled hours up to forty-eight, resulting in no more than sixty total**  
31 **make-up hours required by this section.**

32           4. The commissioner of education may provide, for any school district [in  
33 which schools are in session for twelve months of each calendar year] that cannot  
34 meet the minimum school calendar requirement of at least one hundred  
35 seventy-four days for schools with a five-day school week or one hundred forty-two  
36 days for schools with a four-day school week and one thousand forty-four hours  
37 of actual pupil attendance **or, in school year 2018-19 and subsequent years,**  
38 **one thousand forty-four hours of actual pupil attendance,** upon request,  
39 a waiver to be excused from such requirement. This waiver shall be requested  
40 from the commissioner of education and may be granted if the school was closed  
41 due to circumstances beyond school district control, including inclement weather,  
42 flooding or fire.

304.060. 1. The state board of education shall adopt and enforce  
2 regulations not inconsistent with law to cover the design and operation of all  
3 school buses used for the transportation of school children when owned and  
4 operated by any school district or privately owned and operated under contract  
5 with any school district in this state, and such regulations shall by reference be  
6 made a part of any such contract with a school district. The state board of  
7 education may adopt rules and regulations governing the use of other vehicles  
8 owned by a district or operated under contract with any school district in this  
9 state and used for the purpose of transporting school children. The operator of  
10 such vehicle shall be licensed in accordance with section 302.272, and such  
11 vehicle shall transport no more children than the manufacturer suggests as  
12 appropriate for such vehicle. The state board of education may also adopt rules

13 and regulations governing the use of authorized common carriers for the  
14 transportation of students on field trips or other special trips for educational  
15 purposes. Every school district, its officers and employees, and every person  
16 employed under contract by a school district shall be subject to such  
17 regulations. The state board of education shall cooperate with the state  
18 transportation department and the state highway patrol in placing suitable  
19 warning signs at intervals on the highways of the state.

20 **2. Notwithstanding the provisions of subsection 1 of this section,**  
21 **any school board in the state of Missouri may contract with any**  
22 **municipality for the purpose of transporting school**  
23 **children. Municipalities entering into any such contract shall comply**  
24 **with the requirements of this section and sections 162.064, 162.065,**  
25 **168.133, and 307.375.**

26 **3.** Any officer or employee of any school district who violates any of the  
27 regulations or fails to include obligation to comply with such regulations in any  
28 contract executed by him on behalf of a school district shall be guilty of  
29 misconduct and subject to removal from office or employment. Any person  
30 operating a school bus under contract with a school district who fails to comply  
31 with any such regulations shall be guilty of breach of contract and such contract  
32 shall be cancelled after notice and hearing by the responsible officers of such  
33 school district.

34 **[3.] 4.** Any other provision of the law to the contrary notwithstanding, in  
35 any county of the first class with a charter form of government adjoining a city  
36 not within a county, school buses may bear the word "special".

[171.029. 1. The school board of any school district in the  
2 state, upon adoption of a resolution by the vote of a majority of all  
3 its members to authorize such action, may establish a four-day  
4 school week or other calendar consisting of less than one hundred  
5 seventy-four days in lieu of a five-day school week. Upon adoption  
6 of a four-day school week or other calendar consisting of less than  
7 one hundred seventy-four days, the school shall file a calendar with  
8 the department of elementary and secondary education in  
9 accordance with section 171.031. Such calendar shall include, but  
10 not be limited to, a minimum term of one hundred forty-two days  
11 and one thousand forty-four hours of actual pupil attendance.

12 **2.** If a school district that attends less than one hundred

13 seventy-four days meets at least two fewer performance standards  
14 on two successive annual performance reports than it met on its  
15 last annual performance report received prior to implementing a  
16 calendar year of less than one hundred seventy-four days, it shall  
17 be required to revert to a one hundred seventy-four-day school year  
18 in the school year following the report of the drop in the number of  
19 performance standards met. When the number of performance  
20 standards met reaches the earlier number, the district may return  
21 to the four-day week or other calendar consisting of less than one  
22 hundred seventy-four days in the next school year.]

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, sections 160.011, 160.410,  
4 160.415, 162.081, 162.1310, 167.131, 167.132, 167.151, 167.241, 167.826, 167.827,  
5 and 167.890 of section A of this act are deemed necessary for the immediate  
6 preservation of the public health, welfare, peace, and safety, and are hereby  
7 declared to be an emergency act within the meaning of the constitution, and  
8 sections 160.011, 160.410, 160.415, 162.081, 162.1310, 167.131, 167.132, 167.151,  
9 167.241, 167.826, 167.827, and 167.890 of section A of this act shall be in full  
10 force and effect on July 1, 2018, or upon its passage and approval, whichever  
11 occurs later.

Section C. The repeal of section 171.029 of this act shall become effective  
2 July 1, 2019.

✓

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